



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2021-01-15

**MAYORAL COMMITTEE MEETING**  
**WEDNESDAY, 2021-01-20 AT 10:00**

**TO** The Executive Mayor, Ald G Van Deventer (Ms)  
The Deputy Executive Mayor, Cllr N Jindela

**COUNCILLORS** FJ Badenhorst  
P Crawley (Ms)  
AR Frazenburg  
E Groenewald (Ms)  
XL Mdemka (Ms)  
S Peters  
Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held via **MS Teams** on **Wednesday, 2021-01-20 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

**CHAIRPERSON**

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**2021-01-20**  
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# **APPENDIX 1**

## **Confirmation of Minutes: Mayoral Committee: 2020-11-17**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2020-11-17

## **MINUTES**

### **MAYORAL COMMITTEE MEETING:**

**2020-11-17 AT 10:00**

**MINUTES**  
**MAYORAL COMMITTEE MEETING**  
**2020-11-17**  
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**PRESENT:** Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)

**Councillors:** FJ Badenhorst  
PR Crawley (Ms)  
A Frazenburg  
E Groenewald (Ms)  
XL Mdemka (Ms)  
S Peters  
M Pietersen  
Q Smit

**Also Present:** Alderman P Biscombe (Single Whip)  
Councillor WC Petersen (Ms) (Speaker)  
Councillor W Pietersen (MPAC Chairperson)

**Officials:** Director: Planning and Economic Development (A Barnes)  
Director: Infrastructure Services (D Louw)  
Acting Director: Community Services (A van der Merwe)  
Acting Municipal Manager: Corporate Services (A de Beer (Ms))  
Chief Financial Officer (K Carolus)  
Senior Audit Executive (F Hoosain)  
Manager: Communication (S Grobbelaar)  
Manager: Secretariat (EJ Potts)  
Senior Administration Officer (B Mgcushe (Ms))

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Executive Mayor welcomed everyone present to the Mayoral Committee Meeting.

<b>2.</b>	<b>COMMUNICATION BY THE CHAIRPERSON</b>
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Speaker, Munisipale Bestuurder, Burgemeesterskomiteeëde, Direkteure

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- Start with some good news.
  - Last week the Stellenbosch Waste Water Treatment works won the Stellenbosch the CESA (Consulting Engineers of South Africa) award for projects of between R250million to R1Billion.
  - We are incredibly proud of our wonderful facility.
  - Opened earlier this year, just before lockdown.

- Facility resulted in a significant improvement of services for the region.
- This also serves as motivation to tackle and continue all the upgrading work we are currently busy with at our other facilities.
- Congratulations Zutari, the consulting engineers on this project and to Director Louw and his team.
- Congratulations also goes to:
  - Lanzerac Wine Estate Hotel & Spa for being named 'South Africa's Leading Wine Region Hotel 2020' at the World Travel Awards! This prestigious accolade reaffirms our status as a world-class travel destination!
  - Kleine Zalze, who achieved new heights after being named Top Performing Winery of the Year by Platter's South African wine guide - one of the most comprehensive guides to South African wine and one of the most highly regarded internationally.
- From 25 November to 10 December we commemorate the annual 16 Days of Activism against Gender based Violence Campaign.
  - Continuous to be an even more deadly epidemic in our society than COVID-19
  - Still an issue because people are ashamed to speak out about abuse and violence in the home.
  - We have to talk and break the silence with regards to this evil.
  - Only when we shine a light on this, and admit and face the enormity of this challenge will we be able to tackle this and make a real and meaningful change
  - Please report violence against women and children, do not ignore it, do not look away.
- This past Friday, it was my great honour and pleasure to open the newly upgraded Franschhoek informal trader's site.
  - Creating economic opportunities is more important than ever before.
  - I am so proud and impressed with this beautiful premises that has been built and made available to the community.
  - The informal trading space in this area has a long history:
  - Active for more than 15 years. Historically it consisted of temporary structures which traders erected daily, with wares being packed out every morning, and then stalls and wares being packed away at the end of each day,
  - In 2017, the Municipality as part of its commitment to promote informal trading as a means to increase household income, decided to upgrade the trading site and improve aesthetic and operational market conditions to the benefit of both the traders and the local community.
  - The total contract value: R 2 226 051.51.

- 
- Construction started in June 2018, and contract took 18 months to complete.
  - Traders have already been appointed in line with our informal trading policy
  - Want to encourage residents and councillors to visit this beautiful site and support our local entrepreneurs.
  - I was so impressed and surprised with the amazing quality of work on show.
- Covid-19 is still with us.
    - This is why we also made the difficult decision not to have a Festival of Lights event this year.
    - We will still install the customary festive season lights for our residents to enjoy however, but there will be no festival to celebrate the switching on of the lights.
    - Urge all residents to please continue to be cautious and careful and take all necessary steps to prevent the spread of COVID.
    - Wear your mask when you are in public or among large groups of people.
    - Sanitise or wash your hands regularly.
    - Avoid events with lots of people, especially when it is in a small enclosed space.
    - When meeting with friends and family, do so in open well ventilated spaces or outside in open spaces.

<b>3.</b>	<b>DISCLOSURE OF INTERESTS</b>
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NONE

<b>4.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
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The following applications for leave of absence were approved in terms of the Rules and Order By-law of Council:-

Municipal Manager (G Mettler (Ms))	- 17 November 2020
Director: Community Services (G Boshoff)	- 17 November 2020
Deputy Executive Mayor, Cllr N Jindela	- 17 November 2020

<b>5.</b>	<b>CONFIRMATION OF PREVIOUS MINUTES</b>
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The minutes of the Mayoral Committee Meeting held on 2020-10-14 were **confirmed as correct.**



<b>6.</b>	<b>STATUTORY MATTERS</b>
<b>6.1</b>	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2020</b>

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

17 November 2020

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 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 2020/2021 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 (2020/2021) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during October 2020.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 6.1**

that Council notes the deviations as listed below for the month of October 2020

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 06/20	16 October 2020	Martin and East (Pty) Ltd	Schuilplaats road - safe disposal of hazardous waste	Emergency	<p><b>Substantiation for the deviation:</b></p> <p><b>1. The possibility of human injury or death and the possibility of serious damage occurring to the natural environment;</b></p> <p>The Hazardous waste needs to be handled by a specialist service</p>	R 508 183.96 (Excl. Vat)

					<p>provider, who have the relevant knowledge, equipment, expertise and insurances in place for the disposal of Hazardous waste. Should the waste that contains elements of mercury and other toxins not be effectively dealt with, the possibility of Human injury and death exist as well as the possibility of serious damage to the natural environment.</p> <p><b>2. Exceptional case and it is impractical or impossible to follow the official procurement processes</b></p> <p>This is an exceptional case, the uncovering of hazardous waste underneath a road construction site meets the exceptional event definition for the following reasons:</p> <ul style="list-style-type: none"> <li>• It was not reasonably foreseen - as an event that could occur,</li> <li>• Such an event had never before occurred - in the history of Stellenbosch Municipality – Road Construction.</li> </ul> <p>It is impractical to follow any other process since the Municipality has contractual agreements in place with the appointed contractor and had handed over the site. In order to follow any other process, the Municipality would be required to renegotiate new terms with the contractor to allow for de-establishment from the site and re-establishment after disposal of the</p>	
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					<p>hazardous waste. It would be impractical for another Service Provider to take possession of the site, take over and carry out the supporting operational works e.g. removal, loading and backfilling and facilitating and managing of the transporting and disposal of the hazardous waste and then de-establish and hand the site back to the originally appointed contractor.</p> <p>It would also be impractical to cancel the contract with the appointed contractor, establish a new contract and new Service Provider to address the hazardous waste and to commence with a new contract to continue and complete with the Road Construction Project.</p> <p>These options would result in sever delays (estimated at 6 months to 1 year) to essential services delivery as well as significant additional costs implications associated with the de-establishment and re-establishment of a Service Provider, cancellation of contract, loss of production time etc., all of which would be detrimental impact on the Municipality.</p> <p><b>3. The interruption of essential services, including transportation and communication facilities or support services critical to the effective</b></p>	
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					<p><b>functioning of the municipality as a whole;</b></p> <p>Following any other process will result in an interruption of an essential service (as described above), the timeous completion of the extension of Schuilplaats road is essential for safe and effective transportation in the region. The timeous completion of the road project is also linked to housing developments, the municipality will not be in a position to allow occupation of these housing units (should other process be followed) thereby impacting on rights of housing security for residents.</p>	
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**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Dalleel Jacobs
<b>POSITION</b>	<b>Senior Manager: Supply Chain Management</b>
<b>DIRECTORATE</b>	<b>Finance</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8588</b>
<b>E-MAIL ADDRESS</b>	<b>Dalleel.Jacobs@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>05 November 2020</b>

7.	<b>CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]</b>
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7.1	<b>COMMUNITY AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)</b>
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NONE

7.2	<b>CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)</b>
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7.2.1	<b>PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK TENNIS CLUB: ERF 1693, FRANSCHHOEK</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

**1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK TENNIS CLUB: ERF 1693, FRANSCHHOEK**

**2. PURPOSE**

Council to consider the application for the renewal of the Lease Agreement with Franschhoek Tennis Club.

**3. DELEGATED AUTHORITY**

The Executive Mayor in consultation with the Executive Mayoral Committee.

**4. EXECUTIVE SUMMARY**

Various Lease Agreements terminated over the past few years, where the contracts did not allow for an automatic renewal. The Supply Chain Management Policy (at the time) also did not provide for the renewal of these agreements, without following a tender process.

The new Property Management Policy, allow for a process whereby Council can dispose with the prescribed, competitive process, subject to Council's intention so to lease the property being advertised for public inputs, before making a final decision. Council delegated the decision for the approval of lease agreements for a period of less than 10 years to the Executive Mayor in consultation with the Executive Mayoral Committee.

The agreements continued on a month to month basis. The request for a renewal must be considered.

An email dated 22 October 2020 from the tennis club is attached as **APPENDIX 2**.

A copy of the Constitution of the club that was requested is attached as **APPENDIX 3**.

**MAYORAL COMMITTEE MEETING: 2020-11-17: ITEM 7.2.1****RESOLVED**

that this item be referred back to Administration for refinement.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	PIET SMIT
<b>POSITION</b>	<b>MANAGER: PROPERTY MANAGEMENT</b>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2020 -08 - 03

7.2.2	<b>CLOSURE OF MUNICIPAL OFFICES DURING THE FESTIVE SEASON</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

**1. SUBJECT: CLOSURE OF MUNICIPAL OFFICES DURING THE FESTIVE SEASON**

**2. PURPOSE**

To request Council's approval for the closure of municipal offices during the festive season.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Over the years there were various decision by Council in regard to the closure of the municipal offices. The trade unions have over the last three years on a regular basis requested that the municipal offices be closed during the period between Christmas and New Year and it was dealt with on an ad hoc basis. In January 2020 the trade unions requested that the employer close the offices between Christmas and New Year.

The matter has been discussed at the LLF, and the guidelines (attached as **APPENDIX 1**) have been agreed to by both unions.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.2.2**

- (a) that Council approves the annual closure of the Municipal Offices between 13h00 on 24 December and 02 January at 08h00;
- (b) that should 02 January be regarded as a public holiday due to 01 January falling on a Sunday, the offices will reopen on the first working day after the public holiday at 08h00;
- (c) that employees will have to put in leave on the dates the offices are closed, and no additional leave will be granted to staff; and
- (d) that the Municipal Manager will ensure that the operations of the municipality continue through, inter alia, the attached guidelines.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Annalene De Beer</i>
<b>POSITION</b>	<i>Director Corporate Services</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8018</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Annalene.Debeer@ Stellenbosch.gov.za">Annalene.Debeer@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>10 November 2020</i>

7.2.3	<b>APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIFE CRAFT CENTRE: ERF 143, FRANSCHHOEK</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

**1. SUBJECT: APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIFE CRAFT CENTRE: ERF 143, FRANSCHHOEK**

**2. PURPOSE**

For Council to consider the application for the approval of a Lease Agreement with Franschhoek Life Craft Centre.

**3. DELEGATED AUTHORITY**

Council must consider the matter.

**4. EXECUTIVE SUMMARY**

Various Lease Agreements terminated over the past few years, where the contracts did not allow for an automatic renewal. The Supply Chain Management Policy (at the time) also did not provide for the renewal of these agreements, without following a tender process. The agreements continued in terms of common law on a month to month basis as council did not terminate the agreement and the tenant kept using the property.

The new Property Management Policy, however, now allow for a process whereby Council can dispose with the prescribed, competitive process, subject to Council's intention so to act being advertised for public inputs, before making a final decision.

The tenants in October 2019 send letters requesting to renew the lease agreement (**APPENDIX 1 and 2**). Technically the agreement has lapsed especially as they are not paying the rent. They have however continued to use the building.

The item was submitted to Mayco in January 2020, but was referred back to the department. The Executive Mayor wanted to gather more information in regard to the use of the property and the viability. Since then the Covid 19 pandemic brought major changes to the economy and the tourist industry. No further feedback was received and the item is resubmitted for consideration.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.2.3**

- (a) that a portion of Erf 143, Franschhoek, be identified as land not needed for own use as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that Council does not approve the application;
- (c) that the department be requested to advertise for businesses to provide proposals on the future use of the property, and that the proposals include an indication of the type of business, a business plan, and the number of employment opportunities;



- 
- (d) that Council will consider the proposals and then make a determination on which proposal to approve before a lease agreement will be entered into with a new lessee; and
- (e) that the Life Craft Centre be given notice to vacate the property by no later than 30 March 2021.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	PIET SMIT
<b>POSITION</b>	<b>MANAGER: PROPERTY MANAGEMENT</b>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2020- 11 - 01

7.2.4	<b>POSSIBLE DISPOSAL OF A PORTION OF REMAINDER FARM 180 AND REMAINDER ERF 4648, STELLENBOSCH (PORTION OF KROMRIVIER ROAD) TO ADJACENT OWNER: E.VAN WYK</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

**1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF REMAINDER FARM 180 AND REMAINDER ERF 4648, STELLENBOSCH (PORTION OF KROMRIVIER ROAD) TO ADJACENT OWNER: E.VAN WYK**

**2. PURPOSE**

To consider an application from the owner of erf 4409, Stellenbosch, to acquire a portion of unused street (Kromrivier Road) for the purpose of consolidating it with his erf.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

The owner of erf 4409, Stellenbosch, has applied to Council to acquire a portion of (unused) Kromrivier Road with the intention of consolidating it with his erf.

The property is encumbered with a water pipeline and electrical cable servitude and can therefore not be utilised as a free standing erf. The erf is currently used and enclosed as if it is part of the erf 4409 and was enclosed when sold to the current owner. The properties behind the two erven have been consolidated and there cannot be a thoroughfare or a road built to serve any other properties. It is adjacent to the development "Die Rand ". Due to the infrastructure services that run across the property no buildings can be put up on the property and it is therefore not recommended that it be sold as a separate erf. If not sold as a separate erf the only owner who will have any use for the property is the adjacent owner, and Council has sold the property behind to the adjacent owner in 2002.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.2.4**

- (a) that Council considered the disposal of the land at market-related value and resolves not to dispose of the land due to the infrastructure that is allocated in the erf;
- (b) that should the adjacent owner be interested in the lease of the land he should apply for the lease and not for an encroachment; and
- (c) that the land may not be used by the adjacent property should the owner not apply for a lease.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Piet Smit
<b>POSITION</b>	Manager: Property Management
<b>DIRECTORATE</b>	Corporate Services
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2020-08 -26

7.2.5	<b>PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

**1. SUBJECT: PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH**

**2. PURPOSE**

To obtain Council's approval to amend the Lease Agreement between Stellenbosch Municipality and Karlien and Kandas crèche in regard to erven 12758 and 12759, Stellenbosch.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality took over a Lease Agreement between Karlien en Kandas Crèche and the Dutch Reform church when the properties (erven 12758 and 12759) were transferred to Stellenbosch Municipality in 2001. This agreement was for an undetermined period, and had an early termination clause (6 months). This Agreement was replaced with a new Lease Agreement in 2004, also for an undetermined period (**APPENDIX 3**).

It is recommended that a the current lease agreement be amended to provide for a change to the time period for the lease from an undefined period to a period of 9 years and 11 months, based on a monthly rental of 50% of market rental, to be determined by an independent valuer. The change can only be implemented with the agreement of the lessee as rights are in existence in terms of the current agreement's term. The Lessee has indicated that they will accept the change in the lease period. The nature of the business of the crèche requires that they get at least 12 months' notice to ensure that the children are accommodated should they need to move out of the current facility.

**MAYORAL COMMITTEE MEETING: 2020-11-17: ITEM 7.2.5**

**RESOLVED**

that this item be referred back to Administration for refinement.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Piet Smit
<b>POSITION</b>	<i>Manager: Property Management</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@stellenbosch.gov.za">Piet.smit@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2019-09-17

7.2.6	<b>ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020

**1. SUBJECT: ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE**

**2. PURPOSE**

To consider the enforcement of the fall-back clause in the Exchange of Land Agreement of 12 May 1995 and to determine the value at which such buy back should take place if approved.

**3. DELEGATED AUTHORITY**

For decision by Council.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality and the Dutch Reform Church: Welgelegen concluded an Exchange of Land Agreement in 1995 in terms whereof erf 13246, Stellenbosch (municipal land) was exchanged for two residential erven in Die Boord, being erven 12758 and 12759 (church land) on an equal in value basis. The Agreement, however, has a fall-back clause, indicating that the land must be transferred back to the Municipality should it no longer needed for church purposes. Seeing that the Dutch Reform Church: Welgelegen does not want to use the property for church purposes they have requested that the fall-back clause be enforced, as per the Agreement. Council must agree to the value at which the property is bought back, as per the Agreement.

The item served before Mayco in November 2019 and was referred back. We received an update on the Municipal Value for the property on which the rates are base. That information is attached as **APPENDIX 8**.

It was resubmitted in February 2020, but did not serve on the agenda. It is now resubmitted for consideration.

**MAYORAL COMMITTEE MEETING: 2020-11-17: ITEM 7.2.6**

**RESOLVED**

that this item be referred back to Administration for refinement.

7.2.7	<b>APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 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:-

- a) Provide feedback on the public participation process envisaged in paragraph 9.2.2.1 of the Policy on the Management of Council-owned property, and
- b) For Council to make a final determination on the request for a long term lease agreement.

**3. DELEGATED AUTHORITY**

The Executive Mayor in consultation with the Executive Mayoral Committee has delegated powers to decide on lease agreements less than 10 years. Council, however, has to deal with properties worth more than R5 million even if the proposed agreement is less than 10 years. .

**4. EXECUTIVE SUMMARY**

After following the public participation process prescribed by Regulation 35 of the Asset Transfer Regulation, Council decided on 2010-08-29 *inter alia*, to in principle approve a Lease Agreement with the Flying Club for a period of 9 years and 11 months without following a public competitive process, subject thereto that Council's intention to enter into the agreement be advertised for public comment/inputs/alternative proposals.

The notice was published on 2 October 2020 and the closure for inputs was 23 October 2020.

Only one (1) input was received from the Western Cape Education Department which must now be considered by Council, before making a final determination regarding the proposed long term Lease Agreement (see 6.1.4 below).

We are still awaiting the valuations of the property and will endeavour to get the valuation before the Council meeting.

**MAYORAL COMMITTEE MEETING: 2020-11-17: ITEM 7.2.7**

**RESOLVED**

That this item be referred back to Administration for refinement (re: Valuation Reports).

7.2.8	<b>PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB</b>
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Collaborator No: 697772  
 IDP KPA Ref No: Good Governance  
 Meeting Date: 17 November 2020

**1. SUBJECT: PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB**

**2. PURPOSE**

To consider a request received from the Western Cape Government for a proposed sub-lease at the Stellenbosch Flying Club.

**3. DELEGATED AUTHORITY**

Council.

Delegated authority to Executive Mayor in consultation with the Executive Mayoral Committee

**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. (Portion L of Farm 502). An item is serving before Council to consider a further lease agreement with the Flying club.

The Western Cape Government requested to sub-lease a piece of land from the flying club to establish an Aeronautical High School on the property. The request is attached as **APPENDIX 1**. The request served before Mayco in November 2019 but was referred back to be refined. The aeronautical school that the Western Cape Government envisaged to establish in the Stellenbosch area has a direct link to the Stellenbosch airfield as it intends on the long run to use the facilities at the airfield for the training of the learner pilots and other related skills. In the short term it envisaged leasing from the Flying Club and or using the facilities at the airfield for training purposes. The Flying club has provided some input/response to the request of the Western Cape Government. **(APPENDIX 2). In view of the response** the Western Cape Government has requested to acquire a piece of land from the Municipality for the purposes of building the school. The land for this purpose has not being identified and the item will be brought to council as soon as this has been done.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.2.8**

- (a) that the request from the Western Cape Government be noted;
- (b) that the response from the Flying Club be noted;
- (c) that the Flying Club be allowed to enter into a sub-lease with the Western Cape Department of Education to enable learners to use the facilities at the Flying Club; and
- (d) that the content of the agreement be reported to the Executive Mayor in consultation with the Executive Mayoral Committee.

7.2.9	<b>REQUEST TO SECURE PROPERTY FOR AN AERONAUTICAL SCIENCES SCHOOL IN STELLENBOSCH</b>
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

17 November 2020

**1. SUBJECT: REQUEST TO SECURE PROPERTY FOR AN AERONAUTICAL SCIENCES SCHOOL IN STELLENBOSCH**

**2. PURPOSE**

To consider a request from the Western Cape Government (Education Department) to acquire land to establish a high school within the Stellenbosch Municipality that specialises in Aeronautical Sciences.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Western Cape Government has initially requested to sub-lease a portion of the Stellenbosch Flying Club's land for the purpose of establishing an aeronautical sciences school on the flying club's site.

At the time Council has not yet considered the Stellenbosch Flying Club's request for a new Lease Agreement, and for this reason the request for a sub-lease could not be considered.

In the meantime the Flying Club has indicated that they would not be able to accommodate the building of a school on their site due to the aviation regulations and the size of the property they are leasing.

For this reason, the Western Cape Government has requested to acquire land from the municipality as close as possible to the flying club to accommodate the building of a school for the purpose of training young people in the aviation industry careers.

Council must consider this request.

**MAYORAL COMMITTEE MEETING: 2020-11-17: ITEM 7.2.9**

**RESOLVED**

that this item be referred back to Administration for refinement (re: Information Statement).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Piet Smit
<b>POSITION</b>	<i>Manager: Property Management</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2020-09-21

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
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NONE

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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NONE

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT )
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7.5.1	POSTER BY-LAW
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Collaborator No: 696737  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 17 November 2020

**1. SUBJECT: POSTER BY-LAW**

**2. PURPOSE**

To obtain Council's approval to commence with another public participation process for the acceptance of the attached Draft By-Law Relating to Outdoor Advertising and Signage

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

This item deals with the accepting of a Draft By-Law Relating to Outdoor Advertising and Signage.

The purpose of this By-Law is to control, manage and regulate outdoor advertising and signage and to provide mechanisms and guidelines for the control, regulating and management thereof and for matters connected therewith.

This By-Law was published as a draft before but so many comments have been received via the public participation processes that it has to be republished for comment.

Once the Draft By-Law has been accepted, the By Law will be advertised for Public Comment and the comments will be adjudicated, where after a final report will be submitted to Council

**MAYORAL COMMITTEE MEETING: 2020-11-17: ITEM 7.5.1**

**RESOLVED**

that this item be referred to a joint sitting of Section 80 Infrastructure- and Corporate Services, whereafter it be re-submitted to the Mayoral Committee.



7.5.2	INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY
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Collaborator No: 696778  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 17 November 2020

**1. SUBJECT: INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To obtain Council's approval to circulate the draft Integrated Waste Management Plan (IWMP) for public comment (**APPENDIX 1**).

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

In terms of Section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) each council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan (IDP) for the development of the municipality. In relation to waste management, the IDP is required to include sectoral environmental plans which would be an IWMP for waste management.

Stellenbosch Municipality has drafted an IWMP and has appointed Jan Palm (Pty) Ltd to review and finalize this draft IWMP. This revised IWMP has been internally reviewed and requires public comment to be finalised.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.5.2**

- (a) that Council accepts the draft Integrated Waste Management Plan (IWMP) and approves that the draft IWMP be circulated for public comment;
- (b) that the draft Integrated Waste Management Plan (IWMP) By-Law be submitted to D:EA&DP (Department of Environmental Affairs & Development Planning) for comment. In this process internal stakeholders will also be given an opportunity to comment; and
- (c) that relevant comments be incorporated for final approval and adoption by Council.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<b>DIRECTOR: INFRASTRUCTURE SERVICES</b>
<b>DIRECTORATE</b>	<b>INFRASTRUCTURE SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 -808 8213</b>
<b>E-MAIL ADDRESS</b>	<b>Deon.louw@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>19 October 2020</b>

7.6	<b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))</b>
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7.6.1	<b>INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE</b>
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**Collaborator No:** 697006  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** 17 November 2020

**1. SUBJECT: INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE**

**2. PURPOSE**

To put forward a recommendation as to the conclusion of the investigation with regards to the various residential properties in Mont Rochelle Nature Reserve.

**3. DELEGATED AUTHORITY**

Council of Stellenbosch Municipality.

**4. EXECUTIVE SUMMARY**

Council decided to investigate all possible options in dealing with the residential properties located in the Mont Rochelle Nature Reserve (the reserve) in an effort to achieve the most effective environmental outcome, address potential negative impact associated with possible development of the various properties whilst at the same time maintaining and preserving the use of the reserve for recreation by the broader public.

The above options investigated included maintaining the *status quo* (trust that no further development within the reserve take place), expropriation or buying-back of the 14 sold (but undeveloped) erven or an exchange of land (swop of erven within the reserve from sensitive to less-sensitive locations). Experience gained from the above investigation has now led to a proposed redesign of the current layout of erven clustered around the current access roads, within the existing layout footprint.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.6.1**

- (a) that Council approves Option 3: the redesign of the existing layout of erven in Mont Rochelle Nature Reserve;
- (b) that Option 3 be implemented once budget for this purpose becomes available;
- (c) that existing landowners of erven in sensitive areas be offered a like-for-like (with reference to erf size) proposal in a less sensitive location within the revised layout, as provided for in Paragraph 9.2.3 of the Property Management Policy;
- (d) that the Municipal Manager be authorised to finalise the above process insofar as an agreement between the relevant landowners can be reached; and
- (e) that the remaining unsold erven be de-proclaimed and consolidated into Mont Rochelle Nature Reserve.

7.6.2	<b>PROGRESS REPORT (2) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY</b>
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Collaborator No: 697733  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 17 November 2020

**1. SUBJECT: PROGRESS REPORT (2) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To report on the status of the above project. This is the second progress report following the one submitted to the February 2020 Section 80 Meeting.

**3. DELEGATED AUTHORITY**

Council of Stellenbosch Municipality.

**4. EXECUTIVE SUMMARY**

During 2016 Stellenbosch Municipality commenced with a project of identifying and acquiring the necessary environmental and land use approvals for the establishment of one or more large ( $\pm 30$ ha) cemeteries for the WC024 area.

During a comprehensive feasibility study conducted 54 sites were considered against a set of criteria which included:

- Ownership (Municipal / State / Private)
- Extent
- Location (proximity to settlements / accessibility / surrounding land uses)
- Zoning and land use
- Environmental characteristics (current status / vegetation / geology / pedology / hydrology)
- Soil characteristics (excavability / permeability / drainage / topography / basal buffer / stability / workability)

A total of 4 sites were identified as being feasible:

- Louw's Bos (Farm 502, south of Stellenbosch)
- Culcatta Bos (Farm 29, north of Koelenhof)
- Meerlust (Portion 1 of Farm Meer Lust No 1006, Groot-Drakenstein)
- De Novo (Portion 10 of Farm De Novo No 727, south of Muldersvlei)

Of the 4 sites 2 were included in the process of acquiring the necessary environmental and land use approvals for the establishment of a cemetery. These 2 sites were Louw's Bos and Culcatta Bos. Even though the Meerlust site is ideally located (in terms of need for burial space) it was (for the time being) excluded due to risks associated with the site's location in close proximity to an existing settlement. The National Health Act, 61 of 2003, Regulations Relating to the Management of Human Remains (Government Notice R363), includes the following:

**15. Burial sites and burials**

(2) All burial sites must comply with the following environmental requirements-

- (a) *be located outside the 100 year floodplain;*
- (b) *be located at least 350m from ground water sources used for drinking purposes and 500m from the nearest habitable building;*
- (c) ...

Even though there are examples of cemetery sites that have been established within these zones since the above regulations came into effect proceeding with an application for establishing a cemetery site within these zones is a risk if the relevant authorities cannot be convinced of the need and impact of such development. The De Novo site (property of the Department of Transport and Public Works) was excluded due to uncertainty regarding the long term planning of the property.

Both sites (Louw's Bos and Culcatta Bos) require the following approvals:

- Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998, Environmental Impact Assessment Regulations)
- Water Use Licensing (in terms of the National Water Act, 36 of 1998)
- Land Use Approval (in terms of the Stellenbosch Land Use Planning By-Law)

The process of acquiring all 3 sets of approvals for both sites have commenced and are at different stages of conclusion.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.6.2**

that the report on the status of the project: Identification and acquisition of authorisations and approvals for the establishment of one or more regional cemeteries for Stellenbosch Municipality, **be noted.**

**FOR FURTHER DETAILS CONTACT:**

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@ Stellenbosch.gov.za
REPORT DATE	16 September 2020

7.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC:CLLR E GROENEWALD (MS))
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NONE

7.8	RURAL MANAGEMENT: (PC: CLLR S PETERS)
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NONE

7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
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7.9.1	GUIDELINES ON THE IMPLEMENTATION OF THE CHILDREN'S ACT, ACT 38 OF 2005
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Collaborator No: 695199  
 IDP KPA Ref No: Dignified Living: Municipal Focus Area 21  
 File Plan: 8/1/4/2/3  
 Meeting Date: 17 November 2020

**1. SUBJECT: GUIDELINES ON THE IMPLEMENTATION OF THE CHILDREN'S ACT, ACT 38 OF 2005**

**2. PURPOSE**

To obtain a formal position on the Guidelines for Municipalities on the Implementation of the Children's Act as introduced to municipalities on 14 August 2020 during a SALGA consultation process.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Children's Act, 2005 (Act No. 38 of 2005) is the primary legislation that regulates protection and developmental services to children. Among others, it provides for the norms and standards linked to the registration, de-registration and monitoring of child care facilities.

It is 10 years since the Children's Act was implemented. The Department of Social Development (DSD) as the custodian of the Children's Act took an initiative and developed the guidelines for Municipalities to enhance implementation of some of the critical provisions in the Act, namely the assignment of functions to Municipalities.

The Guidelines aim to:

1. Guide both Provincial DSD and Municipalities on the implementation of the Children's Act;
2. Draw attention to the roles and responsibilities of Municipalities as part of Government in providing services to children; and
3. Assist both Provincial DSD and Municipalities with processes to assign functions in a uniform and coordinated manner.

Thus the Guidelines provide guidance in line with provisions of the Children's Act on: The functions in the Children's Act, which may be assigned to municipalities.

Secondly, to guide municipalities on their role to support and facilitate the implementation of the Act generally.

This item seeks to find agreement with the Guidelines in terms of process and interpretation of the Children's Act and the role of local government in the implementation of said Act.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.9.1**

- (a) that the municipality assists ECD's to comply with registration requirements;
- (b) that the municipality encourages ECD's to apply for Grant in Aid funding; and
- (c) that Stellenbosch Municipality does not accept the responsibilities as listed in the Guidelines as the municipality does not have the financial and/or human resource capacity to implement the guidelines.

**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>	18-08-2020

7.10	MUNICIPAL MANAGER
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7.10.1	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

# **1. SUBJECT: MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS**

## **2. PURPOSE**

To obtain Council's approval for entering into a partnership with a Swedish Municipality on the topic of Human Rights. The detail of this project will be discussed and negotiated during the inception phase. This partnership will be undertaken in accordance with the 2030 Agenda for Sustainable Development and its Global Goals.

## **3. DELEGATED AUTHORITY**

Council.

## **4. EXECUTIVE SUMMARY**

Stellenbosch Municipality (SM) has been approached by the Swedish International Centre for Local Democracy (ICLD) to explore the possibility of entering into a partnership with a Swedish Municipality selected by ICLD on the topic of Human Rights. The Human Rights topic that the Municipality wants to work on with SM will be finalised during the Inception Phase.

SM has over the years developed various programmes premised on enhancing and protecting the Human Rights of its citizens. These programmes allow explicitly for the inclusion of minorities, such as the disabled, the frail and infirm and provide this traditionally marginalised group full access to its attempts at local government. Governmentality refers to the relationship in this case between the local government and its local community. It also refers to inclusivity and an attempt by mostly the local government at moving away from top-down relations and the community having its voice heard on many issues. A good example of governmentality is the Integrated Development Plan's public participation processes. The recent iteration of the IDP saw new innovations being introduced to secure an inclusive process and therewith ensuring that local government meets the community.

In essence, SM has an exportable product which has attracted the attention of in this instance international institutions. It is therefore, incumbent upon us to strengthen our understanding of governmentality by sharing our learnt experiences and learning from an ages old democracy.

The programme consists of various phases and under normal circumstances runs over a four (4) year period. The first phase is the Inception Phase which runs for one (1) year. During this phase the exact collaboration project is finalised for implementation in the 3 outer years.

The project is funded by ICLD and will according to their programme commence in January 2021.

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**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-11-17: ITEM 7.10.1**

- (a) that Council notes the invitation by ICLD annexed hereto as “**APPENDIX 1**”;
- (b) that Council approves that Stellenbosch Municipality enters into a partnership with a Swedish Municipality on the topic of Human Rights;
- (c) that the Municipal Manager be authorized to negotiate the terms of the partnership agreement with the identified Swedish Municipality as per the requirements of the Inception Phase of the partnership; and
- (d) that the Municipal Manager submits a report to Council subsequent to the conclusion of the Inception Phase, i.e. after one (1) year or as soon as practically possible thereafter.

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Municipal Manager
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	9 November 2020



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8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE IN-COMMITTEE DOCUMENTATION

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The meeting adjourned at 11.40.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** .....

6.	STATUTORY MATTERS
6.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER 2020 AND DECEMBER 2020

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 January 2021

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER 2020 AND DECEMBER 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 2020/2021 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 (2020/2021) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during November 2020 and December 2020.

**5. RECOMMENDATION**

that Council notes the deviations as listed for the months of November 2020 and December 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 November 2020 and December 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 07/21	19 Nov 2019	Livewire (Pty) Ltd	Meter reading of large power users	Exceptional case and it is impractical or impossible to follow the official procurement processes	The contract with the current service provider (BSM 28/19) was cancelled on 5 November 2020 with effect from 30 November 2020. The service has to continue without interruption to ensure that the municipality does not incur a substantial loss of revenue.  It is impractical and impossible to go out on a new tender and make an award within the time period that is available.	R 262 550.87 VAT incl
D/SM 08/21	23 Dec 2020	TMT Services	Provision of Traffic Law Enforcement equipment, back office system and related services	Exceptional case and it is impossible to follow the official procurement process	Due to an appeal the successful bidder as per Tender: B/SM 04/20 cannot commence with the service from 01 January 2021. The appeal was subsequently resolved.  The service has to continue without	Rates: R121.49 per fine.

					interruption to ensure that the municipality does not incur a substantial loss of revenue.	
D/SM 09/21	23 Dec 2020	Nedbank	Provision of banking services	Exceptional case and it is impossible to follow the official procurement process	<p>A service provider was appointed for the provision of banking services (B/SM 22/20) that includes opening new bank accounts.</p> <p>The old bank account need to remain open while the municipality is migrating to new bank. Given the vast customer base that includes foreign customers it is recommend that the old bank account remain open on a month to month basis not exceeding twelve months.</p> <p>National Treasury prefers that municipalities keep its old banking accounts open for a period of two months. The municipality has opted to make this period longer due to the vast consumer base that includes foreign customers.</p>	Rates.

### 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.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Dalleel Jacobs
<b>POSITION</b>	<b>Senior Manager: SCM</b>
<b>DIRECTORATE</b>	<b>Financial Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8588</b>
<b>E-MAIL ADDRESS</b>	<b>Dalleel.Jacobs@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>06 January 2021</b>

6.2	<b>OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2020 - 31 DECEMBER 2020)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 January 2021

**1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2020 - 31 DECEMBER 2020)**

**2. PURPOSE**

To submit to Executive Management a report for the period 01 October 2020 - 31 December 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 (3) & 4 of the SCM Policy 2020/2021, 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.

**5. RECOMMENDATIONS**

- (a) that Council takes note of this report and **APPENDIX 1** attached to the report; and
- (b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

**6 DISCUSSION/CONTENTS**

**6.1 Background**

SCM must report within 10 days before the end of each quarter on the implementation of the SCM System.

**6.2 Constitutional and Policy Implications**

Paragraph 2(1) of Council's SCM Policy determines that all officials and other role players in the supply chain management system of the Stellenbosch Municipality must implement the SCM Policy in a way that gives effect to section 217 of the Constitution and Part 1 of Chapter 11 of the Municipal Finance Management Act (56 of 2003) and

other applicable provisions of the Act; is fair, equitable, transparent, competitive and cost-effective; complies with the Regulations and any norms and standards that may be prescribed in terms of section 168 of the MFMA; is consistent with other applicable legislation; does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

Paragraph 6(1) of the Supply Chain Management Policy of Council determines that the Council of Stellenbosch municipality reserves the right to maintain oversight over the implementation of the SCM Policy as approved and amended from time to time. Paragraph 6(3) of the above stated Policy determines that the Accounting Officer must within 10 days of the end of each quarter; submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor.

### 6.3 **Environmental implications**

None.

### 6.4 **Financial Implications**

The financial implications are the transactions for the procurement of goods and services that were processed during the 01 October 2020 - 31 December 2020 and the payments that will derive from these commitments.

### 6.5 **Legal Implications**

The Municipal Finance Management Act (section 112) stipulates that the SCM Policy should comply with a prescribed framework as set out in section 112(1) and section 112(2) that stipulates that the regulatory framework for the municipal supply chain must be fair, equitable, transparent, competitive and cost-effective. Reporting back in terms of paragraph 6(3) of the SCM Policy 2020/2021 to the Executive Mayor and Council on the implementation of the supply chain management system and processes enables the Executive Mayor and Council to maintain the oversight role over the implementation of the SCM Policy as approved by Council.

### 6.6 **Staff Implications**

None.

### 6.7 **Previous / Relevant Council Resolutions**

None.

## APPENDICES

**APPENDIX 1:** Report for the period 01 October 2020 - 30 December 2020 on the Implementation of Council's Supply Chain Management Policy

### 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>06 January 2021</i>

# APPENDIX 1



**STELLENBOSCH MUNICIPALITY**

**IMPLEMENTATION OF SYSTEM – SUPPLY CHAIN MANAGEMENT**

**SECTION 6 OF SCM POLICY:  
OVERSIGHT ROLE OF COUNCIL OVER THE IMPLEMENTATION OF SCM POLICY**

**PERIOD: OCTOBER 2020 - DECEMBER 2020**

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(c)	Submit when considered necessary, proposals for amendment of the policy by the Council.	Accounting Officer	Chief Financial Officer	YES	The SCM Policy are part of the budget related policies that are annually reviewed.
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies, and submit to the council that guidelines standard or modified version therefore, as a draft policy.	Accounting Officer	Chief Financial Officer	YES	All NT guidelines are included in standard documents and the municipalities SCM policy is aligned with the Model SCM policy of NT.
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with Regulation 2.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(1)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(4)	Must, in terms of section 62(1)(f)(iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2	Accounting Officer	Chief Financial Officer	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
5(2)(a)	Make a final award above R10 million (VAT included).	Accounting Officer (after considering recommendation of Bid Adjudication Committee)		YES	In the second quarter there were eight final awards above R10 million.
5(2)(b)	Make a final award above R200 000(VAT included), but not exceeding R10 million (VAT included).	Accounting Officer	Bid Adjudication Committee	YES	In the second quarter there were twenty-one final awards above R200 000 but not exceeding R10 million.
5(2)(c)	Make a final award not exceeding R200 000(VAT included) including the appointment of consultants	Accounting Officer	CFO and Senior Manager - SCM and Senior Accountants	YES	Operational Delegations are in place with clear segregation of duties as stipulated in MFMA section 115 (b)
5(3)	Submit to the officials referred to in regulation 5(4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including – (a) the amount of the award; (b) the name of the person to whom the award was made; (c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person.	Bid Adjudication Committee (refer regulation 5(4)(a)  Chief Financial Officer – 5(4)(b)	Chief Financial Officer  Senior Manager SCM	YES	<b>The awards made were submitted ,on the following dates within this quarter:</b> 03 November 2020 03 December 2020 04 January 2021
6(1)	Maintain oversight over the implementation of the supply chain management policy	Municipal Council		YES	The Supply Chain Management policy has been submitted to council in the last quarter of the previous financial year as part of the Budget Related policies.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer		YES	Done
6(2)(a)	Immediately submit a report to council whenever there are serious and material; problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii)	Accounting Officer		N/A	To date no serious or material problems occurred in implementing the SCM policy.
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	YES	Done.
7(1)	Establish a supply chain management unit.	Accounting Officer	Chief Financial Officer	YES	Unit operates under direct supervision of CFO
12(1)	<u>Direct that:</u> a) cash purchases up to transaction value as defined I Council's Petty Cash policy b) one verbal quotation be obtained for any specified procurement of a transaction value lower than R2,000 (VAT included); c) written or verbal quotations for procurement of goods and/or services of a transaction value between R 2, 000.00 and R 10 000.00 (VAT included) d) formal written price quotations for procurement of goods and/or services of a transaction value between R 10,000.00 and R 200,000.00 e) a competitive bidding process be followed for any specific procurement of a transaction value higher than R200 000.	Accounting Officer	Operational delegations in place	YES	The SCM unit is responsible for procurement within these thresholds. Delegations approved and signed by the relevant officials.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub regulation(1).	Accounting Officer	Chief Financial Officer	YES	Delegated officials act within delegated thresholds.
14(1)(a)(ii)	Invite prospective providers of goods and services at least once a year through newspaper commonly circulating locally, the website of the municipality	Accounting Officer	Senior : Manager SCM	YES	Will be advertised in the third quarter
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Accounting Officer	Chief Financial Officer	YES	Listing criteria is contained within the registration form.
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Accounting Officer		YES	SCM consult National Treasury's database of defaulters before awarding of tenders and quotations
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Council	Chief Financial Officer	YES	Done
15	Requesting reconciliation's on petty cash purchases on a monthly basis.	Chief Financial Officer	Manager: Expenditure section	YES	Done
16(c)	If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.	Accounting Officer	Chief Financial Officer	YES	<b>Reports were submitted on the following dates within this quarter.</b> 03 November 2020 03 December 2020 04 January 2021

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
16(e)	Record the name of potential providers requested to provide written quotation with their quoted prices.	Accounting Officer	Chief Financial Officer		<b>Reports were submitted on the following dates within this quarter.</b> 03 November 2020 03 December 2020 04 January 2021
17(1)(c)	Approve the recorded reasons for not obtaining at least three written price quotations.	Chief Financial Officer	Senior Manager SCM & CFO: below R200,000  Accountants: Acquisitions, Contracts and SCM: Accountant Demand and Chief Buyer : below R200,000		
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	Senior Manager : Supply Chain Management		
17(2)	Report to the CFO within three days at the end of the month on any approvals given during that month by that the designed official referred to in sub-regulation (1) (c).	Chief Financial Officer	Senior Manager: Supply Chain Management		
18 (a)	All requirements in excess of R30,000 (VAT included) by means of formal written price quotations should be advertised for at least 7 days on the website and municipal official website.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18 (b)	When using the list of accredited prospective providers, it should promote ongoing competition amongst providers by inviting providers to submit quotations on a rotational basis.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price quotations is not abused.	Accounting Officer	Chief Financial Officer	YES	Quotations and Formal written quotations are placed on the website and only opened on the closing date and time and mitigate the risks during the calling for quotations.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation .	Chief Financial Officer	Senior Manager : Supply Chain Management	YES	<b>Reports were submitted on the following dates within this quarter.</b> 03 November 2020 03 December 2020 04 January 2021
22 (b) (i)	The publication notice must contain the closure date for the submission of bids, which may not be less than 3 weeks in case of transactions over R10m (VAT included), or which are of long term nature, or 14 days in any other case, from date on which the advertisement is placed in a newspaper.	Accounting Officer	Bid Specifications Committee	YES	For quarter two a total of thirty-eight tender specifications served before the Bid Specifications committee.
22(2)	The Accounting Officer may determine the closure date for the submission of bids which is less than the 30 days or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process	Accounting Officer		N/A	None
23(a) (i)(ii)	The handling, opening and recording of bids should be  (i) be opened in public (ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired;	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
23 (c)	(ii) make the register available for public inspection (iii) publish the entries in the register and the bid results on the website of the municipality	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation – (a) does not allow any preferred bidder a second or unfair opportunity;  (b) is not to the detriment of any other bidder; and  (c) does not lead to a higher price than the bid submitted. Minutes of such negotiations must be kept.	Accounting Officer	Relevant user department Head of Department or Executive Director	YES	Provision for the signing of a Form of Tender/Service Level Agreement with successful vendors is being made in the tender documents.
26(1)(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account Section 117 of the MFMA.	Accounting Officer		YES	Done
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Accounting Officer		N/A	Not Applicable
26(3)	Apply the committee system to formal written price quotations.	Accounting Officer		N/A	Committee system is applied for goods/services above R200 000
27(1)	Compile specifications for the procurement of goods and services by the municipality.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The Director signs for items to serve on Specification committee.
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The specifications are accompanied with a questionnaire that the relevant department has to complete. Meetings are held according pre-determined schedule.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
28(1)(a)	Evaluate bids in accordance with –  (i) the specifications for a specific procurement ; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f) and a prescribed in terms of the Preferential Procurement Policy Framework Act.	Accounting Officer	Bid Evaluation Committee upon advice of the relevant user department.	YES	Have regular BEC scheduled meetings.
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Accounting Officer	Bid Evaluation Committee, upon advice from SCM	YES	Currently part of the Standard Evaluation Report
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Accounting Officer	Bid Evaluation Committee	YES	Has a screening list that has to be completed.
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee		YES	Currently part of the Standard Evaluation Report
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl.) and make the award up to value of R10m (as per delegated authority)	Accounting Officer	Bid Adjudication Committee	YES	In the second quarter there were twelve BAC meetings
29(1)(b)(i)	For bids above R10 million, the SCM BAC will make recommendation to the Municipal Manager to make the final award.	Accounting Officer		YES	In the second quarter there were eight final awards above R10 million.
29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Accounting Officer		YES	None.
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer		YES	Delegations given is kept for record purposes



REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
29(5)(a)	<p>If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid –</p> <p>(i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and</p> <p>(ii) notify the accounting officer.</p>	Bid Adjudication Committee		YES	None
29(5)(b)	<p>(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and</p> <p>(ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.</p>	Accounting Officer		YES	None
29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer		YES	Seven tenders were referred back to the BEC in the second quarter
29(7)	Comply with Section 114 of the MFMA within ten working days.	Accounting Officer		YES	Not applicable
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Accounting Officer	Bid Adjudication Committee	YES	Not Applicable
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to,	Accounting Officer		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	SITA.				
31(3)	<p>Notify SITA together with a motivation of the IT needs of the municipality if –</p> <p>(a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT incl); or</p> <p>(b) the transaction value of a contract to be procured by the municipality whether for one or more years exceeds R50 million.</p>	Accounting Officer		YES	Not Applicable
31(4)	Submit to the Council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Senior Manager: Supply Chain Management	YES	Not Applicable
32(1)	<p>To procure goods or services for the municipality under a contract secured by another organ of state, but only if –</p> <p>(a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state;</p> <p>(b) the municipality has no reason to believe that such contract was not validly procured;</p>	Accounting Officer	Bid Adjudication Committee	YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(c) there are demonstrable discounts or benefits for the municipality; and  that other organ of state and the provider have consented to such procurement in writing.				
35(1)	Procure consulting services above the value of R200 000 (VAT incl.) provided that any Treasury guidelines in respect of consulting services or CIDB guidelines in respect of services related to the build environment and construction works are taken into account when such procurements are made.	Accounting Officer	Bid Adjudication Committee	YES	New tender has been advertised
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Council	Relevant user Department	YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
36(1)(a)	<p>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 –</p> <ul style="list-style-type: none"> <li>(i) in an emergency;</li> <li>(ii) if such goods or services are produced or available from a single provider only;</li> <li>(iii) for the acquisition of special worker of art or historical objects where specifications are difficult to compile;</li> <li>(iv) acquisition of animals or zoos; or</li> <li>(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes</li> <li>(vi) any contract relating to the publication of notices and advertisements by or on behalf of the municipality</li> <li>(vii) any purchase on behalf of the municipality at a public auction</li> <li>(viii) any contract with an organ of state, local authority or a public utility corporation or company</li> <li>(ix) any contract in respect of which compliance therein would not be in the public interest or interest of Council</li> <li>(x) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids</li> <li>(xi) workshop strip &amp; quote</li> </ul>	Accounting Officer	BAC considers deviations and recommend to the Accounting Officer.	YES	<p>Delegations are in place for BAC to recommend deviations to the Accounting Officer. Records and recordings are kept of all meetings. Departments draft memorandums and table items at BEC for consideration and recommendation to the BAC. The BAC upon approval will recommend deviation to the Accounting –Officer.</p>
36(1)(b)	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.	Accounting Officer		YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and  Report them to the next meeting of the Council and include as a note to the annual financial statements.	Municipal Council	Accounting Officer	YES	Done
37(2)	Decide to consider an unsolicited bid but only if –  (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficially to, or have exceptional cost advantages for, the municipality; (c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.	Accounting Officer		NO	None
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Accounting Officer		NO	None
37(5)	Consider and may award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Accounting Officer	Bid Adjudication Committee	YES	None
37(7)	When considering an unsolicited bid, take into account where considering an unsolicited bid –  (i) any comments submitted by the public; and	Accounting Officer		NO	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	any written comments and recommendations of the National Treasury or the relevant provincial treasury.				
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Accounting Officer	Senior Manager: Supply Chain Management	NO	None
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	YES	The National Treasury Code of Conduct has been circulated and communicated to municipal staff at various formal and informal meetings.
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favoritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified –  (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Accounting Officer	Internal Audit	YES	None
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Senior Manager: Supply Chain Management	YES	The National Treasury website information of the List of Defaulters is currently used to verify.
38(1)(d)	Reject any bid from a bidder –  (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months;	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.				
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(f)	Cancel a contract awarded to a person if – the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or  (i) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(g)	Reject the bid of any bidder if that bidder or any of its directors –  (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system;  (ii) has been convicted for fraud or corruption during the last five years;  (iii) has willfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	(iv) has been listed in the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).				
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e)	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
40(1)	The Supply chain policy must provide for an effective system of disposal management for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14&90 of MFMA	Municipal Council	Chief Financial Officer	YES	Delegations are in place
40(2) a	A Supply Chain management policy must specify the ways in which assets may be disposed of, including by – (i) Transferring the asset to another organ of state in terms of a provision of the MFMA enabling the transfer of assets (ii) Transferring the asset to another organ of state at market related value or, when appropriate, free of charge (iii) Selling the asset (iv) Destroying the asset	Municipal Council	Chief Financial Officer	YES	. As per delegations
40(2) (b)	Stipulate that – Immoveable property may be sold only at market	Municipal Council		YES	Not Applicable



REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	related prices except when public interest or the plight of the poor demands otherwise				
40(2)(b)(ii)	Movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality	Accounting Officer	Chief Financial Officer		As per delegations
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the Provincial Department of Education must first be approached to indicate within 30 days whether any of the local schools are interested in the equipment.	Accounting Officer	Chief Financial Officer		Not Applicable
40(2)(b)(iv)	In the case of the disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person or institution within or outside the Republic	Accounting Officer			Not Applicable
40(2)(c)(ii)	All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed	Municipal Council		YES	Not Applicable
40(2)(d)	Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated	Municipal Council			None
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.				Not Applicable
41(1)	A Supply chain management policy must provide for an effective system of risk management for the identification, consideration and avoidance of	Accounting Officer	Internal Audit		Busy implementing a system for risk management

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	potential risks in the supply chain management system				
42	Establish and implement an internal monitoring system in order to determine, on a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this policy were achieved.	Accounting Officer	Chief Financial Officer		Busy implementing a system for performance management in SCM
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person.	Municipal Council	Senior Manager: Supply Chain Management	YES	The Tax Clearance of vendors registered on the Central Supplier Database are checked regularly and before awards are made.
45	Disclose in the notes to the annual financial statements of the municipality particulars of any award of more than R2,000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including – (a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) the amount of the award.	Municipal Council	Chief Financial Officer	YES	This information was disclosed within the 19/20 financial statements of the municipality.
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2)(d) and (e).	Accounting Officer	Senior Manager: Supply Chain Management	YES	SCM keep record of it.
46(3)(b)	Declarations must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register.	Accounting Officer	Chief Financial Officer	YES	Declarations are kept at SCM section and hard copy on file.
46(4)	Adopt the National Treasury's code of conduct and Schedule 2 of the Systems Act for supply chain	Accounting Officer	Senior Manager: Supply Chain Management	YES	Code of conduct are circulated annually to all officials

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
	management practitioners and other role players involved in supply chain management.		Council's Speaker		
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediate through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediate, by any person who is – (a) a provider or prospective provider of goods or services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.	Accounting Officer	Senior Manager: Supply Chain Management	YES	None.
49	Persons aggrieved by decisions or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action.	Accounting Officer		YES	Have an administrative process in place.
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes between the municipality and other persons and to deal with objections, complaints or queries as described more fully in Regulation 49.	Accounting Officer		YES	Done.
50(1)(a)	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively.	Accounting Officer		YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLEMENTED	COMMENTS
50(4)(b)	Appointed must submit monthly reports to the Accounting Officer on all disputes, objections, complaints or queries received, attended to or resolved.	Accounting Officer		YES	The appointed official is responsible for the submission of the monthly report to the Municipal Manager.
51	Service provider that acts on behalf of municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to service provider, contract must stipulate a cap on compensation payable to the service provider; that such compensation must be performance based.	Accounting Officer		YES	Done

6.3	<b>REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2020/21</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 January 2021

**1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2020/21**

**2. PURPOSE**

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The TL SDBIP 2020/21 was approved by the Executive Mayor on 24 June 2020. It is common practice for a municipality, as provided for in the MFMA, to review its performance indicators and targets after approving the adjustments budget. The TL SDBIP 2020/21 (as approved by the Executive Mayor) is attached hereto as **Annexure A**. All changes (for ease of reference) which should be deleted and or amended are indicated with a strikethrough and an underline respectively. It must also be noted that the TL SDBIP 2020/21 is the in-year plan of the municipality and amendments made to the TL SDBIP 2020/21 must also be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made to the Revised TL SDBIP 2020/21 are considered to be made in the IDP as well.

These changes will be effected with the review process of the IDP 2017-2022 to be submitted to Council for final approval during May 2021.

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

- a) KPI080- The target due date for the 2020/21 was moved due to capacity constraints and to negate the effects of the Covid-19 pandemic;
- b) KPI073- Target moved to negate the effects of the Covid-19 pandemic;
- c) KPI018- Target reduced from 90% to 80% as a result of capacity constraints experienced in the Department as well as to deal with the backlogs created by the Covid-19 pandemic;
- d) KPI019- The SMART (specific, measurable, attainable, realistic and time bound) principle is applied. The target was also reduced from 80% to 70% due to infrastructural challenges currently experienced at one of the waste water treatment works;
- e) KPI037- The SMART principle is applied;
- f) KPI042- The SMART principle is applied;
- g) KPI063- The SMART principle is applied;
- h) KPI083- Target moved to negate the effects of the Covid-19 pandemic;
- i) KPI074, KPI076 and KPI077- Targets reduced to bring it in line with the municipal valuation role for residential properties; and
- j) KPI084- New indicator

Any detected spelling and grammatical errors in the document were also corrected, where needed.

**5. RECOMMENDATIONS**

- (a) that the Revised TL SDBIP 2020/21 be approved;
- (b) that the Revised TL SDBIP 2020/21 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2020/21 be submitted to:
  - i. Internal Audit Unit (for notification);
  - ii. Department of Local Government: Western Cape;
  - iii. Provincial Treasury: Western Cape;
  - iv. Auditor General of South Africa; and
  - v. National Treasury.

**6. DISCUSSION****6.1 Background**

In terms of the MFMA, the Mayor of a municipality must take all reasonable steps to ensure that the municipality's TL SDBIP is approved within 28 days after the municipal budget has been approved.

The Draft Top Layer SDBIP 2020/21 was made public for public participation during April 2020 as part of the Integrated Development Plan (IDP) and Budget consultative process.

The Municipal Manager, Directors and all affected managers participated in the setting of key performance indicators and targets.

Subsequent to the approval of the IDP and Budget in May 2020, the TL SDBIP 2020/21 was approved by the Executive Mayor on 24 June 2020. Council should note that the provisions of the MFMA allows the Executive Mayor to approve the TL SDBIP within 28 days after the approval of the Budget.

Section 54(1) of the MFMA also allow the Executive Mayor to review the TL SDBIP in line with the adjustments budget. In terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), section 54(1)(c) *"the mayor must, consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget..."*

**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 terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), section 54(1)(c) *"On receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72 the mayor must, consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget"*

**6.4 Staff Implications**

This report has no staff implications to the Municipality.

**6.5 Risk Implication**

None

**6.6 Comments from Senior Management****6.6.1 Director: Community and Protection Services**

Agree with the recommendations.

**6.6.2 Chief Financial Officer**

Agree with the recommendations.

**6.6.3 Director: Infrastructure Services**

Agree with the recommendations.

**6.6.4 Director: Corporate Services**

Agree with the recommendations.

**6.6.5 Director: Planning and Economic Development**

Agree with the recommendations.

**6.6.6 Comments from the Municipal Manager**

Agree with the recommendations.

**ANNEXURES****Annexure A:** Revised Top Layer Service Delivery and Budget Implementation Plan 2020/21**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Gurswin Cain
<b>POSITION</b>	Manager: IDP/PMS/PP
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 – 808 8174
<b>E-MAIL ADDRESS</b>	<a href="mailto:Gurswin.Cain@ Stellenbosch.gov.za">Gurswin.Cain@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	12 January 2021

# **ANNEXURE A**





**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



## REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2020/21

(January 2021)

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## 1. MUNICIPAL MANAGER'S QUALITY CERTIFICATE

I, Geraldine Mettler, the Municipal Manager of the Stellenbosch Municipality, submits the Final Revised Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) for the 2020/21 financial year for approval by the Executive Mayor. This Revised TL SDBIP 2020/21 has been prepared in terms of the stipulated requirements as documented in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and regulations made under this Act.

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**GERALDINE METTLER**  
**MUNICIPAL MANAGER**

Date: \_\_\_\_\_

## 2. EXECUTIVE MAYOR'S CERTIFICATE OF APPROVAL

I, Gesie Van Deventer, in my capacity as the Executive Mayor of the Stellenbosch Municipality, hereby approves the Final Revised Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) for the 2020/21 financial year as required in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and regulations made under this Act.

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**CLLR ADV GESIE VAN DEVENTER**  
**EXECUTIVE MAYOR**

Date: \_\_\_\_\_

### 3. IMPLEMENTATION, MONITORING AND REVIEW – ONE YEAR

The Local Government: Municipal Finance Management, 2003 (Act No. 56 of 2003) (MFMA) requires that municipalities prepare a Service Delivery and Budget Implementation Plan (SDBIP) as a strategic financial management tool to ensure that budgetary decisions that are adopted by municipalities for the financial year are aligned with their strategic planning tool, the Integrated Development Plan (IDP). The SDBIP is a contract between Council, administration and the community. It gives effect to the IDP and budget of the municipality.

The municipal budget shall give effect to the Strategic Focus Areas as contained in the IDP. The Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) shall contain details on the execution of the budget and information on programmes and projects. Quarterly, half-yearly and annual performance reports must also be submitted to Council as a means to monitor the implementation of the predetermined objectives as contained in the IDP.

The SDBIP is a one – year detailed implementation plan which gives effect to the IDP and Budget of the Municipality. It is a contract between the administration, Council and community expressing the goals and objectives set by Council as quantifiable outcomes that can be implemented by the administration over the next twelve months. This provides the basis of measuring the performance in service delivery against end year targets and implementing budget.

Indicators developed for the Stellenbosch Municipality addresses the Strategic Focus Areas of the Municipality. The Municipality utilises the one-year TL SDBIP to ensure that it delivers of its service delivery mandate by indicating clear indicators and targets. These indicators also forms the basis of the performance plans of the Directors, hence, the Directors are being evaluated on the approved TL SDBIP indicators.

The five necessary components are:

1. Monthly projections of revenue to be collected for each month;
2. Monthly projections of expenditure (operating and capital) and revenue for each vote;
3. Quarterly projections of service delivery targets and performance indicators;
4. Ward information for expenditure and service delivery; and
5. Detailed capital works plan broken down by ward over three years.

#### 4. FINAL REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2020/21: PER STRATEGIC FOCUS AREA (SFA)

##### 4.1 SFA 1 - VALLEY OF POSSIBILITY

SFA 1 – Valley of Possibility															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI007	TL58	Planning and Economic Development	The number of jobs created through the Municipality's local economic development initiatives including capital projects (NKPI Proxy - MSA, Reg. S10(d))	Number of job opportunities created through the Municipality's local economic development initiatives including capital projects by 30 June	Programme	All	1 300 per annum	153.10	1 300 job opportunities created through the Municipality's local economic development initiatives including capital projects by 30 June	400 (400)	900 (900)	1 100 (1 100)	1 300 (1 300)	EPWP reporting system	Outcome
KPI008	TL59	Planning and Economic Development	Land-use applications considered by the Municipal Planning Tribunal within 120 days from a complete land-use application	Percentage of land-use applications considered by the Municipal Planning Tribunal within 120 days after a complete land-use application	Programme	All	90% per annum	40%	90% of land-use applications considered by the Municipal Planning Tribunal within 120 days after a complete land-use application	90%	90%	90%	90%	Minutes of the MPT Meeting	Outcome
KPI009	TL60	Planning and Economic Development	Training opportunities provided for entrepreneurs and Small, Medium and Micro Enterprises (SMMEs)	Number of quarterly training opportunities provided for entrepreneurs and SMMEs	Programme	All	4 per annum	5	4 quarterly training opportunities provided for entrepreneurs and SMMEs	1 (1)	1 (2)	1 (3)	1 (4)	Attendance Registers	Output
KPI012	TL61	Planning and Economic Development	Revised Housing Pipeline (document) submitted to the Mayoral Committee (MayCo)	Number of Revised Housing Pipelines (documents) submitted to the MayCo by 31 <del>May</del> <del>March</del>	Programme	All	1 per annum	1	1 Revised Housing Pipeline (document) submitted to the MayCo by 31 <del>May</del> <del>March</del>	N/A	N/A	<del>N/A</del> <del>1</del>	<del>1</del> <del>N/A</del>	Proof of submission of the Revised Housing Pipeline (document) to the MayCo	Output

SFA 1 – Valley of Possibility															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI080	TL62	Planning and Economic Development	Submission of Tourism Strategic Plan to the Municipal Manager	Number of Tourism Strategic Plans submitted to the Municipal Manager by 30 <del>June</del> November	Key Initiative	All	1 per annum	New KPI	1 Tourism Strategic Plan submitted to the Municipal Manager by 30 <del>June</del> November	N/A	<del>N/A</del> 4	N/A	<del>1</del> N/A	Proof of submission of the Tourism Strategic Plan to the Municipal Manager	Output

## 4.2 SFA 2 - GREEN AND SUSTAINABLE VALLEY

SFA 2 - Green and Sustainable Valley															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		

SFA 2 - Green and Sustainable Valley															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI016	TL64	Infrastructure Services	Conduct an external audit of the Stellenbosch Municipality Waste Disposal Facilities	Number of external audits of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	Programme	All	1 per annum	1	1 external audit of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	N/A	N/A	N/A	1	Audit report	Output
KPI073	TL65	Infrastructure Services	Implementation of identified waste minimisation projects	Number of identified waste minimisation projects implemented by 30 June	Key Initiative	All	2 per annum	New KPI	2 identified waste minimisation projects implemented by 30 June	N/A	N/A	<del>N/A</del> 1 (1)	<del>2</del> 1 (2)	Waste minimisation report submitted to the Municipal Manager	Output
KPI018	TL63	Planning and Economic Development	Building plan applications processed within 30 days	Percentage of building plan applications of <500sqm processed within 30 days after date of receipt	Programme	All	90% per annum	76.29%	<del>80%</del> 90% of building plan applications of <500sqm processed within 30 days after date of receipt	<del>80%</del> 90%	<del>80%</del> 90%	<del>80%</del> 90%	<del>80%</del> 90%	Building plan application register	Outcome
KPI019	TL66	Infrastructure Services	Waste water quality managed and measured ito the <u>Department of Water and Sanitation's License Conditions for SANS Accreditation</u> physical and micro parameters	Percentage waste water quality compliance as per analysis certificate, measured <u>quarterly</u> by 30 June	Programme	All	80% per annum	72.72%	<del>70%</del> 80% waste water quality compliance as per analysis certificate measured by 30 June	<del>70%</del> N/A	<del>70%</del> N/A	<del>70%</del> N/A	<del>70%</del> 80%	Report submitted by the service provider and report from GDS system	Outcome
KPI078	TL52	Corporate Services	Submission of the Revised Facility Management Plan to the MayCo	Number of Revised Facility Management Plans submitted to the MayCo by 31 May	Programme	All	1 per annum	New KPI	1 Revised Facility Management Plan submitted to the MayCo by 31 May	N/A	N/A	N/A	1	Proof of submission of the Revised Facility Management Plan to the MayCo	Output



SFA 2 - Green and Sustainable Valley															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI081	TL67	Infrastructure Services	Reduce organic waste	Percentage of organic waste reduced by 30 June	Programme	All	20%	New KPI	20% of organic waste reduced by 30 June	N/A	N/A	N/A	20%	Weighbridge data and monthly progress reports	Outcome
KPI082	TL68	Infrastructure Services	Submission of an Integrated Waste Management Plan to the MayCo	Number of Integrated Waste Management Plans submitted to the MayCo by 31 March	Key Initiative	All	1 per annum	New KPI	1 Integrated Waste Management Plan submitted to the MayCo by 31 March	N/A	N/A	1	N/A	Proof of submission of the Integrated Waste Management Plan to the MayCo	Output

#### 4.3 SFA 3 - SAFE VALLEY

SFA 3 - Safe Valley													
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21	POE	Delivery Indicator	

								2018/19		Q1	Q2	Q3	Q4		
KPI025	TL49	Community and Protection Services	Revised Disaster Management Plan submitted to the Municipal Manager	Number of Revised Disaster Management Plans submitted to the Municipal Manager by 31 March	Programme	All	1 per annum	1	1 Revised Disaster Management Plan submitted to the Municipal Manager by 31 March	N/A	N/A	1	N/A	Proof of submission of the Disaster Management Plan to the Municipal Manager	Output
KPI026	TL50	Community and Protection Services	Revised Safety and Security Strategy submitted to the Municipal Manager	Number of Revised Safety and Security Strategies submitted to the Municipal Manager by 31 March	Programme	All	1 per annum	1	1 Revised Safety and Security Strategy submitted to the Municipal Manager by 31 March	N/A	N/A	1	N/A	Proof of submission of the Revised Safety and Security Strategy to the Municipal Manager	Output
KPI027	TL51	Community and Protection Services	Revised Traffic Management Plan submitted to the Municipal Manager	Number of Revised Traffic Management Plans submitted to the Municipal Manager by 28 February	Programme	All	1 per annum	New KPI	1 Revised Traffic Management Plan submitted to the Municipal Manager by 28 February	N/A	N/A	1	N/A	Proof of submission of the Revised Traffic Management Plan to the Municipal Manager	Output

#### 4.4 SFA 4 - DIGNIFIED LIVING

SFA 4 - Dignified Living															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		

## SFA 4 - Dignified Living

IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI037	TL69	Infrastructure Services	Provision of waterborne toilet facilities <u>in informal settlements as identified by the Department: Integrated Human Settlements</u>	Number of waterborne toilet facilities provided <u>in Informal settlements as identified by the Department: Integrated Human Settlements</u> by 30 June	Programme	All	50 per annum	69	50 waterborne toilet facilities provided <u>in informal settlements as identified by the Department: Integrated Human Settlements</u> by 30 June	N/A	20 (20)	N/A	50 (50)	Completion certificates / <u>Formal request by the Department: Integrated Human Settlements (IHS)</u>	Output
KPI039	TL74	Financial Services	Registered indigent formal households with access to free basic water (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage registered indigent formal households with access to free basic water, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic water, measured quarterly	100%	100%	100%	100%	Indigent Register	Outcome
KPI040	TL70	Infrastructure Services	Limit unaccounted electricity to less than 9% annually {(Number of Electricity Units Purchased and/or Generated - Number of Electricity Units Sold(incl. Free basic electricity)) / Number of Electricity Units Purchased and/or Generated} x 100}	Percentage average electricity losses measured by 30 June	Programme	All	<9% per annum	7.55%	<9% average electricity losses measured by 30 June	N/A	N/A	N/A	<9%	Monthly Eskom Accounts and Vending Reports from service provider and Notes to the AFS and monthly and annual Consumption reports generated by the Finance Department	Outcome
KPI041	TL71	Infrastructure Services	Water quality managed and measured quarterly to the SANS 241 physical and micro parameters	Percentage water quality level as per analysis certificate measured quarterly	Programme	All	90% per annum	99.90%	90% water quality level as per analysis certificate measured quarterly	90%	90%	90%	90%	Quarterly Supply System Drinking Water Quality Report - DWA Blue Drop System (BDS)	Outcome
KPI042	TL72	Infrastructure Services	Limit unaccounted water to less than 25%	Average percentage water losses measured by 30 June	Programme	All	<25% per annum	28%	<25% average percentage water losses measured by 30 June	<25% N/A	<25% N/A	<25% N/A	<25%	Quarterly water balance sheet and Monthly Consumption Report	Outcome

## SFA 4 - Dignified Living

IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI043	TL75	Financial Services	Registered indigent formal households with access to free basic electricity provided by the Municipality (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic electricity provided by the Municipality, measured quarterly	Programme	All	65% per annum	71%	65% of registered indigent formal households with access to free basic electricity provided by the Municipality, measured quarterly	65%	65%	65%	65%	Prepaid Electricity Service Provider Report	Output
KPI044	TL76	Financial Services	Registered indigent formal households with access to free basic refuse removal (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic refuse removal, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic refuse removal, measured quarterly	100%	100%	100%	100%	Indigent Register	Output
KPI045	TL77	Financial Services	Registered indigent formal households with access to free basic sanitation (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic sanitation, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic sanitation, measured quarterly	100%	100%	100%	100%	Indigent Register	Output
KPI074	TL78	Financial Services	Formal households with access to water (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to water, measured quarterly	Programme	All	26 500 per annum	26 088	<del>25 500</del> 26 500 formal households with access to water, measured quarterly	<del>25 500</del> 26 500	<del>25 500</del> 26 500	<del>25 500</del> 26 500	<del>25 500</del> 26 500	ValuProp report	Output
KPI075	TL79	Financial Services	Formal households with access to electricity (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to electricity, measured quarterly	Programme	All	24 000 per annum	26 088	24 000 formal households with access to electricity, measured quarterly	24 000	24 000	24 000	24 000	ltron management report	Output
KPI076	TL80	Financial Services	Formal households with access to refuse removal (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to refuse removal, measured quarterly	Programme	All	26 500 per annum	26 088	<del>25 500</del> 26 500 formal households with access to refuse removal, measured quarterly	<del>25 500</del> 26 500	<del>25 500</del> 26 500	<del>25 500</del> 26 500	<del>25 500</del> 26 500	ValuProp report	Output

SFA 4 - Dignified Living															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI077	TL81	Financial Services	Formal households with access to sanitation (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to sanitation, measured quarterly	Programme	All	26 500 per annum	26 088	<del>25 500</del> <del>26 500</del> formal households with access to sanitation, measured quarterly	<del>25 500</del> <del>26 500</del>	<del>25 500</del> <del>26 500</del>	<del>25 500</del> <del>26 500</del>	<del>25 500</del> <del>26 500</del>	ValuProp report	Output

#### 4.5 SFA 5 - GOOD GOVERNANCE AND COMPLIANCE

SFA 5 - Good Governance and Compliance															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI055	TL82	Financial Services	Financial viability measured in terms of the available cash to cover fixed operating expenditure (NKPI Proxy - MSA, Reg. S10(g)(iii))	Cost coverage as at 30 June annually [(Cash and Cash Equivalents - Unspent Conditional Grants - Overdraft) + Short Term Investment) / Monthly Fixed Operational Expenditure excluding (Depreciation)	Programme	All	4 per annum	4.7	4 (months)	N/A	N/A	N/A	4 (months)	Financial Statements	Outcome

## SFA 5 - Good Governance and Compliance

IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI056	TL83	Financial Services	Achieve an average payment percentage of 96% by 30 June (Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	(Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	Programme	All	96% per annum	100.24%	96%	N/A	N/A	N/A	96%	Debtors transaction summary: BS-Q909E extract generated from the Samras Financial System	Outcome
KPI057	TL84	Financial Services	Actual expenditure on the approved Capital Budget for the Municipality by 30 June (NKPI - MSA, Reg. S10(c))	Percentage of approved Capital Budget for the Municipality actually spent by 30 June	Programme	All	90% per annum	87.82%	90% of approved Capital Budget for the Municipality actually spent by 30 June	10%	30%	60%	90%	Report from the financial system	Input
KPI058	TL43	Office of the Municipal Manager	Employment equity appointments made within the financial year in the three highest levels of management	Percentage of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	Programme	All	75% per annum	33%	75% of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	N/A	N/A	N/A	75%	Employment Equity Report	Outcome
KPI059	TL53	Corporate Services	The percentage of actual payroll budget spent on implementing the Municipal Workplace Skills Plan (NKPI Proxy- MSA, Reg. S10(f))	Percentage of municipality's payroll budget actually spent on implementing its Workplace Skills Plan ((Total Actual Training Expenditure/ Total Annual payroll Budget) x100), measured by 30 June	Programme	All	0.58% per annum	0.43%	0.58% of Municipality's payroll budget actually spent on implementing its workplace skills plan, measured by 30 June	N/A	N/A	N/A	0.58%	Report from the financial system	Input

SFA 5 - Good Governance and Compliance															
IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI060	TL85	Financial Services	Financial viability measured in terms of the Municipality's ability to meet its service debt obligations (NKPI Proxy - MSA, Reg. S10(g)(i))	Debt coverage ratio ((Total operating revenue - operating grants received) / (Debt service payments due within the year)) measured by 30 June	Programme	All	15% per annum	43.3%	15%	N/A	N/A	N/A	15%	Annual Financial Statements, supported by figures as per the SAMRAS financial system	Outcome
KPI061	TL86	Financial Services	Financial viability measured in terms of the outstanding service debtors (NKPI Proxy - MSA, Reg. S10(g)(ii))	Service debtors to revenue ratio – (Total outstanding service debtors / revenue received for services) measured by 30 June	Programme	All	27% per annum	20%	27%	N/A	N/A	N/A	27%	Annual Financial Statements, supported by figures as per the SAMRAS financial system	Outcome
KPI062	TL44	Office of the Municipal Manager	Revised Risk-Based Audit Plan (RBAP) submitted to the Audit Committee	Number of Revised RBAPs submitted to the Audit Committee by 30 June	Programme	All	1 per annum	1	1 Revised RBAP submitted to the Audit Committee by 30 June	N/A	N/A	N/A	1	Proof of submission of the RBAP to the Audit Committee	Output
KPI063	TL45	Office of the Municipal Manager	<u>AGSA</u> Audit Action Plan (AAP) submitted to the Audit Committee	Number of <u>AGSA</u> Audit Action Plans submitted to the Audit Committee by 28 February	Programme	All	1 per annum	1	1 <u>AGSA</u> Audit Action Plan submitted to the Audit Committee by 28 February	N/A	N/A	1	N/A	Proof of submission of the <u>AGSA</u> AAP to the Audit Committee	Output
KPI064	TL46	Office of the Municipal Manager	Revised Strategic Risk Register (SRR) submitted to the Risk Management Committee	Number of Revised Strategic Risk Registers submitted to the Risk Management Committee by 30 June	Programme	All	1 per annum	1	1 Revised Strategic Risk Register submitted to the Risk Management Committee by 30 June	N/A	N/A	N/A	1	Proof of submission of the SRR to the Risk Management Committee	Output
KPI065	TL54	Corporate Services	Revised Information and Communication Technology (ICT) Backup Disaster Recovery Plan submitted to the ICT Steering Committee	Number of Revised ICT Backup Disaster Recovery Plans submitted to the ICT Steering Committee by 31 March	Programme	All	1 per annum	1	1 Revised ICT Backup Disaster Recovery Plan submitted to the ICT Steering Committee by 31 March	N/A	N/A	1	N/A	Proof of submission of the Revised ICT Backup Disaster Recovery Plan to the ICT Steering Committee	Output

## SFA 5 - Good Governance and Compliance

IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI066	TL55	Corporate Services	Revised Strategic ICT Plan submitted to the ICT Steering Committee	Number of Revised Strategic ICT Plans submitted to the ICT Steering Committee by 31 March	Programme	All	1 per annum	1	1 Revised Strategic ICT Plan submitted to the ICT Steering Committee by 31 March	N/A	N/A	1	N/A	Proof of submission of the Revised Strategic ICT Plan to the ICT Steering Committee	Output
KPI067	TL47	Office of the Municipal Manager	Draft Integrated Development Plan (IDP) submitted to Council	Number of Draft IDPs submitted to Council by 31 March	Programme	All	1 per annum	1	1 Draft IDP submitted to Council by 31 March	N/A	N/A	1	N/A	Proof of submission of the Draft IDP to Council	Output
KPI070	TL48	Office of the Municipal Manager	IDP / Budget / SDF time schedule (process plan) submitted to Council	Number of IDP / Budget / SDF time schedules (process plan) submitted to Council by 31 August	Programme	All	1 per annum	1	1 IDP / Budget / SDF time schedule (process plan) submitted to Council by 31 August	1	N/A	N/A	N/A	Proof of submission of the IDP / Budget / SDF time schedule (process plan) to Council	Output
KPI071	TL73	Infrastructure Services	Revised Electrical Master Plan submitted to Council	Number of Revised Electrical Master Plans submitted to Council by 30 June	Programme	All	1 per annum	1	1 Revised Electrical Master Plan submitted to Council by 30 June	N/A	N/A	N/A	1	Proof of submission of the Revised Electrical Master Plan to Council	Output
KPI072	TL56	Corporate Services	Submission of a Draft Smart City Framework to the MayCo	Number of Draft Smart City Frameworks submitted to the MayCo by 31 May	Key Initiative	All	1 per annum	New KPI	1 Draft Smart City Framework submitted to the MayCo by 31 December	N/A	N/A	N/A	1	Proof of submission of the Draft Smart City Framework to the MayCo	Output
KPI083	TL57	Corporate Services	Submission of a Cyber-attack Mitigation and Resilience Strategy to the Municipal Manager	Number of a Cyber-attack Mitigation and Resilience Strategies submitted to the Municipal Manager by <del>31 March 20</del> <del>September</del>	Key Initiative	All	1 per annum	New KPI	1 Cyber-attack Mitigation and Resilience Strategy submitted to the Municipal Manager by <del>31 March 20</del> <del>September</del>	<del>N/A</del> <del>1</del>	N/A	<del>1</del> <del>N/A</del>	N/A	Proof of submission of the Cyber-attack Mitigation and Resilience Strategy to the Municipal Manager	Output



## SFA 5 - Good Governance and Compliance

IDP Ref No	TL Ref No	Directorate	Indicator (Activity/ Project/ Programme/ Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2018/19)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2020/21				POE	Delivery Indicator
										Q1	Q2	Q3	Q4		
KPI084	New	Infrastructure Services	<u>Submission of the Revised Comprehensive Integrated Transport Plan (CTIP) to the MayCo</u>	<u>Number of Revised Comprehensive Integrated Transport Plans (CTIPs) submitted to the MayCo by 30 June</u>	<u>Programme</u>		<u>1 per annum</u>	<u>New KPI</u>	<u>1 Revised Comprehensive Integrated Transport Plan (CTIPs) submitted to the MayCo by 30 June</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1</u>	<u>Proof of submission of the CTIP to the MayCo</u>	<u>Output</u>

6.4	MID-YEAR ADJUSTMENTS BUDGET FOR 2020/2021
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***REFER SEPARATE COVER***

6.5	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2020/2021
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***REFER SEPARATE COVER***

6.6	MFMA SECTION 52 REPORTING UP TO DECEMBER 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 January 2021

**1. SUBJECT: MFMA SECTION 52 REPORTING UP TO DECEMBER 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 2 of the 2020/21 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 October 2020 to 31 December 2020.

**5. RECOMMENDATION**

that Council notes the Section 52 Report (including quarterly performance report) for the second quarter.

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

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 of the Municipality for the 2nd quarter of the financial year. The report is indicated under **APPENDIX 1**.

**6.2 Discussion**

This report illustrates the implementation of the budget as well as the non-financial performance of the municipality for quarter 2.

In terms of the Municipal Finance Management Act (MFMA) Section 52(d) "*must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality*".

**6.3 Financial Implications**

None.

**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**

None

**6.8 Comments from Municipal Manager:**

Supported

**ANNEXURE****Appendix 1: Section 52 Report – 2nd Quarter****FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Monique Steyl
<b>POSITION</b>	Senior Manager Financial Management Services
<b>DIRECTORATE</b>	Financial Services
<b>CONTACT NUMBERS</b>	021 – 808 8516
<b>E-MAIL ADDRESS</b>	Monique.Steyl@ Stellenbosch.gov.za
<b>REPORT DATE</b>	January 2021

# APPENDIX 1



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# **QUARTERLY BUDGET MONITORING REPORT**

**2<sup>nd</sup> Quarter 2020/21**



**QUALITY CERTIFICATE**

I, Geraldine Mettler, the Municipal Manager of Stellenbosch Municipality, hereby certify that the quarterly report the period ending December 2020 has been prepared in accordance with Section 52 of the Municipal Finance Management Act and regulations made under the Act and accordingly submit the required quarterly statement on the state of Stellenbosch Municipality's budget reflecting the particulars up until the end of December 2020.

Name: Geraldine Mettler

Municipal Manager of Stellenbosch Municipality- WC024

Signature

A handwritten signature in dark ink, appearing to read 'G. Mettler', is written over a horizontal line.

Date: 15 January 2021

**To Council**

In accordance with Section 52(d) of the Municipal Finance Management Act, I submit the required report on the implementation of the budget and the financial state of affairs of Stellenbosch Municipality reflecting the particulars of the second quarter of the financial year 2020/21.

The submission of this report forms part of my general responsibilities as the Mayor of Stellenbosch Municipality. The purpose of the report serves to inform Council on the financial affairs of Stellenbosch Municipality and to enable Council to fulfil its oversight responsibility in this regard.

.....  
Advocate G M M van Deventer  
Executive Mayor  
Date: 15 January 2021



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## **1. Recommendations**

These recommendations are linked to the responsibilities of the Mayor under Section 52 of the MFMA.

- (a) That the content of the quarterly budget statement and supporting documentation be noted.

## 2. Executive Summary

### 2.1 Introduction

The mayor, who must provide general political guidance over the fiscal and financial affairs of the Municipality, 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 state of affairs of the Municipality, to the Council within 30 days after end of each quarter.

This report is a summary of the main budget issues arising from the monitoring process. It compares the implementation of the budget to the commitments/promises made and contained in the Service Delivery and Budget Implementation Plan (SDBIP), and is intended to inform and enable the Council with a view of giving effect to Council's oversight responsibility.

### 2.2 Summary of 2020/21 budget progress / implementation

The following table summarises the overall position of the capital and operating budgets.

<b>Detail</b>	<b>Capital Expenditure</b>	<b>Operating Expenditure</b>	<b>Operating Revenue</b> (excluding capital transfers and contributions)
Original Budget	375 750 311	1 887 461 915	1 899 730 875
Adjustment Budget	483 710 959	1 907 155 005	1 919 442 629
Plan to Date (SDBIP)	246 368 379	952 468 867	959 721 300
<b>Actual</b>	<b>147 011 293</b>	<b>659 915 155</b>	<b>886 116 085</b>
Variance to SDBIP	-99 357 086	-292 553 711	-73 605 215
Year to date % Variance to SDBIP	<b>-40.33%</b>	<b>-30.72%</b>	<b>-7.67%</b>

The above figures are explained in more detail throughout this report.

### 3. Operating Revenue

The following table shows the actual operating revenue per National Treasury Reporting regulations against that planned in the SDBIP for the 2<sup>nd</sup> Quarter of 2020/21:

#### Operating Revenue by Source

Description	ORIGINAL BUDGET	ADJUSTMENT BUDGET
<b>Revenue by Source</b>		
Property rates	392 239 042	392 239 042
Service charges - electricity revenue	707 441 166	707 441 162
Service charges - water revenue	168 720 115	168 720 115
Service charges - sanitation revenue	118 311 571	118 311 571
Service charges - refuse revenue	78 304 939	78 304 939
Service charges - other	-	-
Rental of facilities and equipment	16 292 168	16 292 168
Interest earned - external investments	37 870 453	37 870 453
Interest earned - outstanding debtors	13 281 347	13 281 347
Fines	140 880 961	140 880 961
Licences and permits	5 502 903	5 502 903
Agency services	2 930 946	2 930 946
Transfers recognised - operational	178 547 000	198 258 760
Other revenue	39 408 264	39 408 262
Gains on disposal of PPE	-	-
<b>Total Revenue (excluding capital transfers and contributions)</b>	<b>1 899 730 875</b>	<b>1 919 442 629</b>

QUARTER 2 2020/21		
PLANNED	ACTUAL	VAR
98 059 761	80 388 751	-18%
176 860 287	116 484 861	-34%
42 180 033	27 814 667	-34%
29 577 891	20 505 761	-31%
19 576 236	15 771 805	-19%
-	-	-
4 073 037	2 227 388	-45%
9 467 616	3 878 578	-59%
3 320 340	2 971 734	-10%
35 220 243	38 432 183	9%
1 375 728	2 322 356	69%
732 738	1 236 581	69%
49 285 599	73 631 179	49%
9 852 072	7 121 556	-28%
-	-	-
<b>479 581 581</b>	<b>392 787 399</b>	<b>-18%</b>

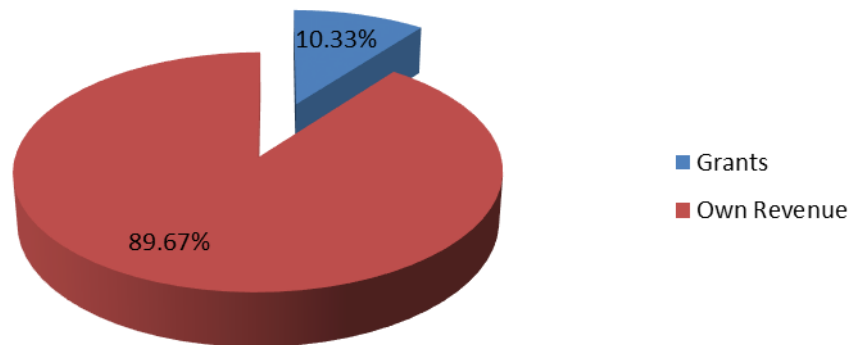
QUARTER 2 2019/20		
PLANNED	ACTUAL	VAR
66 250 044	72 855 330	100%
120 152 229	143 088 784	19%
58 773 340	39 320 948	-33%
30 385 707	18 414 115	100%
16 613 919	12 296 332	100%
-	-	-100%
2 615 184	2 100 319	-20%
11 398 729	8 300 133	-27%
2 688 250	3 343 721	24%
6 766 191	7 174 930	6%
1 138 418	1 449 402	100%
912 481	819 652	-10%
56 015 157	48 810 617	-13%
5 897 782	5 554 487	-6%
-	-	100%
<b>379 607 432</b>	<b>363 528 770</b>	<b>-4%</b>

**NB: - The “year to date actual for property rates income” refers to the total billed for the year and not actual receipts.**

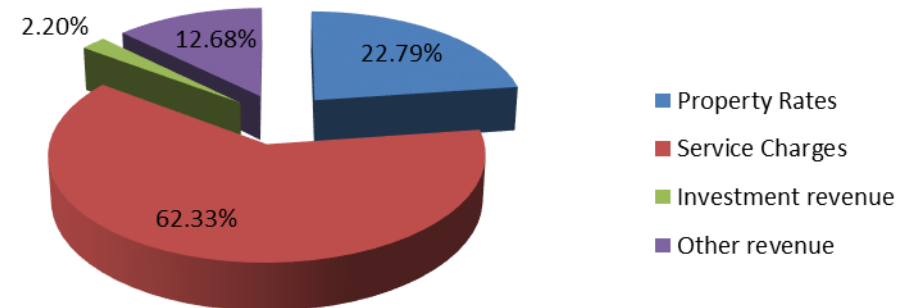
Stellenbosch municipality is not dependant on grant funding to fund the operating budget as is evident in the graph below.

Own revenue consists mainly of service charges at 62.33 per cent of the R1 919 442 629 billion revenue budget.

**Funding of the 2020/21 operating budget**



**Composition of other revenue**



## **Operating Revenue Variance Report**

The variances between actual operating revenue and the planned operating revenue contained in the SDBIP are explained per revenue source and are as follow:

### **Revenue by Source**

#### **1.1 Service charges - water revenue**

The municipality has billed R24 846 872 less water charges than initially anticipated. This decline in billings is a result of the decrease in consumption. The categories reflecting the largest underperformance pertains to industrial water (R9 738 131) and the sale of conventional water (R13 287 058). An increase is anticipated over the summer months however it is envisaged that the municipality will not reach its adjusted budget of R168 720 115 if the current trend continues. The billings reflect a decline of R12 900 664 in comparison with the same period last year. It is evident that this service charge has been adversely affected by the COVID-19 lockdown regulations and its concomitant impact on the economy. The budget will be reduced with R30 000 000 during the Mid-year adjustment budget process.

#### **3.2 Service charges - electricity revenue**

The municipality has billed R65 388 139 less electricity charges than initially anticipated. The largest under performance relates to the prepaid electricity usage (R17 486 291), Industrial consumption (R14 732 201), low usage during peak times reflected for the time of use tariffs (R24 905 932) and the Commercial users (R6 047 403). The billings reflect a decline of R28 638 538 in comparison with the same period last year. It is evident that this service charge has been adversely affected by the COVID-19 lockdown regulations and its concomitant impact on the economy. The budget will be reduced with R43 000 000 during the Mid-year adjustment budget process.

#### **3.3 Service charges - sanitation revenue**

The municipality has billed R12 341 644 less sanitation charges than initially anticipated. The largest under performance has been noted for the industrial waste water at R11 161 565. When taking into account the average monthly utilisation of the service, the risk exist that the municipality will only realise 79 per cent or R93 638 277 of its adjusted budget amount. This service charge has been adversely affected by the COVID-19 lockdown regulations and its concomitant impact on the economy. The budget will be reduced with R10 000 000 during the Mid-year adjustment budget process.

#### **3.4 Rental on facilities and equipment**

An under performance was noted for rental on facilities and equipment to the amount of R3 511 884. The variance is mainly due to the housing rental units. The user department indicated that the occupants of the municipal rental units have been subject to affordability testing since October 2019 which resulted in a decline in

rentals. The budget will be reduced with R5 700 000 during the Mid-year adjustment budget process.

### **3.5 Interest earned – external investments**

An under performance was noted for interest earned – external investments to the amount of R8 091 119. The variance is mainly due to the COVID- 19 pandemic which resulted in the prime interest rate being reduced. This reduction has resulted in a significant decrease in our call accounts and primary bank account interest rates. Furthermore, we have received lower rates on offer from investing institutions than the previous financial year. The interest on the investment journal to the amount of R1 245 179 will be processed during January 2021, which will result in an improvement for the next reporting period. The budget will be reduced with R15 000 000 during the Mid-year adjustment budget process.

### **3.6 Interest earned - outstanding debtors**

An underperformance was noted for the interest levied on outstanding debtors to the amount of R1 861 811. Interest on overdue accounts are charged at the South African Reserve Banks prime rate plus one percent and levied on accounts outstanding after the relevant due dates thereof. The decrease in the prime interest rate has a direct correlation to the underperformance. It is advisable that the budget be reduced during the Mid-year adjustment budget process.

### **3.7 Fines, penalties and forfeits**

An underperformance was noted to the amount of R31 449 103. The recognition of traffic fines in terms of iGRAP 1 will be done on a monthly basis, including journals that need to be processed on the financial system. The budget will however be reduced with R10 000 000 during the Mid-year Adjustment budget process.

### **3.8 Other revenue**

An under performance is noted for other revenue to the amount of R8 186 828. The underperformance can mainly be attributed to no revenue being recognised in respect of parking fees. This is due to the fact that no parking marshals operated during levels 5-2 of the COVID-19 lockdown regulations. The budget will be reduced with R7 500 000 during the Mid-year adjustment budget process.

## 4. Operating Expenditure

The following table illustrates the actual operating expenditure for each Directorate against planned expenditure in the SDBIP for the 2<sup>nd</sup> Quarter of 2020/21.

### Operating Expenditure (Per Directorate):

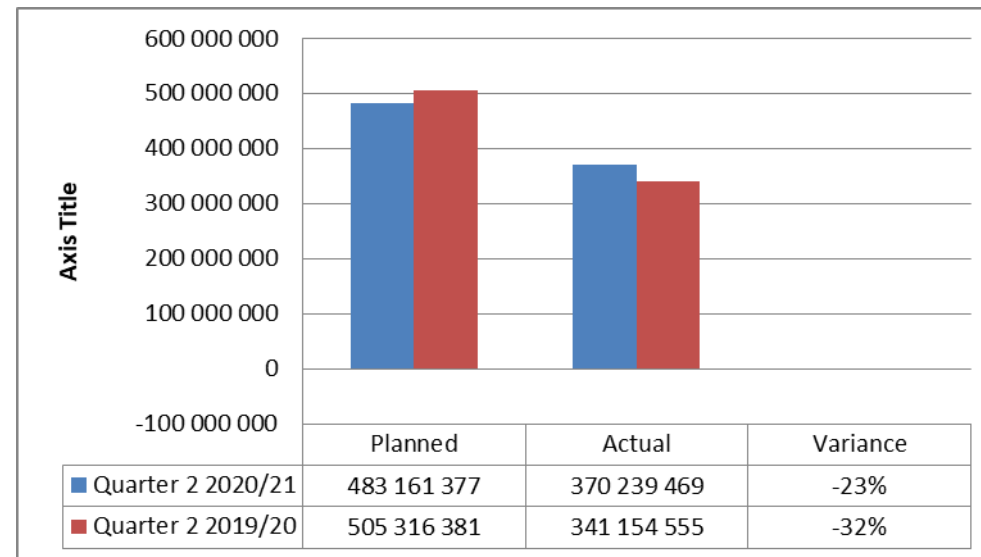
DIRECTORATE	ORIGINAL BUDGET	AMENDED BUDGET
Municipal Manager	47 883 653	47 883 653
Planning & Development	105 524 846	107 793 987
Community and Protection Services	359 246 177	355 836 322
Infrastructure Services	1 082 794 555	1 103 622 771
Corporate Services	181 428 720	181 434 472
Financial Services	110 583 964	110 583 800
<b>TOTALS</b>	<b>1 887 461 915</b>	<b>1 907 155 005</b>

QUARTER 2 2020/21	
PLANNED	ACTUALS
11 970 938	7 839 576
28 254 207	19 239 341
86 929 277	72 667 575
283 140 367	211 022 187
45 351 557	35 761 233
27 515 031	23 709 556
<b>483 161 377</b>	<b>370 239 469</b>

QUARTER 2 2019/20	
PLANNED	ACTUALS
14 187 334	11 005 826
26 915 395	15 101 980
6 344 929	61 901 924
370 493 228	196 356 119
51 691 959	32 520 741
35 683 536	24 267 965
<b>505 316 381</b>	<b>341 154 555</b>

During the second quarter of the financial year the directorates spent R112 921 908, 23% less than the planned expenditure. At the same period last year the directorate spent R164 161 826, 32% less than the planned expenditure.





The year on year comparison for the second quarter is 77% actual spending rate of the planned operating budget for the financial year 2020/21, compared to a 68% actual spending rate for the same period in the previous financial year.

## **Operating Expenditure Variance Report**

The variances between actual operating expenditure and planned operating expenditure contained in the SDBIP are explained per item and are as follows:

### **4.1 Municipal Manager**

The Municipal Manager directorate planned to spend R23 941 877 of the adjusted budget. The year to date actual expenditure incurred amounted to R12 922 170 which resulted in an underspending of R11 019 707. The items that attributed to the underspending are as follows:

#### **4.1.1 Operational Cost: External Audit Fees**

The user department planned to spend R3 562 134 of the adjusted budget. The year to date actual expenditure incurred amounted to R1 550 773. The Minister of Finance has issued Government Gazette number 851 which exempts municipalities in terms of S177 (1) (b) of the MFMA. The exemption relates to the adhering to the deadlines for the submission of the Annual Financial Statements, Annual reports and Oversight reports. Due to the municipality opting to take the exemption of 31 October 2020 the spending has been deferred.

### **4.2 Planning and Development Services**

The Planning and Development Services directorate planned to spend R54 635 598 of the adjusted budget. The year- to date actual expenditure incurred amounted to R40 048 084 which resulted in an underspending of R14 587 514. The items that attributed to the underspending are as follows:

#### **4.2.1 Outsourced Services: Professional Staff**

The user department planned to spend R337 500 of the adjusted budget. No spending has been incurred to date. The user department indicated that formal quotations to the amount of R500 000 is in progress.

#### **4.2.2 Operating Leases: Furniture and Office Equipment**

The user department planned to spend R582 864 of the adjusted budget. The year to date actual expenditure incurred amounted to R226 512. Orders to the amount of R862 753 have been loaded on the financial system. A request has been submitted to the ICT Steering Committee for a lease agreement. Specifications was submitted to the Senior Manager: ICT and the matter served at the ICT Steering committee meeting held on 2 December 2020.

#### **4.2.3 Business and Advisory: Project Management**

The user department planned to spend R261 670 of the adjusted budget. No spending has been incurred to date. The budget was intended to be used for the service level agreement in respect of the Housing Demand Data Software and Application. The deviation was however referred back by the Bid Adjudication Committee to the ICT Steering committee. Specifications for a formal quotation in respect of the appointment of a service provider to ascertain rental prices for public rental flats (based on a similar premises as that of Social Housing) are being developed.

#### **4.2.4 Contractors: Management of Informal Settlements**

The user department planned to spend R954 000 of the adjusted budget. The year to date actual expenditure incurred amounted to R230 634. The service provider for the backyarder survey could not submit an invoice as yet due to the lockdown restrictions that did not allow for the contact or door-to-door surveys. The wendy houses that must be constructed are procured on a needs basis.

#### **4.2.5 Operational Cost: Supplier Development Programme**

The user department planned to spend R499 998 of the adjusted budget. No spending has been incurred to date. A budget saving of R264 375 is anticipated. A proposal for improvements to the job seekers database will be submitted. Orders to the amount of R735 625 have been loaded on the financial system.

### **4.3 Community and Protection Services**

The Community and Protection Services directorate planned to spend R176 781 134 of the adjusted budget. The year to date actual expenditure incurred amounted to R123 456 690 which resulted in an underspending of R53 324 444. The items that attributed to the under spending are as follows:

#### **4.3.1 Contractors: Maintenance of buildings and facilities: Cemetery: Stellenbosch**

The user department planned to spend R504 324 of the adjusted budget. The year to date actual expenditure incurred amounted to R45 801. Orders to the amount of R208 076 have been loaded on the financial system. The user department indicated that the contractors will only be able to commence work in January 2021.

#### **4.3.2 Operational Cost: Uniform and Protective Clothing (Fire Services)**

The user department planned to spend R490 002 of the adjusted budget. The year to date actual expenditure incurred amounted to R25 435. The user department indicated that an order to the amount of R158 696 have been loaded on the financial system.

#### **4.3.3 Outsourced Services: Traffic Fines Management**

The user department planned to spend R4 430 808 of the adjusted budget. The year to date actual expenditure incurred amounted to R3 478 575. The user department indicated that due to the COVID-19 lockdown regulations the enforcement of speed control was minimised. Drivers adjusted their driving speed due to the visibility of law enforcement officials. This resulted in less speed fines being issued which a domino effect on the expenditure incurred to date.

#### **4.3.4 Outsourced Services: Drivers Licence Cards**

The user department planned to spend R 728 634 of the adjusted budget. The year to date actual expenditure incurred amounted to R184 443. The user department indicated that the decline in expenditure can be attributed to the COVID-19 lockdown regulations.

#### **4.3.5 Inventory consumed: Materials and Suppliers (Disaster Management)**

The user department planned to spend R1 300 002 of the adjusted budget. The year to date actual expenditure incurred amounted to R602 366.14. The user department indicated that the utilisation of the materials and supplies are dependent on the occurrence of fire disasters. An increase is anticipated during the summer months. Orders to the value of R574 404 has been loaded on the financial system.

#### **4.3.6 Contractors: Forestry (Commonage and plantations)**

The user department planned to spend R900 000 of the adjusted budget. No spending has been incurred to date. The user department indicated that the funds have been allocated for the pruning and felling of trees as well as the clearing of alien vegetation. The tree pruning and felling tender is in place and the alien clearing tender is awaiting a date to serve before the Bid Evaluation Committee.

#### **4.4 Infrastructure Services**

The Infrastructure Services directorate planned to spend R551 240 308 of the adjusted budget. The year to date actual expenditure incurred amounted to R374 315 221 which resulted in an underspending of R176 925 096. The items that attributed to the under spending are as follows:

##### **4.4.1 Electricity: ESKOM**

The user department planned to spend R227 626 890 of the adjusted budget. The year to date actual expenditure incurred amounted to R194 284 300. The user department indicated that the demand for electricity will increase during the winter months. A decline in consumption has been noted as indicated in point 3.2 on page 12 of this report which directly impacts the expenditure incurred on bulk purchases. This decline is largely due to the impact of COVID-19 on the local economy.

##### **4.4.2 Operational Cost: Indigent Relief**

The user department planned to spend R10 413 996 of the adjusted budget. The year to date actual expenditure incurred amounted to R1 355 047. The spending relates to the solar electricity provision and Eskom indigent relief customers. The user department indicated that an increase in expenditure will be noted during the ensuing months.

##### **4.4.3 Contractors: Prepaid Electricity Vendors**

The user department planned to spend R4 884 672 of the adjusted budget. The year to date actual expenditure incurred amounted to R2 556 663. Orders amounting to R4 399 606 have been loaded on the financial system.

##### **4.4.4 Outsourced Services: Refuse Removal (Landfill site)**

The user department planned to spend R7 200 000 of the adjusted budget. The year to date actual expenditure incurred amounted to R3 658 603. Orders to the amount of R9 621 409 have been loaded on the financial system. Invoices to the amount of R230 920 have been submitted for payment.

##### **4.4.5 Contractors: Maintenance of Unspecified Assets (Sewerage Purification Stellenbosch)**

The user department planned to spend R4 167 228 of the adjusted budget. The year to date actual expenditure incurred amounted to R41 073. Orders to the amount of R8 080 184 have been loaded on the financial system.

##### **4.4.6 Bulk Purchases: Water**

The user department planned to spend R12 499 998 of the adjusted budget. The year to date actual expenditure incurred amounted to R8 744 200. The user department indicated that the reduction in expenditure is directly related to the decline in consumption as stated in point 3.1 on page 12.

## **4.5 Corporate Services**

The Corporate Services directorate planned to spend R90 708 956 of the adjusted budget. The year to date actual expenditure incurred amounted to R66 101 293 which resulted in an underspending of R24 607 663. The items that attributed to the under spending are as follows:

### **4.5.1 Seminars, Conferences, Workshops and Events: National**

The user department planned to spend R2 342 718 of the adjusted budget. The year to date actual expenditure incurred amounted to R1 424 690. The user department indicated that due to the COVID-19 lockdown regulations the conferences could not be attended. Plans are however in place to be rolled out for the 2021 calendar year. Orders to the amount of R784 388 have been loaded on the financial system.

### **4.5.2 Operational Cost: Bargaining Council**

The user department planned to spend R 2 194 500 of the adjusted budget. No spending has been incurred to date. The user department indicated that it is an annual payment which is done during the last quarter of the financial year. The year-to-date budget projections will be amended during the Mid-year adjustment budget process.

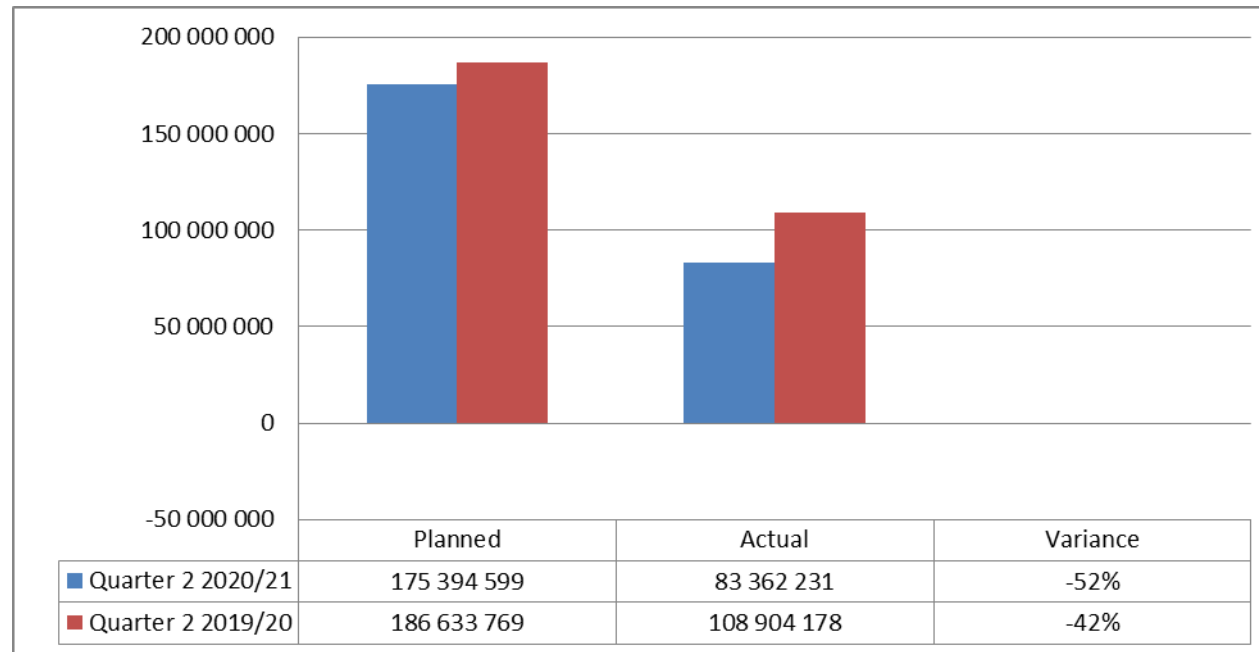
## 5. Capital Expenditure

The following table illustrates the actual capital expenditure per directorate against the planned in the SDBIP for the 2<sup>nd</sup> Quarter of 2020/21.

DIRECTOR	ORIGINAL BUDGET	AMENDED BUDGET
Municipal Manager	40 000	40 000
Planning & Development	12 310 800	16 367 078
Community and Protection Services	27 640 000	48 316 949
Infrastructure Services	317 259 511	344 670 420
Strategic & Corporate Services	17 650 000	73 466 511
Financial Services	850 000	850 000
<b>TOTALS</b>	<b>375 750 311</b>	<b>483 710 959</b>

QUARTER 2 2020/21		
PLANNED	ACTUAL EXPENDITURE	VAR %
9 500	7 496	-21%
6 251 573	436 217	-93%
15 499 543	7 315 112	-53%
100 104 857	67 419 833	-33%
53 079 126	8 076 794	-85%
450 000	106 780	-76%
<b>175 394 599</b>	<b>83 362 231</b>	<b>-52%</b>

QUARTER 2 2019/20		
PLANNED	ACTUAL EXPENDITURE	VAR %
7 500	3 485	100%
4 011 702	3 209 452	-20%
22 100 138	2 710 752	-88%
108 347 583	93 458 457	-14%
52 156 846	9 520 495	-82%
10 000	1 536	-85%
<b>186 633 769</b>	<b>108 904 178</b>	<b>-42%</b>



The year on year comparison for the end of the second quarter is [147 011 293/ R483 710 959] 30% of the total capital budget of R483 710 959 for the 2019/20 financial year compared to a 202 978 608/ R613 274 958] 33% spending rate for the same period in the previous financial year measured against a budget of R483 710 959.



## **Capital Expenditure Variance Report**

The variances between actual capital expenditure and the planned capital expenditure contained in the SDBIP are explained per directorate and are as follows:

### **5.1 Planning and Development Services**

The Directorate planned to spend R8 283 114 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R752 338. This resulted in an underperformance of R7 530 776. The projects that attributed to the underperformance are as follows:

#### **5.1.1 Local Economic Development Hub Jamestown**

The user department planned to spend R230 000 of the adjusted budget. No spending has been incurred to date. The department indicated that the funds will be transferred to the Establishment of Informal Trading Markets: Kayamandi. The Jamestown LED Hub Project must be aligned with Jamestown Phase 1 and 2 Housing Projects, which will realistically only commence during the 2022/2023 financial year.

#### **5.1.2 Establishment of Informal trading markets: Cloetesville**

The user department planned to spend R332 826 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R69 207. Orders to the amount of R369 903 have been loaded on the financial system. The user department indicated that the project will be completed by 31 March 2021. All funds will be spent.

#### **5.1.3 Establishment of Informal trading markets: Groendal**

The user department planned to spend R909 874 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R306 223. Orders to the amount of R774 199 have been loaded on the financial system. The user department indicated that the construction work has been completed. The funds will be paid once confirmation of completion has been obtained from the implementing agent.

#### **5.1.4 Establishment of Informal Trading Sites: Kayamandi**

The user department planned to spend R294 000 of the adjusted budget. No spending has been incurred to date. The department indicated that co-funding has been received to the amount of R2 600 000 and will be brought in during the Mid-year Adjustment budget process. Reduced

scope of works have been obtained and has been submitted to the Bid Specifications Committee on 10 December 2020. Four (4) months construction is anticipated to be completed by 31 May 2021.

#### **5.1.5 Establishment of Informal trading markets: Klapmuts**

The user department planned to spend R324 614 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R132 913. Orders to the amount of R132 376 have been loaded on the financial system. The user department indicated that the project has been completed and the funds will be paid by middle January 2021.

#### **5.1.6 Langrug Planning**

The user department planned to spend R500 000 of the adjusted budget. No spending has been incurred to date. The department indicated that a revised funding allocation letter has been received from the Department of Human Settlements. The funding will be utilised by the appointed Non-Government Organisation and can be removed from the municipal budget during the Mid-year Adjustment budget process

#### **5.1.7 Kayamandi Town Centre: Planning (+/- 700 units)**

The user department planned to spend R500 000 of the adjusted budget. No spending has been incurred to date. The department indicated that a service provider has been appointed. Funds cannot be paid until the Project feasibility report is approved by the Department of Human Settlements.

#### **5.1.8 Northern Extention: Feasibility**

The user department planned to spend R1 000 000 of the adjusted budget. No spending has been incurred to date. The department indicated that a service provider was appointed by the Bid Adjudication Committee but due to a contractual dispute the contract was cancelled during October 2020. In light of the cancellation of the previous tender and the Supply Chain Management procurement process associated with the new tender, it is therefore requested to reduce the current budgeted funding by R1 500 000 during the adjustment budget process. The user department further requests that this amount of R1 500 000 be rolled over to the 2021/22 financial year.

### **5.1.9 La Motte Old Forest Station (±430 services & ±430 units)**

The user department planned to spend R600 000 of the adjusted budget. No spending has been incurred to date. The department indicated that they are liaising with the Department of Human Settlements to assist with the transfer of land. In light of the uncertainty of the transfer of land, the request is that funding be removed from the 2020/21 grant Business Plan. Furthermore, that the amount be roll over funding to the 2022/23 financial year.

### **5.1.10 Enkanini Planning**

The user department planned to spend R2 100 000 of the adjusted budget. No spending has been incurred to date. The department indicated that a revised funding allocation letter has been received from the Department of Human Settlements. The funding will be utilised by the appointed Non-Government Organisation and can be removed from the municipal budget during the Mid-year Adjustment budget process.

## **5.2 Community and Protection Services**

The Directorate planned to spend R19 804 960 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R9 441 830. This resulted in an under spending of R10 363 130. The projects that attributed to the under spending are as follows:

### **5.2.1 Major Fire Pumper**

The user department planned to spend R1 400 000 of the adjusted budget. The user department indicated that the vehicle will be delivered during February 2021.

### **5.2.2 Upgrading of Stellenbosch Fire Station**

The user department planned to spend R1 200 000 of the adjusted budget. No spending has been incurred to date. The user department indicated that construction will commence during January 2021. The user department requested the budget to be increased by R1 000 000 during the Mid-year adjustment budget process.

### **5.2.3 Install and Upgrade CCTV/ LPR Cameras in WC024**

The user department planned to spend R1 600 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R511 179. The user department indicated that orders amounting to R1 132 388

have been loaded on the financial system. An improvement will be noted for the next reporting period.

#### **5.2.4 Law Enforcement: Vehicle Fleet**

The user department planned to spend R1 200 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R186 853. Orders to the amount of R741 212 have been loaded on the financial system.

#### **5.2.5 Urban Forestry: Vehicle Fleet**

The user department planned to spend R1 400 000 of the adjusted budget. No spending has been incurred to date. The user department indicated that delivery of one (1) vehicle has taken place and payment will reflect during the next reporting period. They are currently awaiting the delivery of two (2) vehicles. The user department requested the budget to be increased by R2 000 000 during the Mid-year adjustment budget process. The funds will be utilised to purchase a truck for the Environmental Implementation section as well as two (2) vehicles.

#### **5.2.6 Replacement of Patrol Vehicles**

The user department planned to spend R1 200 000 of the adjusted budget. No spending has been incurred to date. The user department indicated that the Bid Evaluation Committee is scheduled for 8 December 2020 and the Bid Adjudication Committee is scheduled for 11 December 2020.

### **5.3 Infrastructure Services**

The Directorate planned to spend an amount of R155 512 362 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R74 664 760. This resulted in an under spending of R80 847 602. The projects that attributed to the under spending are as follows:

#### **5.3.1 General System Improvements - Franschhoek**

The user department planned to spend R2 000 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R533 571. Orders to the amount of R533 901 have been loaded on the financial system.

### **5.3.2 General System Improvements - Stellenbosch**

The user department planned to spend R4 496 732 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R2 508 722. Orders to the amount of R352 428 have been loaded on the financial system. Invoices to the amount of R878 256 have been submitted for payment.

### **5.3.3 Integrated National Electrification Programme (Enkanini)**

The user department planned to spend R7 350 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R377 394. The user department indicated that a tender is currently in the process of being awarded.

### **5.3.4 Basic Improvements: Langrug**

The user department planned to spend R1 103 447 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R215 848. The user department indicated that the line item has three (3) projects linked to it as follows;

- Design and construction of emergency road and construction of underground services: The project is at the design development stage. The consultant submitted civil designs for approval on 9 October 2020. The project is currently running behind schedule due to delays with the inputs received.
- Geotechnical study and civil designs on Erf 3229: The project is at the design development stage. The user department has split the procurement process of the project into two phases to expedite expenditure of funds allocated to the project this financial year. The split is as follows;
  - Site rehabilitation of Erf 3229: The tender documents have been completed during December 2020.
  - Procurement of the civil component of the project will be followed once a favourable outcome is received.
- Obtaining of Land Use Rights and Environmental Authorisation on Erf 3229: The land use application has been submitted to the planning department. The environmental checklist report was submitted to the Department of Environment Affairs and Development Planning.

### **5.3.5 Smartie Town**

The user department planned to spend R1 578 533 of the adjusted budget. No spending has been incurred to date. The user department indicated that a contractor has commenced with the external ratification works. No order has been created due to the fact that the contractor failed to provide the practical completion certificates. 66 of the 106 houses have been completed. The contractor is currently in the process of procuring two (2) mobile homes to be utilised for the decanting of residents. The internal portion of the scope of works will commence in January 2021.

### **5.3.6 Upgrading of The Steps/Orlean Lounge**

The user department planned to spend R3 500 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R1 663 639. The user department indicated that 12 units have been completed and handed over. Order to the amount of R5 292 882 have been loaded on the financial system.

### **5.3.7 Watergang Farm Upgrading**

The user department planned to spend R1 900 000 of the adjusted budget. No spending has been incurred to date. The user department indicated that tender number B/SM 18/21 for the appointment of a contractor closed on 9 November 2020. The consulting engineer is finalising the technical report for submission to the Bid Evaluation Committee meeting. Expenditure is anticipated to reflect during February 2021 when the contractor has established on site.

### **5.3.8 Bulk Sewer Outfall: Jamestown**

The user department planned to spend R17 235 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R5 227 062. Orders amounting to R25 258 747 have been loaded on the financial system.

### **5.3.9 Franschoek Sewer Network Upgrade**

The user department planned to spend R2 500 000 of the adjusted budget. No spending has been incurred to date. The user department has indicated that a consultant has been appointed and work will commence in January 2021.

### **5.3.10 Sewerpipe Replacement: Dorp Street**

The user department planned to spend R5 500 000 of the adjusted budget. No spending has been incurred to date. The user department indicated the tender process has been put on hold due to insufficient funding.

#### **5.3.11 Upgrade of WWTW Wemmershoek**

The user department planned to spend R3 800 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R461 806. The user department indicated that invoices to the amount of R117 161 have been submitted for payment. Orders to the amount of R1 076 153 have been loaded on the financial system.

#### **5.3.12 Upgrade of WWTW: Pniel & Decommissioning of Franschhoek**

The user department planned to spend R21 284 518 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R15 509 848. The user department indicated that invoices to the amount of R851 492 have been submitted for payment. Orders amounting to R21 609 342 have been loaded on the financial system. The user department requested the budget to be increased by R36 000 000 during the Mid-year adjustment budget process.

#### **5.3.13 Bulk water supply Klapmuts**

The user department planned to spend R5 063 721 of the adjusted budget. No spending has been incurred to date. The user department indicated that the contractor has been appointed and will commence work during January 2021.

#### **5.3.14 Bulk water supply pipe and Reservoir: Kayamandi**

The user department planned to spend R8 800 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R15 509 848. The user department indicated that improvement in expenditure will be noted during the ensuing months.

#### **5.3.15 Main road intersection improvements: R44/Helshoogte**

The user department planned to spend R1 850 000 of the adjusted budget. No spending has been incurred to date. The user department indicated that the contractor is in the process of being appointed.

**5.3.16 Taxi Rank: Franschhoek**

The user department planned to spend R3 407 961 of the adjusted budget. No spending has been incurred to date. The user department indicated that consultants and contractors have been appointed. Construction will be accelerated.

**5.3.17 Taxi Rank: Kayamandi**

The user department planned to spend R5 510 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R315 319. The user department indicated that consultants and contractors have been appointed. Construction will be accelerated.

**5.3.18 Taxi Rank: Klapmuts**

The user department planned to spend R2 362 310 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R20 995. The user department indicated that consultants and contractors have been appointed. Construction will be accelerated.

**5.4 Corporate Services**

The Directorate planned to spend an amount of R62 308 443 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R58 191 231. This resulted in an under spending of R4 117 212. The projects that attributed to the under spending are as follows:

**5.4.1 Upgrade and Expansion of IT Infrastructure Platforms**

The user department planned to spend R4 000 000 of the adjusted budget. The year-to-date actual expenditure incurred amounted to R2 269 353. The user department indicated that R1 100 000 will be utilised for the procurement of hardware. Orders to the amount of R944 942 have been loaded on the financial system.

**5.4.2 Upgrading of Stellenbosch Town Hall**

The user department planned to spend R2 650 000 of the adjusted budget. No spending has been incurred to date. Orders to the amount of R2 848 786 have been loaded on the financial system. The user department requested the budget to be decreased by R273 894 during the Mid-year adjustment budget process due to savings on the project.



## 6. Investments and Borrowings

### 6.1 Investments

ACC. NR	BANK	Type/ Period	INTEREST RATE	MATURITY DATE	OPENING BALANCE AS AT 1 JULY 2020	Quarter 2		TOTAL INVESTMENTS/ WITHDRAWALS	INTEREST CAPITALISED FOR THE MONTH UNDER REVIEW	INTEREST ACCRUED YTD	CLOSING BALANCE YTD
						INVEST	WITHDRAW				
'9354572592 '2079161942 9360655689	<b>ABSA BANK</b>										
	A#2592	CALL	6.700%	CALL	20 978 743.64	-	- 21 255 268.40	(21 255 268.40)		276 524.75	(0.01)
	A#942	FIXED / 6 Mths	6.690%	12-Oct-20	101 411 315.07	-	- 103 299 178.08	(103 299 178.08)		1 887 863.01	0.00
	A#689	CALL	4.600%			201 000 000.00	- 50 000 000.00	151 000 000.00	723 019.64	1 882 076.20	152 882 076.20
					122 390 058.71	201 000 000.00	- 174 554 446.48	26 445 553.52	723 019.64	4 046 463.97	152 882 076.20
74877638964	<b>FNB</b>										
	F#8964	FIXED / 5 Mths	4.240%	27-Aug-19							
				28-Aug-19		145 000 000.00	-	145 000 000.00	522 158.90	589 534.25	145 589 534.25
				30-Aug-19		145 000 000.00	-	145 000 000.00	522 158.90	589 534.25	145 589 534.25
037881123974/...008 03/7881123974/...019	<b>NEDBANK</b>										
	N#008	CALL	3.750%	CALL	46 299 984.67	-	-	(46 342 726.03)	-	42 741.37	0.01
	N#019	FIXED / 8 MTHS	7.650%	27-Oct-20	123 143 835.62	-	- 126 111 616.44	(126 111 616.44)		2 967 780.82	(0.00)
					169 443 820.28	-	(126 111 616.44)	(172 454 342.47)	-	3 010 522.19	0.01
258489367-025 258489367-030	<b>STANDARD BANK</b>										
	S#025	CALL ACCOUNT	6.750%	CALL ACCOUNT	21 958 157.17	-	- 22 200 686.72	(22 200 686.72)		242 529.65	0.10
	S#030	FIXED 9 MNTHS	7.600%	27-Nov-20	82 082 191.78	-	- 84 497 534.25	(84 497 534.25)	-	2 415 342.47	(0.00)
					104 040 348.95	-	(106 698 220.97)	(106 698 220.97)	-	2 657 872.11	0.10
INVESTMENT TOTAL						395 874 227.94	346 000 000.00	(407 364 283.89)	1 245 178.55	10 304 392.52	298 471 610.55

## 6.2 Borrowings

Lending Institution	Balance 1/12/2020	Received December 2020	Interest Capitalised December 2020	Capital Repayments December 2020	Balance 31/12/2020	Percentage	Sinking Funds
							(R'000)
DBSA @ 9.25%	1 846 984	-	-	1 846 984	(0)	9.25%	
DBSA@ 11.1%	15 969 032	-	-	1 231 065	14 737 966	11.10%	
DBSA@ 10.25%	46 230 654	-	-	2 865 806	43 364 848	10.25%	
DBSA @ 9.74%	78 807 272	-	-	2 586 430	76 220 842	9.74%	
NEBANK @ 9.70%	150 076 499	-	-	5 353 607	144 722 892	9.70%	
	292 930 440	-	-	13 883 892	279 046 548		

## 7. Allocations and grant receipts and expenditure for the 2<sup>nd</sup> Quarter of 2020/21

OPERATING & CAPITAL GRANTS	TOTAL 2020/21	EXPECTED ALLOCATION	OPENING BALANCE 1 JULY 2020	ACCUMULATED RECEIPTS	ACCUMULATED ACTUAL EXPENDITURE	QUARTER 2 RECEIPTS	QUARTER 2 ACTUAL EXPENDITURE	UNSPENT CONDITIONAL GRANTS - 31 DECEMBER 2020
EPWP Integrated Grant for Municipalities	4 961 000	4 961 000		3 564 000	1 471 110	2 323 000	899 180	2 092 890
Local Government Financial Management Grant	1 550 000	1 550 000		1 550 000	439 829	-	277 924	1 110 171
Integrated National Electrification Programme (Municipal) Grant	12 000 000	12 000 000		12 000 000	377 394	7 000 000	377 014	11 622 606
Integrated Urban Development Grant	47 490 000	47 490 000		24 995 000	15 590 089	7 970 000	14 694 579	9 404 911
LGSETA Funding	-	-		4 000		4 000	-	4 000
DBSA Grant	-	-				-	-	-
Community Development Workers Operational Support Grant	93 752	56 000	37 752	-	9 245	-	9 245	28 507
Library Services: Conditional Grant	9 650 000	9 650 000		9 650 000	3 971 332	4 825 000	2 249 199	5 678 668
Human Settlements Development Grant	29 715 416	29 550 000	165 416	14 046 604	12 647 161	14 046 604	6 372 419	(17 884 273)
Title Deeds Restoration Grant	1 839 711		1 839 711			-	-	1 839 711
Municipal Accreditation and Capacity Building Grant	238 000	238 000		-	-	-	-	-
WC Financial Management Support Grant	-					-	-	-
Financial Management Capacity Building Grant	760 097	400 000	360 097	-	-	-	-	360 097
LG Graduate Internship Grant	73 655		73 655		41 667	-	41 667	31 988
Maintenance and Construction of Transport Infrastructure	450 000	450 000		-	-	-	-	-
Regional Socio-Economic Project/violence through urban upgrading	4 000 000	4 000 000		4 000 000	-	4 000 000	-	4 000 000
Integrated Transport Planning	600 000	600 000		600 000	-	600 000	-	600 000
Cape Winelands Grant	-					-	-	-
Safety Initiative Implementation-whole of society approach (WOSA)	440 000	440 000		-	-	-	-	-
<b>Grand total (Conditional Grants)</b>	<b>113 861 631</b>	<b>111 385 000</b>	<b>2 476 631</b>	<b>70 409 604</b>	<b>34 547 827</b>	<b>40 768 604</b>	<b>24 921 226</b>	<b>18 889 276</b>

Please note: The Department of Human Settlements currently owes the municipality an amount of R17 884 273 in respect of the Human Settlement Development Grant (beneficiaries) due to claims which have not yet been honoured. The user department has submitted claims during December 2020 and the Department of Human Settlements has transferred an amount of R7 231 321. Unfortunately clarity could not be obtained as to whether or not the amount pertains solely to grant funding. The amount will be allocated once clarity has been obtained and will reflect in the next reporting period. Obstacles have also been encountered pertaining to the implementation of the capital projects as the transferring department has not provided contracts for some of the gazetted allocations. The municipality could therefore not proceed with implementation which places the spending of the grant at risk. The municipality is liaising with the Department of Human Settlement to resolve the latter.

## 8. Personnel Expenditure

In terms of Section 66 of the MFMA, all expenditure incurred by the municipality on staff salaries, wages, allowances and benefits must be reported to council.

Employee - Related Costs	Original Budget	Adjustments Budget	Year-to-date Budget	Year-to-date Actual	YTD %
Basic Salary and Wages	339 270 102	337 736 316	168 868 080	164 357 021	49%
Bonus	29 815 702	29 815 702	14 907 846	23 866 646	80%
Acting and Post Related Allowances	1 544 833	1 544 833	772 416	234 539	15%
Non Structured	35 891 131	35 891 131	17 945 574	17 171 203	48%
Standby Allowance	15 561 395	15 561 395	7 780 704	7 939 024	51%
Travel or Motor Vehicle	15 586 207	15 586 207	7 793 118	4 571 312	29%
Accommodation, Travel and Incidental	410 871	410 871	205 452	9 166	2%
Bargaining Council	241 838	241 838	120 942	176 116	73%
Cellular and Telephone	1 143 313	1 143 313	571 680	889 816	78%
Current Service Cost	7 762 777	7 762 777	3 881 388	3 735 661	48%
Essential User	732 117	732 117	366 060	369 361	50%
Entertainment	128 048	128 048	64 026	-	0%
Fire Brigade	2 864 717	2 864 717	1 432 356	1 293 295	45%
Group Life Insurance	4 252 794	4 252 794	2 126 406	1 944 497	46%
Housing Benefits	3 164 837	3 164 837	1 582 398	1 378 504	44%
Interest Cost	22 368 457	22 368 457	11 184 228	-	0%
Leave Gratuity	-	-	-	-	0%
Leave Pay	2 246 376	2 246 376	1 123 200	1 457 962	65%
Long Service Award	1 067 046	1 067 046	533 526	53 014	5%
Medical	27 962 039	27 962 039	13 981 032	12 308 668	44%
Non-pensionable	914 001	914 001	457 002	40 719	4%
Pension	58 058 040	58 058 040	29 029 026	27 307 464	47%
Scarcity Allowance	1 643 789	1 643 789	821 904	807 399	49%
Shift Additional Remuneration	2 026 274	2 026 274	1 013 142	2 263 874	112%
Structured	1 580 462	1 580 462	790 230	968 198	61%
Unemployment Insurance	3 201 919	3 201 919	1 600 980	1 157 251	36%
<b>Totals</b>	<b>579 439 085</b>	<b>577 905 299</b>	<b>288 952 716</b>	<b>274 300 708</b>	<b>47%</b>

During the second quarter of the financial year the directorates spent R14 652 008, 5% less than the planned expenditure of R288 952 716.

## 9. Withdrawals

<i>Consolidated Quarterly Report for period 01/10/2020 to 31/12/2020</i>				
<b>Date</b>	<b>Payee</b>	<b>Amount in R'000</b>	<b>Description and Purpose (including section reference e.g. sec 11(f))</b>	<b>Authorised by (name)</b>
Monthly	Provincial Government Western Cape	10 457 369	The Municipality acts as an agent for PAWC for collection of licencing fees. S 11(e)(i)	Acting Director: Community and Protection Services
Monthly	WECLOGO Group Insurance and Sanlam Group Insurance	1 218 107	Group Insurance. S11(e) (ii)	Council
Ad Hoc	Investment Management	346 000 000	Investment in accordance with the Cash Management and Investment Policy. S11(h)	Accounting Officer (Municipal Manager)

## 10. Cost Containment Reporting

Measures	Cost Containment In - Year Report									
	Original Budget	Amended Budget	Quarter 1		Saving/ (Over spending)	Quarter 2		YTD		Saving/ (Over spending)
			Budget	Actual		Budget	Actual	Total YTD Budget	Total YTD Actual	
Use of consultants	40 566 309.00	40 566 309.00	10 141 577.25	5 545 083.93	4 596 493.32	9 641 884.75	10 108 289.69	19 783 462.00	15 653 373.62	4 130 088.38
Vehicles used for political office -bearers	-	-	-	-	-	-	-	-	-	-
Accomodation, Travel and Incidental costs	20 969 322.00	20 969 322.00	5 242 330.50	3 339 767.45	1 902 563.05	5 242 369.50	3 427 500.13	10 484 700.00	6 767 267.58	3 717 432.42
Sponsorships, events and catering	2 683 816.00	2 683 816.00	670 954.00	561 370.00	109 584.00	671 954.00	323 589.76	1 342 908.00	884 959.76	457 948.24
Communication	7 795 749.00	7 795 749.00	1 948 937.25	1 374 641.37	574 295.88	2 267 440.75	2 495 794.39	4 216 378.00	3 870 435.76	345 942.24
Other related expenditure items	39 957 018.00	39 957 018.00	9 989 254.50	9 594 670.82	394 583.68	9 989 269.50	10 810 429.65	19 978 524.00	20 405 100.47	- 426 576.47
Grand Total	R111 972 214.00	R111 972 214.00	R27 993 053.50	R20 415 533.57	R7 577 519.93	R27 812 918.50	R27 165 603.62	R55 805 972.00	R47 581 137.19	R8 224 834.81

Item for report	Description	Original Budget	Amended Budget	Quarter 1		Saving/ (Over spending)	Quarter 2		Saving/ (Overspending)	YTD		Saving/ (Overspending)
				Budget	Actual		Budget	Actual		Total YTD Budget	Total YTD Actual	
Use of consultants	Business and Advisory:Accounting and Auditing	47 025.00	47 025.00	11 756.25	-	11 756.25	11 757.75	-	11 757.75	23 514.00	-	23 514.00
	Business and Advisory:Audit Committee	1 093 301.00	1 093 301.00	273 325.25	65 750.00	207 575.25	273 328.75	76 000.00	197 328.75	546 654.00	141 750.00	404 904.00
	Business and Advisory:Business and Financial Manag	7 019 739.00	7 019 739.00	1 754 934.75	934 708.69	820 226.06	1 754 939.25	1 115 762.33	639 176.92	3 509 874.00	2 050 471.02	1 459 402.98
	Business and Advisory:Commissions and Committees	-	-	-	-	-	-	-	-	-	-	-
	Business and Advisory:Communications	8 100.00	8 100.00	2 025.00	-	2 025.00	2 025.00	-	2 025.00	4 050.00	-	4 050.00
	Business and Advisory:Human Resources	306 274.00	306 274.00	76 568.50	-	76 568.50	76 569.50	39 930.30	36 639.20	153 138.00	39 930.30	113 207.70
	Business and Advisory:Occupational Health and Safe	52 470.00	52 470.00	13 117.50	-	13 117.50	13 120.50	-	13 120.50	26 238.00	-	26 238.00
	Business and Advisory:Organisational	315 468.00	315 468.00	78 867.00	-	78 867.00	78 867.00	-	78 867.00	157 734.00	-	157 734.00
	Business and Advisory:Project Management	13 030 859.00	12 830 859.00	3 207 714.75	3 804 598.29	596 883.54	2 422 805.25	2 378 506.09	44 299.16	5 630 520.00	6 183 104.38	552 584.38
	Business and Advisory:Research and Advisory	1 290 381.00	1 290 381.00	322 595.25	32 102.22	290 493.03	322 596.75	1 085.43	321 511.32	645 192.00	33 187.65	612 004.35
	Business and Advisory:Qualification Verification	-	-	-	-	-	-	-	-	-	-	-
	Business and Advisory:Quality Control	-	-	-	-	-	-	-	-	-	-	-
	Business and Advisory:Valuer and Assessors	2 331 000.00	2 331 000.00	582 750.00	555 554.74	27 195.26	582 750.00	629 804.59	47 054.59	1 165 500.00	1 185 359.33	19 859.33
	Business and Advisory:Forensic Investigators	725 902.00	725 902.00	181 475.50	-	181 475.50	181 470.50	-	181 470.50	362 946.00	-	362 946.00
	Infrastructure and Planning:Architectural	16 067.00	16 067.00	4 016.75	-	4 016.75	4 017.25	5 673.56	1 656.31	8 034.00	5 673.56	2 360.44
	Engineering:Civil	-	-	-	-	-	-	-	-	-	-	-
	Engineering:Structural	4 500 000.00	4 500 000.00	1 125 000.00	-	1 125 000.00	1 524 996.00	2 761 588.08	1 236 592.08	2 649 996.00	2 761 588.08	111 592.08
	Infrastructure and Planning:Land and Quantity Surv	-	-	-	-	-	-	-	-	-	-	-
	Laboratory Services:Water	1 539 495.00	1 539 495.00	384 873.75	-	384 873.75	285 092.25	205 365.77	79 726.48	669 966.00	205 365.77	464 600.23
	Legal Cost:Legal Advice and Litigation	8 225 228.00	8 425 228.00	2 106 307.00	150 708.21	1 955 598.79	2 091 303.00	2 894 573.54	803 270.54	4 197 610.00	3 045 281.75	1 152 328.25
	Legal Cost:Issue of Summons	65 000.00	65 000.00	16 250.00	1 661.78	14 588.22	16 246.00	-	16 246.00	32 496.00	1 661.78	30 834.22
Vehicles used for political office -bearers	N/A	-	-	-	-	-	-	-	-	-	-	-
Accommodation, Travel and Incidental	Allowance:Travel or Motor Vehicle	457 659.00	457 659.00	114 414.75	-	114 414.75	114 413.25	-	114 413.25	228 828.00	-	228 828.00
	Allowance:Travel or Motor Vehicle	173 903.00	173 903.00	43 475.75	-	43 475.75	43 476.25	-	43 476.25	86 952.00	-	86 952.00
	Allowance:Accommodation, Travel and Incidental	19 887.00	19 887.00	4 971.75	-	4 971.75	4 970.25	-	4 970.25	9 942.00	-	9 942.00
	Allowance:Travel or Motor Vehicle	173 903.00	173 903.00	43 475.75	-	43 475.75	43 476.25	-	43 476.25	86 952.00	-	86 952.00
	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-	-	-	-
	Allowance:Accommodation, Travel and Incidental	-	-	-	-	-	-	-	-	-	-	-
	Allowance:Travel or Motor Vehicle	-	-	-	-	-	-	-	-	-	-	-
	Allowance:Travel or Motor Vehicle	191 319.00	191 319.00	47 829.75	-	47 829.75	47 828.25	-	47 828.25	95 658.00	-	95 658.00
	Allowance:Accommodation, Travel and Incidental	16 508.00	16 508.00	4 127.00	-	4 127.00	4 129.00	-	4 129.00	8 256.00	-	8 256.00
	Allowance:Travel or Motor Vehicle	191 319.00	191 319.00	47 829.75	-	47 829.75	47 828.25	-	47 828.25	95 658.00	-	95 658.00
	Allowances:Accommodation, Travel and Incidental	374 476.00	374 476.00	93 619.00	-	93 619.00	93 635.00	9 166.08	84 468.92	187 254.00	9 166.08	178 087.92
	Allowances:Travel or Motor Vehicle	14 398 104.00	14 398 104.00	3 599 526.00	2 246 372.48	1 353 153.52	3 599 544.00	2 324 939.08	1 274 604.92	7 199 070.00	4 571 311.56	2 627 758.44
	Allowances and Service Related Benefits:Travelling	-	-	-	-	-	-	-	-	-	-	-
	Allowances and Service Related Benefits:Travelling	-	-	-	-	-	-	-	-	-	-	-
	Allowances and Service Related Benefits:Travelling	275 783.00	275 783.00	68 945.75	-	68 945.75	68 946.25	-	68 946.25	137 892.00	-	137 892.00
	Allowances and Service Related Benefits:Travelling	220 627.00	220 627.00	55 156.75	-	55 156.75	55 159.25	-	55 159.25	110 316.00	-	110 316.00
	Allowances and Service Related Benefits:Travelling	1 656 281.00	1 656 281.00	414 070.25	-	414 070.25	414 067.75	-	414 067.75	828 138.00	-	828 138.00
	Allowances and Service Related Benefits:Travelling	2 794 293.00	2 794 293.00	698 573.25	1 093 394.97	394 821.72	698 574.75	1 093 394.97	394 820.22	1 397 148.00	2 186 789.94	789 641.94
	Operational Cost:Travel Agency and Visa's	19 456.00	19 456.00	4 864.00	-	4 864.00	4 868.00	-	4 868.00	9 732.00	-	9 732.00
	Travel and Subsistence:Non-employees	5 804.00	5 804.00	1 451.00	-	1 451.00	1 453.00	-	1 453.00	2 904.00	-	2 904.00
Sponsorships, events and catering	Contractors:Catering Services	955 860.00	955 860.00	238 965.00	-	238 965.00	239 961.00	26 305.00	213 656.00	478 926.00	26 305.00	452 621.00
	Outsourced Services:Catering Services	1 151 712.00	1 151 712.00	287 928.00	561 370.00	273 442.00	287 928.00	288 562.60	634.60	575 856.00	849 932.60	274 076.60
	Advertising, Publicity and Marketing:Gifts and Pro	161 975.00	161 975.00	40 493.75	-	40 493.75	40 494.25	4 361.08	36 133.17	80 988.00	4 361.08	76 626.92
	Contractors:Event Promoters	252 294.00	252 294.00	63 073.50	-	63 073.50	63 076.50	-	63 076.50	126 150.00	-	126 150.00
	Advertising, Publicity and Marketing:Gifts and Pro	161 975.00	161 975.00	40 493.75	-	40 493.75	40 494.25	4 361.08	36 133.17	80 988.00	4 361.08	76 626.92
Communication	Communication:Cellular Contract (Subscription and	471 510.00	471 510.00	117 877.50	3 847.69	114 029.81	125 380.50	11 358.36	114 022.14	243 258.00	15 206.05	228 051.95
	Communication:Licences (Radio and Television)	31 504.00	31 504.00	7 876.00	-	7 876.00	7 874.00	-	7 874.00	15 750.00	-	15 750.00
	Communication:Radio and TV Transmissions	2 270 361.00	2 270 361.00	567 590.25	345 569.92	222 020.33	567 585.75	543 372.56	24 213.19	1 135 176.00	888 942.48	246 233.52
	Communication:Postage/Stamps/Frinking Machines	2 493 158.00	2 493 158.00	623 289.50	221 966.24	401 323.26	609 296.50	379 670.33	229 626.17	1 232 586.00	601 636.57	630 949.43
	Communication:SMS Bulk Message Service	181 705.00	181 705.00	45 426.25	10 888.77	34 537.48	45 425.75	27 477.54	17 948.21	90 852.00	38 366.31	52 485.69
Other related expenditure items	Communication:Telephone, Fax, Telegraph and Telex	2 347 511.00	2 347 511.00	586 877.75	792 368.75	205 491.00	911 878.25	1 533 915.60	622 037.35	1 498 756.00	2 326 284.35	827 528.35
	Entertainment:Senior Management	94 832.00	94 832.00	23 708.00	-	23 708.00	23 710.00	-	23 710.00	47 418.00	-	47 418.00
	Entertainment:Total for All Other Councillors	104 709.00	104 709.00	26 177.25	525.61	25 651.64	26 178.75	-	26 178.75	52 356.00	525.61	51 830.39
	Entertainment:Executive Mayor	259 610.00	259 610.00	64 902.50	-	64 902.50	64 901.50	1 300.00	63 601.50	129 804.00	1 300.00	128 504.00
	Overtime:Non Structured	35 891 131.00	35 891 131.00	8 972 782.75	8 037 517.83	935 264.92	8 972 791.25	9 133 685.33	160 894.08	17 945 574.00	17 171 203.16	774 370.84
	Overtime:Shift Additional Remuneration	2 026 274.00	2 026 274.00	506 568.50	1 027 348.68	520 780.18	506 573.50	1 236 525.49	729 951.99	1 013 142.00	2 263 874.17	1 250 732.17
Grand Total		111 972 214.00	111 972 214.00	27 993 053.50	20 415 533.57	7 577 519.93	27 812 918.50	27 165 603.62	647 314.88	55 805 972.00	47 581 137.19	8 224 834.81

## 11. Quarterly Budget Statements

### Table C1: Quarterly Budget Statement Summary

WC024 Stellenbosch - Table C1 Monthly Budget Statement Summary - Q2 Second Quarter									
Description	2019/20	Budget Year 2020/21							
	Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance	Full Year Forecast
R thousands								%	
<b>Financial Performance</b>									
Property rates	361 912	392 239	392 239	26 639	232 726	196 120	36 607	19%	392 239
Service charges	880 126	1 072 778	1 072 778	47 223	435 919	536 389	(100 469)	-19%	1 072 778
Investment revenue	40 472	37 870	37 870	1 517	10 844	18 935	(8 091)	-43%	37 870
Transfers and subsidies	160 652	178 547	198 259	65 804	142 392	99 129	43 263	44%	198 259
Other own revenue	175 060	218 297	218 297	7 563	64 234	109 148	(44 915)	-41%	218 297
<b>Total Revenue (excluding capital transfers and contributions)</b>	<b>1 618 222</b>	<b>1 899 731</b>	<b>1 919 443</b>	<b>148 745</b>	<b>886 116</b>	<b>959 721</b>	<b>(73 605)</b>	<b>-8%</b>	<b>1 919 443</b>
Employee costs	481 583	579 439	577 905	45 436	274 301	288 953	(14 652)	-5%	577 905
Remuneration of Councillors	19 121	21 133	21 133	1 535	9 243	10 566	(1 324)	-13%	21 133
Depreciation & asset impairment	192 334	205 628	205 628	73	127	102 814	(102 687)	-100%	205 628
Finance charges	56 004	39 349	39 349	14 576	14 576	19 674	(5 099)	-26%	39 349
Materials and bulk purchases	475 558	523 902	523 683	33 715	214 421	262 315	(47 893)	-18%	524 720
Transfers and subsidies	10 855	10 069	11 073	102	9 183	6 784	2 399	35%	11 073
Other expenditure	421 001	507 944	528 385	23 138	138 065	261 363	(123 298)	-47%	527 348
<b>Total Expenditure</b>	<b>1 656 456</b>	<b>1 887 463</b>	<b>1 907 155</b>	<b>118 575</b>	<b>659 915</b>	<b>952 469</b>	<b>(292 554)</b>	<b>-31%</b>	<b>1 907 155</b>
<b>Surplus/(Deficit)</b>	<b>(38 234)</b>	<b>12 267</b>	<b>12 288</b>	<b>30 170</b>	<b>226 201</b>	<b>7 252</b>	<b>218 948</b>	<b>3019%</b>	<b>12 288</b>
Transfers and subsidies - capital (monetary allocations)	124 374	113 429	88 514	–	17 532	44 257	(26 725)	-60%	88 514
Contributions & Contributed assets	–	–	–	–	–	–	–		–
<b>Surplus/(Deficit) after capital transfers &amp; contributions</b>	<b>86 141</b>	<b>125 696</b>	<b>100 802</b>	<b>30 170</b>	<b>243 733</b>	<b>51 510</b>	<b>192 223</b>	<b>373%</b>	<b>100 802</b>
Share of surplus/ (deficit) of associate	–	–	–	–	–	–	–		–
<b>Surplus/ (Deficit) for the year</b>	<b>86 141</b>	<b>125 696</b>	<b>100 802</b>	<b>30 170</b>	<b>243 733</b>	<b>51 510</b>	<b>192 223</b>	<b>373%</b>	<b>100 802</b>
<b>Capital expenditure &amp; funds sources</b>									
<b>Capital expenditure</b>	<b>405 962</b>	<b>375 750</b>	<b>483 711</b>	<b>26 333</b>	<b>147 011</b>	<b>246 368</b>	<b>(99 357)</b>	<b>-40%</b>	<b>483 711</b>
Capital transfers recognised	124 376	145 341	120 481	12 387	32 343	51 612	(19 268)	-37%	120 481
Public contributions & donations	–	–	–	–	–	–	–		–
Borrowing	33 365	102 780	108 070	2 767	9 585	50 489	(40 904)	-81%	108 070
Internally generated funds	248 221	127 630	255 160	11 178	105 083	144 267	(39 184)	-27%	255 160
<b>Total sources of capital funds</b>	<b>405 962</b>	<b>375 750</b>	<b>483 711</b>	<b>26 333</b>	<b>147 011</b>	<b>246 368</b>	<b>(99 357)</b>	<b>-40%</b>	<b>483 711</b>
<b>Financial position</b>									
Total current assets	712 097	822 269	939 722		730 432				752 008
Total non current assets	5 700 564	5 507 560	6 253 518		5 847 449				6 255 630
Total current liabilities	407 397	325 826	481 125		208 825				463 312
Total non current liabilities	554 003	601 220	849 515		554 003				849 515
<b>Community wealth/Equity</b>	<b>5 451 262</b>	<b>5 402 784</b>	<b>5 862 600</b>		<b>5 815 053</b>				<b>5 594 007</b>
<b>Cash flows</b>									
Net cash from (used) operating	281 984	328 247	324 800	31 028	179 441	(812 651)	(992 092)	122%	(1 627 520)
Net cash from (used) investing	(314 403)	(375 773)	(483 734)	(27 452)	(213 414)	(246 532)	(33 119)	13%	(483 711)
Net cash from (used) financing	(25 870)	76 469	94 508	(13 822)	(13 371)	(8 271)	5 099	-62%	(8 271)
<b>Cash/cash equivalents at the month/year end</b>	<b>111 202</b>	<b>452 675</b>	<b>359 307</b>	<b>–</b>	<b>376 389</b>	<b>(643 722)</b>	<b>(1 020 111)</b>	<b>158%</b>	<b>(1 695 770)</b>
<b>Debtors &amp; creditors analysis</b>	<b>0-30 Days</b>	<b>31-60 Days</b>	<b>61-90 Days</b>	<b>91-120 Days</b>	<b>121-150 Dys</b>	<b>151-180 Dys</b>	<b>181 Dys-1 Yr</b>	<b>Over 1Yr</b>	<b>Total</b>
<b>Debtors Age Analysis</b>									
Total By Income Source	77 786	9 248	9 758	7 833	182 473	–	–	–	287 099
<b>Creditors Age Analysis</b>									
Total Creditors	58 226	–	–	–	–	–	–	–	58 226



**Table C2: Monthly Budget Statement – Financial Performance (standard classification)**

WC024 Stellenbosch - Table C2 Monthly Budget Statement - Financial Performance (functional classification) - Q2 Second Quarter										
Description	Ref	2019/20 Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	Budget Year 2020/21				
R thousands	1					YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
<b>Revenue - Functional</b>										
<i>Governance and administration</i>		488 228	495 016	504 810	51 180	292 314	252 405	39 909	16%	504 810
Executive and council		206	706	706	50	389	353	36	10%	706
Finance and administration		488 022	494 310	504 104	51 130	291 925	252 052	39 873	16%	504 104
Internal audit		-	-	-	-	-	-	-	-	-
<i>Community and public safety</i>		152 633	257 793	235 529	1 968	63 049	117 764	(54 715)	-46%	235 529
Community and social services		15 697	16 882	13 492	223	4 029	6 746	(2 717)	-40%	13 492
Sport and recreation		2 700	8 915	8 915	0	104	4 458	(4 354)	-98%	8 915
Public safety		125 347	166 187	166 187	1 165	43 671	83 094	(39 422)	-47%	166 187
Housing		8 890	65 809	46 934	580	15 245	23 467	(8 222)	-35%	46 934
Health		-	-	-	-	-	-	-	-	-
<i>Economic and environmental services</i>		68 252	23 815	23 815	752	5 906	11 908	(6 002)	-50%	23 815
Planning and development		64 468	11 220	11 220	251	3 024	5 610	(2 586)	-46%	11 220
Road transport		2 942	12 465	12 465	498	2 776	6 232	(3 456)	-55%	12 465
Environmental protection		841	131	131	3	106	65	41	63%	131
<i>Trading services</i>		1 032 011	1 236 429	1 243 696	94 574	542 061	621 848	(79 787)	-13%	1 243 696
Energy sources		593 253	757 248	756 264	40 338	317 954	378 132	(60 178)	-16%	756 264
Water management		196 651	191 604	193 169	15 829	75 143	96 584	(21 441)	-22%	193 169
Waste water management		152 991	177 313	180 766	20 712	82 046	90 383	(8 337)	-9%	180 766
Waste management		89 117	110 265	113 497	17 694	66 918	56 749	10 169	18%	113 497
<i>Other</i>	4	100	107	107	9	55	53	1	2%	107
<b>Total Revenue - Functional</b>	2	1 741 225	2 013 160	2 007 957	148 483	903 385	1 003 978	(100 593)	-10%	2 007 957
<b>Expenditure - Functional</b>										
<i>Governance and administration</i>		222 128	329 110	329 543	19 273	120 091	164 641	(44 550)	-27%	329 543
Executive and council		56 361	56 162	56 162	3 483	21 173	28 081	(6 908)	-25%	56 162
Finance and administration		154 297	258 354	258 787	14 223	94 642	129 263	(34 621)	-27%	258 787
Internal audit		11 470	14 595	14 595	1 567	4 276	7 297	(3 021)	-41%	14 595
<i>Community and public safety</i>		364 662	406 547	405 295	24 940	121 435	201 502	(80 067)	-40%	405 295
Community and social services		33 120	39 532	35 945	2 247	13 443	17 952	(4 509)	-25%	35 945
Sport and recreation		43 759	49 049	49 545	4 221	20 058	24 624	(4 566)	-19%	49 545
Public safety		255 613	281 078	281 081	16 548	76 281	139 572	(63 291)	-45%	281 081
Housing		32 170	36 888	38 724	1 924	11 653	19 355	(7 702)	-40%	38 724
Health		-	-	-	-	-	-	-	-	-
<i>Economic and environmental services</i>		170 062	215 381	213 308	9 475	75 400	107 392	(31 992)	-30%	213 308
Planning and development		61 996	89 452	89 545	4 859	41 487	45 509	(4 022)	-9%	89 545
Road transport		91 373	97 635	95 881	3 174	26 778	47 940	(21 162)	-44%	95 881
Environmental protection		16 693	28 294	27 882	1 442	7 135	13 943	(6 809)	-49%	27 882
<i>Trading services</i>		899 456	936 301	958 884	64 887	342 990	478 871	(135 882)	-28%	958 884
Energy sources		507 135	537 272	555 249	34 348	220 647	277 155	(56 508)	-20%	555 249
Water management		129 788	148 325	144 833	13 605	39 173	72 416	(33 243)	-46%	144 833
Waste water management		143 285	145 692	144 094	11 045	47 771	71 946	(24 174)	-34%	144 094
Waste management		119 248	105 013	114 709	5 888	35 398	57 354	(21 956)	-38%	114 709
<i>Other</i>		148	124	124	-	-	62	(62)	-100%	124
<b>Total Expenditure - Functional</b>	3	1 656 456	1 887 463	1 907 155	118 575	659 915	952 469	(292 554)	-31%	1 907 155
<b>Surplus/ (Deficit) for the year</b>		84 768	125 696	100 802	29 907	243 470	51 510	191 960	373%	100 802

Table C2: Monthly Budget Statement – Financial Performance, reflects the operating revenue and operating expenditure in the standard classifications which are the Government Finance Statistics Functions and Sub-functions. The main functions are Governance and Administration; Community and public safety; Economic and environmental services; and Trading services.

**Table C3: Monthly Budget Statement – Financial Performance (revenue & expenditure by municipal vote)**

WC024 Stellenbosch - Table C3 Monthly Budget Statement - Financial Performance (revenue and expenditure by municipal vote) - Q2 Second										
Vote Description	Ref	2019/20	Budget Year 2020/21							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands										
<b>Revenue by Vote</b>	1									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		(9 230)	–	–	–	–	–	–		–
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		23 949	81 766	62 892	916	19 178	31 446	(12 268)	-39.0%	62 892
Vote 3 - INFRASTRUCTURE SERVICES		1 094 404	1 246 146	1 253 413	95 227	545 038	626 707	(81 669)	-13.0%	1 253 413
Vote 4 - COMMUNITY AND PROTECTION SERVICES		143 439	192 985	189 595	1 509	48 029	94 797	(46 768)	-49.3%	189 595
Vote 5 - CORPORATE SERVICES		(25 053)	4 303	4 376	370	2 111	2 188	(77)	-3.5%	4 376
Vote 6 - FINANCIAL SERVICES		515 086	487 960	497 681	50 723	289 291	248 840	40 451	16.3%	497 681
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	1 742 596	2 013 160	2 007 957	148 745	903 648	1 003 978	(100 330)	-10.0%	2 007 957
<b>Expenditure by Vote</b>	1									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		29 595	47 884	47 884	2 917	12 922	23 942	(11 020)	-46.0%	47 884
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		69 991	105 954	107 794	5 091	40 048	54 636	(14 588)	-26.7%	107 794
Vote 3 - INFRASTRUCTURE SERVICES		993 246	1 082 795	1 103 623	68 592	374 315	551 240	(176 925)	-32.1%	1 103 623
Vote 4 - COMMUNITY AND PROTECTION SERVICES		374 549	359 246	355 836	25 393	123 457	176 781	(53 324)	-30.2%	355 836
Vote 5 - CORPORATE SERVICES		157 494	181 001	181 434	10 164	66 101	90 709	(24 608)	-27.1%	181 434
Vote 6 - FINANCIAL SERVICES		31 580	110 584	110 584	6 419	43 072	55 161	(12 089)	-21.9%	110 584
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	1 656 456	1 887 463	1 907 155	118 575	659 915	952 469	(292 554)	-30.7%	1 907 155
<b>Surplus/ (Deficit) for the year</b>	2	86 141	125 696	100 802	30 170	243 733	51 510	192 223	373.2%	100 802

Table C3: Monthly Budget Statement – Financial Performance, reflects the operating revenue and operating expenditure by municipal vote. The municipal directorates are Municipal Manager; Planning Development; Infrastructure Services; Community and Protection Services; Corporate Services; and Financial Services. The operating expenditure budget is approved by Council on the municipal vote level.

**Table C4: Monthly Budget Statement – Financial Performance (revenue & expenditure)**

WC024 Stellenbosch - Table C4 Monthly Budget Statement - Financial Performance (revenue and expenditure) - Q2 Second Quarter										
Description	Ref	2019/20	Budget Year 2020/21							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands										
Revenue By Source										
Property rates		361 912	392 239	392 239	26 639	232 726	196 120	36 607	19%	392 239
Service charges - electricity revenue		562 275	707 441	707 441	25 297	288 332	353 721	(65 388)	-18%	707 441
Service charges - water revenue		171 632	168 720	168 720	9 310	59 513	84 360	(24 847)	-29%	168 720
Service charges - sanitation revenue		83 262	118 312	118 312	7 364	46 814	59 156	(12 342)	-21%	118 312
Service charges - refuse revenue		62 957	78 305	78 305	5 252	41 260	39 152	2 107	5%	78 305
Service charges - other		-	-	-	-	-	-	-	-	-
Rental of facilities and equipment		13 601	16 292	16 292	702	4 634	8 146	(3 512)	-43%	16 292
Interest earned - external investments		40 472	37 870	37 870	1 517	10 844	18 935	(8 091)	-43%	37 870
Interest earned - outstanding debtors		6 954	13 281	13 281	989	4 779	6 641	(1 862)	-28%	13 281
Dividends received		-	-	-	-	-	-	-	-	-
Fines, penalties and forfeits		99 993	140 881	140 881	609	38 991	70 440	(31 449)	-45%	140 881
Licences and permits		5 725	5 503	5 503	456	2 790	2 751	39	1%	5 503
Agency services		2 664	2 931	2 931	190	1 522	1 465	56	4%	2 931
Transfers and subsidies		160 652	178 547	198 259	65 804	142 392	99 129	43 263	44%	198 259
Other revenue		46 089	39 408	39 408	4 615	11 517	19 704	(8 187)	-42%	39 408
Gains on disposal of PPE		33	-	-	-	-	-	-	-	-
Total Revenue (excluding capital transfers and contributions)		1 618 222	1 899 731	1 919 443	148 745	886 116	959 721	(73 605)	-8%	1 919 443
Expenditure By Type										
Employee related costs		481 583	579 439	577 905	45 436	274 301	288 953	(14 652)	-5%	577 905
Remuneration of councillors		19 121	21 133	21 133	1 535	9 243	10 566	(1 324)	-13%	21 133
Debt impairment		123 187	74 007	74 007	8	213	37 004	(36 791)	-99%	74 007
Depreciation & asset impairment		192 334	205 628	205 628	73	127	102 814	(102 687)	-100%	205 628
Finance charges		56 004	39 349	39 349	14 576	14 576	19 674	(5 099)	-26%	39 349
Bulk purchases		445 621	482 196	482 196	30 484	203 029	241 098	(38 069)	-16%	482 196
Other materials		29 937	41 706	41 487	3 231	11 393	21 217	(9 824)	-46%	42 524
Contracted services		183 482	245 478	244 685	15 627	83 171	119 756	(36 585)	-31%	243 689
Transfers and subsidies		10 855	10 069	11 073	102	9 183	6 784	2 399	35%	11 073
Other expenditure		114 332	188 459	209 692	7 504	54 682	104 603	(49 921)	-48%	209 651
Loss on disposal of PPE		-	-	-	-	-	-	-	-	-
Total Expenditure		1 656 456	1 887 463	1 907 155	118 575	659 915	952 469	(292 554)	-31%	1 907 155
Surplus/(Deficit)		(38 234)	12 267	12 288	30 170	226 201	7 252	218 948	0	12 288
Transfers and subsidies - capital (monetary allocations) (National / Provincial and District)		124 374	113 429	88 514	-	17 532	44 257	(26 725)	(0)	88 514
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)		-	-	-	-	-	-	-		-
Surplus/(Deficit) after capital transfers & contributions		86 141	125 696	100 802	30 170	243 733	51 510			100 802
Taxation		-	-	-	-	-	-	-		-
Surplus/(Deficit) after taxation		86 141	125 696	100 802	30 170	243 733	51 510			100 802
Attributable to minorities		-	-	-	-	-	-			-
Surplus/(Deficit) attributable to municipality		86 141	125 696	100 802	30 170	243 733	51 510			100 802
Share of surplus/ (deficit) of associate		-	-	-	-	-	-			-
Surplus/ (Deficit) for the year		86 141	125 696	100 802	30 170	243 733	51 510			100 802

**Table C5: Monthly Budget Statement – Capital Expenditure**

WC024 Stellenbosch - Table C5 Monthly Budget Statement - Capital Expenditure (municipal vote, functional classification and funding) - Q2 Second Quarter										
Vote Description	Ref	2019/20 Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	Budget Year 2020/21 YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
<b>R thousands</b>	1									
<b>Multi-Year expenditure appropriation</b>	2									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		35	40	40	1	16	10	7	72%	40
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		2 544	2 000	2 467	–	–	774	(774)	-100%	2 467
Vote 3 - INFRASTRUCTURE SERVICES		60 642	60 880	78 921	10 081	25 849	35 390	(9 541)	-27%	78 921
Vote 4 - COMMUNITY AND PROTECTION SERVICES		8 769	11 690	20 928	1 074	5 130	10 309	(5 178)	-50%	20 928
Vote 5 - CORPORATE SERVICES		1 090	8 100	11 543	853	3 260	6 712	(3 452)	-51%	11 543
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>Total Capital Multi-year expenditure</b>	4,7	<b>73 080</b>	<b>82 710</b>	<b>113 899</b>	<b>12 009</b>	<b>34 256</b>	<b>53 194</b>	<b>(18 939)</b>	<b>-36%</b>	<b>113 899</b>
<b>Single Year expenditure appropriation</b>	2									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		–	–	–	–	–	–	–	–	–
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		6 279	10 311	13 900	219	752	7 509	(6 757)	-90%	13 900
Vote 3 - INFRASTRUCTURE SERVICES		219 470	256 380	265 750	12 788	52 657	120 123	(67 466)	-56%	265 750
Vote 4 - COMMUNITY AND PROTECTION SERVICES		22 687	15 950	27 389	938	4 305	9 496	(5 191)	-55%	27 389
Vote 5 - CORPORATE SERVICES		84 004	9 550	61 924	375	54 931	55 596	(665)	-1%	61 924
Vote 6 - FINANCIAL SERVICES		442	850	850	3	110	450	(340)	-75%	850
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 Capital single-year expenditure</b>	4	<b>332 883</b>	<b>293 040</b>	<b>369 812</b>	<b>14 324</b>	<b>112 755</b>	<b>193 174</b>	<b>(80 419)</b>	<b>-42%</b>	<b>369 812</b>
<b>Total Capital Expenditure</b>	3	<b>405 962</b>	<b>375 750</b>	<b>483 711</b>	<b>26 333</b>	<b>147 011</b>	<b>246 368</b>	<b>(99 357)</b>	<b>-40%</b>	<b>483 711</b>
<b>Capital Expenditure - Functional Classification</b>										
<b>Governance and administration</b>		<b>85 571</b>	<b>18 540</b>	<b>74 357</b>	<b>1 233</b>	<b>58 318</b>	<b>62 768</b>	<b>(4 450)</b>	<b>-7%</b>	<b>74 357</b>
Executive and council		35	40	40	1	16	10	7	72%	40
Finance and administration		85 536	18 500	74 317	1 232	58 302	62 758	(4 457)	-7%	74 317
Internal audit		–	–	–	–	–	–	–	–	–
<b>Community and public safety</b>		<b>33 595</b>	<b>34 581</b>	<b>55 173</b>	<b>2 165</b>	<b>8 545</b>	<b>21 926</b>	<b>(13 380)</b>	<b>-61%</b>	<b>55 173</b>
Community and social services		1 705	3 190	4 071	36	733	1 683	(950)	-56%	4 071
Sport and recreation		11 298	14 330	21 761	1 122	5 417	7 450	(2 033)	-27%	21 761
Public safety		17 186	6 700	17 281	788	2 159	6 916	(4 757)	-69%	17 281
Housing		3 405	10 361	12 061	219	236	5 877	(5 641)	-96%	12 061
Health		–	–	–	–	–	–	–	–	–
<b>Economic and environmental services</b>		<b>91 027</b>	<b>108 360</b>	<b>109 751</b>	<b>9 765</b>	<b>33 006</b>	<b>51 234</b>	<b>(18 228)</b>	<b>-36%</b>	<b>109 751</b>
Planning and development		23 763	52 540	33 534	1 208	10 075	14 998	(4 923)	-33%	33 534
Road transport		67 264	54 020	72 633	8 490	21 857	34 100	(12 243)	-36%	72 633
Environmental protection		–	1 800	3 584	66	1 074	2 136	(1 062)	-50%	3 584
<b>Trading services</b>		<b>195 769</b>	<b>214 270</b>	<b>244 430</b>	<b>13 170</b>	<b>47 142</b>	<b>110 440</b>	<b>(63 299)</b>	<b>-57%</b>	<b>244 430</b>
Energy sources		45 263	43 475	48 745	1 229	6 960	25 820	(18 860)	-73%	48 745
Water management		21 658	53 380	68 069	3 325	9 715	32 171	(22 456)	-70%	68 069
Waste water management		100 922	109 670	112 748	6 499	24 447	49 489	(25 042)	-51%	112 748
Waste management		27 926	7 745	14 869	2 117	6 020	2 960	3 060	103%	14 869
<b>Other</b>		<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>
<b>Total Capital Expenditure - Functional Classification</b>	3	<b>405 962</b>	<b>375 750</b>	<b>483 711</b>	<b>26 333</b>	<b>147 011</b>	<b>246 368</b>	<b>(99 357)</b>	<b>-40%</b>	<b>483 711</b>
<b>Funded by:</b>										
National Government		62 677	63 690	59 490	5 545	15 967	25 455	(9 488)	-37%	59 490
Provincial Government		61 699	49 739	29 079	414	7 578	13 380	(5 802)	-43%	29 079
District Municipality		–	–	–	–	–	–	–	–	–
Other transfers and grants		–	31 912	31 912	6 428	8 798	12 777	(3 979)	-31%	31 912
<b>Transfers recognised - capital</b>		<b>124 376</b>	<b>145 341</b>	<b>120 481</b>	<b>12 387</b>	<b>32 343</b>	<b>51 612</b>	<b>(19 268)</b>	<b>-37%</b>	<b>120 481</b>
<b>Public contributions &amp; donations</b>	5	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>
<b>Borrowing</b>	6	<b>33 365</b>	<b>102 780</b>	<b>108 070</b>	<b>2 767</b>	<b>9 585</b>	<b>50 489</b>	<b>(40 904)</b>	<b>-81%</b>	<b>108 070</b>
<b>Internally generated funds</b>		<b>248 221</b>	<b>127 630</b>	<b>255 160</b>	<b>11 178</b>	<b>105 083</b>	<b>144 267</b>	<b>(39 184)</b>	<b>-27%</b>	<b>255 160</b>
<b>Total Capital Funding</b>		<b>405 962</b>	<b>375 750</b>	<b>483 711</b>	<b>26 333</b>	<b>147 011</b>	<b>246 368</b>	<b>(99 357)</b>	<b>-40%</b>	<b>483 711</b>

Table C5: Monthly Budget Statement – Capital Expenditure consists of three sections: Appropriations by vote; Standard classification and funding portion.

**Table C6: Monthly Budget Statement – Financial Position**

WC024 Stellenbosch - Table C6 Monthly Budget Statement - Financial Position - Q2 Second Quarter						
Description	Ref	2019/20	Budget Year 2020/21			
		Audited Outcome	Original Budget	Adjusted Budget	YearTD actual	Full Year Forecast
R thousands	1					
<b>ASSETS</b>						
<b>Current assets</b>						
Cash		111 202	6 237	4 625	77 918	(27 112)
Call investment deposits		306 637	417 496	331 339	298 472	331 339
Consumer debtors		182 552	165 802	188 886	275 440	188 886
Other debtors		44 763	178 277	365 036	11 659	209 059
Current portion of long-term receivables		2 801	2 332	–	2 801	–
Inventory		64 143	52 125	49 836	64 143	49 836
<b>Total current assets</b>		<b>712 097</b>	<b>822 269</b>	<b>939 722</b>	<b>730 432</b>	<b>752 008</b>
<b>Non current assets</b>						
Long-term receivables		3 561	3 600	3 876	3 561	3 876
Investments		–	–	–	–	–
Investment property		422 466	407 389	452 940	422 466	453 412
Investments in Associate		–	–	–	–	–
Property, plant and equipment		5 257 748	5 076 612	5 780 894	5 403 560	5 780 894
Agricultural		–	–	–	–	–
Biological assets		6 321	9 938	7 171	6 321	6 321
Intangible assets		9 694	7 597	4 408	9 694	6 898
Other non-current assets		774	2 424	4 227	1 846	4 227
<b>Total non current assets</b>		<b>5 700 564</b>	<b>5 507 560</b>	<b>6 253 518</b>	<b>5 847 449</b>	<b>6 255 630</b>
<b>TOTAL ASSETS</b>		<b>6 412 661</b>	<b>6 329 829</b>	<b>7 193 240</b>	<b>6 577 881</b>	<b>7 007 637</b>
<b>LIABILITIES</b>						
<b>Current liabilities</b>						
Bank overdraft		–	–	–	–	–
Borrowing		26 753	15 245	31 238	12 869	31 640
Consumer deposits		17 785	14 274	32 086	17 785	14 274
Trade and other payables		279 687	241 570	357 204	94 999	356 802
Provisions		83 172	54 737	60 597	83 172	60 597
<b>Total current liabilities</b>		<b>407 397</b>	<b>325 826</b>	<b>481 125</b>	<b>208 825</b>	<b>463 312</b>
<b>Non current liabilities</b>						
Borrowing		266 178	321 540	521 293	266 178	521 293
Provisions		287 825	279 680	328 223	287 825	328 223
<b>Total non current liabilities</b>		<b>554 003</b>	<b>601 220</b>	<b>849 515</b>	<b>554 003</b>	<b>849 515</b>
<b>TOTAL LIABILITIES</b>		<b>961 400</b>	<b>927 046</b>	<b>1 330 640</b>	<b>762 828</b>	<b>1 312 828</b>
<b>NET ASSETS</b>	2	<b>5 451 262</b>	<b>5 402 784</b>	<b>5 862 600</b>	<b>5 815 053</b>	<b>5 694 809</b>
<b>COMMUNITY WEALTH/EQUITY</b>						
Accumulated Surplus/(Deficit)		5 451 262	5 402 784	5 862 600	5 815 053	5 594 007
Reserves		–	–	–	–	–
<b>TOTAL COMMUNITY WEALTH/EQUITY</b>	2	<b>5 451 262</b>	<b>5 402 784</b>	<b>5 862 600</b>	<b>5 815 053</b>	<b>5 594 007</b>

**Table C7: Monthly Budget Statement – Cash Flow**

WC024 Stellenbosch - Table C7 Monthly Budget Statement - Cash Flow - Q2 Second Quarter										
Description	Ref	2019/20	Budget Year 2020/21							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands	1									
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>										
<b>Receipts</b>										
Property rates		361 912	376 549	376 549	14 664	128 060	–	128 060	0%	–
Service charges		880 126	1 029 867	1 029 867	49 902	451 299	–	451 299	0%	–
Other revenue		100 938	110 386	110 386	6 151	58 205	–	58 205	0%	–
Government - operating		160 416	178 547	198 239	68 092	140 933	–	140 933	0%	–
Government - capital		79 745	113 429	113 429	9 470	50 042	–	50 042	0%	–
Interest		40 472	50 621	50 621	1 245	10 481	–	10 481	0%	–
Dividends		–	–	–	–	–	–	–		–
<b>Payments</b>										
Suppliers and employees		(1 299 620)	(1 481 734)	(1 504 512)	(103 818)	(635 820)	(786 193)	(150 373)	19%	(1 577 098)
Finance charges		(31 150)	(39 349)	(39 349)	(14 576)	(14 576)	(19 674)	(5 099)	26%	(39 349)
Transfers and Grants		(10 855)	(10 069)	(10 429)	(102)	(9 183)	(6 784)	2 399	-35%	(11 073)
<b>NET CASH FROM/(USED) OPERATING ACTIVITIES</b>		<b>281 984</b>	<b>328 247</b>	<b>324 800</b>	<b>31 028</b>	<b>179 441</b>	<b>(812 651)</b>	<b>(992 092)</b>	<b>122%</b>	<b>(1 627 520)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>										
<b>Receipts</b>										
Proceeds on disposal of PPE		91 559	(23)	(23)	–	(15)	–	(15)	0%	–
Decrease (Increase) in non-current debtors		–	–	–	–	–	–	–		–
Decrease (Increase) other non-current receivables		–	–	–	–	–	–	–		–
Decrease (Increase) in non-current investments		–	–	–	(1 119)	(66 388)	–	(66 388)	0%	–
<b>Payments</b>										
Capital assets		(405 962)	(375 750)	(483 711)	(26 333)	(147 011)	(246 532)	(99 521)	40%	(483 711)
<b>NET CASH FROM/(USED) INVESTING ACTIVITIES</b>		<b>(314 403)</b>	<b>(375 773)</b>	<b>(483 734)</b>	<b>(27 452)</b>	<b>(213 414)</b>	<b>(246 532)</b>	<b>(33 119)</b>	<b>13%</b>	<b>(483 711)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>										
<b>Receipts</b>										
Short term loans		–	–	–	–	–	–	–		–
Borrowing long term/refinancing		–	102 780	102 780	–	–	–	–		–
Increase (decrease) in consumer deposits		–	–	–	62	513	–	513	0%	–
<b>Payments</b>										
Repayment of borrowing		(25 870)	(26 311)	(8 271)	(13 884)	(13 884)	(8 271)	5 613	-68%	(8 271)
<b>NET CASH FROM/(USED) FINANCING ACTIVITIES</b>		<b>(25 870)</b>	<b>76 469</b>	<b>94 508</b>	<b>(13 822)</b>	<b>(13 371)</b>	<b>(8 271)</b>	<b>5 099</b>	<b>-62%</b>	<b>(8 271)</b>
<b>NET INCREASE/ (DECREASE) IN CASH HELD</b>		<b>(58 289)</b>	<b>28 943</b>	<b>(64 426)</b>	<b>(10 246)</b>	<b>(47 344)</b>	<b>(1 067 455)</b>			<b>(2 119 503)</b>
Cash/cash equivalents at beginning:		169 491	423 733	423 733		423 733	423 733			423 733
Cash/cash equivalents at month/year end:		111 202	452 675	359 307		376 389	(643 722)			(1 695 770)

## 12. Supporting Documentation

## Debtors Age Analysis

### Supporting Table SC3: Monthly Budget Statement - Aged Debtors

WC024 Stellenbosch - Supporting Table SC3 Monthly Budget Statement - aged debtors - Q2 Second Quarter													
Description	NT Code	Budget Year 2020/21										Actual Bad Debts Written Off against Debtors	Impairment - Bad Debts i.t.o Council Policy
		0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-150 Dys	151-180 Dys	181 Dys-1 Yr	Over 1Yr	Total	Total over 90 days		
R thousands													
Debtors Age Analysis By Income Source													
Trade and Other Receivables from Exchange Transactions - Water	1200	13 849	3 600	3 977	2 770	78 566	-	-	-	102 762	81 336	-	-
Trade and Other Receivables from Exchange Transactions - Electricity	1300	33 037	1 800	1 978	1 844	11 211	-	-	-	49 871	13 056	-	-
Receivables from Non-exchange Transactions - Property Rates	1400	18 246	1 758	1 520	1 162	29 043	-	-	-	51 730	30 206	-	-
Receivables from Exchange Transactions - Waste Water Management	1500	6 807	937	990	1 000	20 735	-	-	-	30 468	21 734	-	-
Receivables from Exchange Transactions - Waste Management	1600	4 375	670	707	583	23 952	-	-	-	30 287	24 535	-	-
Receivables from Exchange Transactions - Property Rental Debtors	1700	729	174	177	170	9 073	-	-	-	10 323	9 242	-	-
Interest on Arrear Debtor Accounts	1810	-	-	-	-	-	-	-	-	-	-	-	-
Recoverable unauthorised, irregular, fruitless and wasteful expenditure	1820	-	-	-	-	-	-	-	-	-	-	-	-
Other	1900	742	309	409	305	9 893	-	-	-	11 659	10 198	-	-
Total By Income Source	2000	77 786	9 248	9 758	7 833	182 473	-	-	-	287 099	190 307	-	-
2019/20 - totals only										-	-		
Debtors Age Analysis By Customer Group													
Organs of State	2200	4 471	1 593	1 858	1 771	3 374	-	-	-	13 067	5 144	-	-
Commercial	2300	13 462	262	246	267	15 981	-	-	-	30 218	16 247	-	-
Households	2400	46 438	6 584	6 860	4 981	139 927	-	-	-	204 791	144 908	-	-
Other	2500	13 414	810	793	815	23 192	-	-	-	39 024	24 007	-	-
Total By Customer Group	2600	77 786	9 248	9 758	7 833	182 473	-	-	-	287 099	190 307	-	-

## Creditors Age Analysis

### Supporting Table SC4: Monthly Budget Statement – Aged Creditors

WC024 Stellenbosch - Supporting Table SC4 Monthly Budget Statement - aged creditors - Q2 Second Quarter										
Description	NT Code	Budget Year 2020/21								
		0 - 30 Days	31 - 60 Days	61 - 90 Days	91 - 120 Days	121 - 150 Days	151 - 180 Days	181 Days - 1 Year	Over 1 Year	Total
R thousands										
Creditors Age Analysis By Customer Type										
Bulk Electricity	0100	32 946	-	-	-	-	-	-	-	32 946
Bulk Water	0200	4 578	-	-	-	-	-	-	-	4 578
PAYE deductions	0300		-	-	-	-	-	-	-	-
VAT (output less input)	0400		-	-	-	-	-	-	-	-
Pensions / Retirement deductions	0500	-	-	-	-	-	-	-	-	-
Loan repayments	0600	-	-	-	-	-	-	-	-	-
Trade Creditors	0700	20 702	-	-	-	-	-	-	-	20 702
Auditor General	0800	-	-	-	-	-	-	-	-	-
Other	0900	-	-	-	-	-	-	-	-	-
Total By Customer Type	1000	58 226	-	-	-	-	-	-	-	58 226

## Investments and Borrowings

## Supporting Table SC5: Monthly Budget Statement – Investment Portfolio

WC024 Stellenbosch - Supporting Table SC5 Monthly Budget Statement - investment portfolio - Q2 Second Quarter									
Investments by maturity Name of institution & investment ID	Ref	Period of Investment	Type of Investment	Expiry date of investment	Accrued interest for the month	Yield for the month 1 (%)	Market value at beginning of the month	Change in market value	Market value at end of the month
R thousands		Yrs/Months							
Municipality									
N#019-Nedbank		8M	Deposits - Ban	27/11/2020	-	7.65%	(0)	-	(0)
S#025-Standard Bank		CALL ACCOU	Deposits - Ban	CALL ACCOU	-	6.75%	0	-	0
S#030- Standard Bank		9M	Deposits - Ban	27/10/2020	-	7.60%	(0)	-	(0)
A#2592 - ABSA		CALL ACCOU	Deposits - Ban	CALL ACCOU	-	6.70%	(0)	-	(0)
A#942-ABSA		6M	Deposits - Ban	15/05/2020	-	6.69%	0	-	0
N#008 - Nedbank		CALL ACCOU	Deposits - Ban	CALL ACCOU	-	3.75%	(0)	-	(0)
A#689- ABSA		CALL ACCOU	Deposits - Ban	CALL ACCOU	723	4.60%	202 159	(50 000)	152 882
F#8964 - FNB		5M	Deposits - Ban	26/04/2021	522	4.24%	145 067	-	145 590
-		-			-		-	-	-
-		-			-		-	-	-
Municipality sub-total					1 245		347 226	(50 000)	298 472
TOTAL INVESTMENTS AND INTEREST	2				1 245		347 226	(50 000)	298 472



## Supporting Table SC6: Monthly Budget Statement – Transfers and grant receipts

WC024 Stellenbosch - Supporting Table SC6 Monthly Budget Statement - transfers and grant receipts - Q2 Second Quarter

Description	Ref	2019/20	Budget Year 2020/21							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands										
<b>RECEIPTS:</b>	1,2									
<b>Operating Transfers and Grants</b>										
National Government:		143 163	156 315	177 618	68 092	138 295	88 571	49 724	56.1%	177 143
Operational Revenue:General Revenue:Equitable Share		136 177	149 804	170 632	65 769	133 181	85 316	47 865	56.1%	170 632
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		5 227	4 961	5 436	2 323	3 564	2 481	1 083	43.7%	4 961
Local Government Financial Management Grant [Schedule 5B]		1 550	1 550	1 550	-	1 550	775	775	100.0%	1 550
Municipal Disaster Grant [Schedule 5B]		209	-	-	-	-	-	-	-	-
Provincial Government:		17 130	21 791	21 909	-	9 654	10 338	(684)	-6.6%	20 676
Community Development Workers Operational Support Grant		112	56	56	-	-	-	-	-	-
Financial Management Capacity Building Grant		380	400	4 000	-	-	10 338	(10 338)	-100.0%	20 676
Human Settlements Development Grant	4		7 570	7 570	-	-	-	-	-	-
Libraries, Archives and Museums	4	12 454	13 077	9 595	-	9 650	-	9 650	#DIV/0!	-
Local Government Support Grant	4	900	-	-	-	-	-	-	-	-
LGSETA Bursary Fund	4	63	-	-	-	4	-	4	#DIV/0!	-
WC Financial Management Support Grant	4	255	-	-	-	-	-	-	-	-
LG Graduate Internship Grant	4	80	-	-	-	-	-	-	-	-
Maintenance and Construction of Transport Infrastructure	4	384	450	450	-	-	-	-	-	-
Cape Winelands District Grant	4	2 503	-	-	-	-	-	-	-	-
Municipal Accreditation and Capacity Building Grant	4	-	238	238	-	-	-	-	-	-
Waste Water Infrastructure - Maintenance	4	-	-	-	-	-	-	-	-	-
Water Supply Infrastructure - Maintenance		-	-	-	-	-	-	-	-	-
District Municipality:		472	440	440	-	-	220	(220)	-100.0%	440
Safety Initiative Implementation-whole of society approach (WOSA)		472	440	440	-	-	220	(220)	-100.0%	440
Other grant providers:		172	-	-	-	-	-	-	-	-
Public Corporations		172	-	-	-	-	-	-	-	-
<b>Total Operating Transfers and Grants</b>	5	160 938	178 546	199 967	68 092	147 949	99 129	48 820	49.2%	198 259
<b>Capital Transfers and Grants</b>										
National Government:		62 526	63 690	59 490	7 970	36 995	29 745	7 250	24.4%	59 490
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		15 640	16 200	12 000	-	12 000	6 000	6 000	100.0%	12 000
Municipal Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Maintenance and Construction of Transport Infrastructure		-	-	-	-	-	-	-	-	-
Integrated Urban Development Grant		46 886	47 490	47 490	7 970	24 995	23 745	1 250	5.3%	47 490
Provincial Government:		8 836	49 739	29 079	1 500	18 647	14 512	4 134	28.5%	29 024
Human Settlements Development Grant		6 736	45 139	24 424	1 500	14 047	-	14 047	#DIV/0!	-
Integrated Transport Planning		600	600	600	-	600	14 512	(13 912)	-95.9%	29 024
Regional Socio-Economic Project/violence through urban upgrading (RSEP/VPUU)		1 500	4 000	4 000	-	4 000	-	4 000	#DIV/0!	-
Libraries, Archives and Museums		-	-	55	-	-	-	-	-	-
Road Infrastructure		-	-	-	-	-	-	-	-	-
Sports and Recreation		-	-	-	-	-	-	-	-	-
Waste Water Infrastructure		-	-	-	-	-	-	-	-	-
Water Supply Infrastructure		-	-	-	-	-	-	-	-	-
District Municipality:		-	-	-	-	-	-	-	-	-
All Grants		-	-	-	-	-	-	-	-	-
Other grant providers:		-	-	-	-	-	-	-	-	-
Departmental Agencies and Accounts		-	-	-	-	-	-	-	-	-
<b>Total Capital Transfers and Grants</b>	5	71 362	113 429	88 569	9 470	55 642	44 257	11 384	25.7%	88 514
<b>TOTAL RECEIPTS OF TRANSFERS &amp; GRANTS</b>	5	232 300	291 975	288 537	77 562	203 591	143 387	60 204	42.0%	286 773

## Supporting Table SC7 (1) Monthly Budget Statement – transfers and grant expenditure

WC024 Stellenbosch - Supporting Table SC7(1) Monthly Budget Statement - transfers and grant expenditure - Q2 Second Quarter

Description	Ref	2019/20	Budget Year 2020/21						
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %
R thousands									
<b>EXPENDITURE</b>									
<b>Operating expenditure of Transfers and Grants</b>									
National Government:		18 761	156 315	177 618	1 294	17 646	13 907	3 739	26.9%
Operational Revenue:General Revenue:Equitable Share		11 696	149 804	170 632	922	15 735	10 414	5 321	51.1%
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		5 117	4 961	5 436	260	1 471	2 718	(1 247)	-45.9%
Natural Resource Management Project		191	-	-	-	-	-	-	-
Local Government Financial Management Grant [Schedule 5B]		1 550	1 550	1 550	112	440	775	(335)	-43.2%
Municipal Disaster Grant [Schedule 5B]		209	-	-	-	-	-	-	-
Municipal Systems Improvement Grant		(2)	-	-	-	-	-	-	-
Natural Resource Management Project		-	-	-	-	-	-	-	-
Provincial Government:		-	21 791	21 909	1 098	9 040	10 327	(1 287)	-12.5%
Community Development Workers Operational Support Grant		-	56	56	-	-	-	-	-
Financial Management Capacity Building Grant		-	400	4 000	-	-	10 327	(10 327)	-100.0%
Human Settlements Development Grant		-	7 570	7 570	506	5 124	-	5 124	#DIV/0!
Libraries, Archives and Museums		-	13 077	9 595	592	3 917	-	3 917	#DIV/0!
Local Government Support Grant		-	-	-	-	-	-	-	-
LGSETA Bursary Fund		-	-	-	-	-	-	-	-
WC Financial Management Support Grant		-	-	-	-	-	-	-	-
LG Graduate Internship Grant		-	-	-	-	-	-	-	-
Maintenance and Construction of Transport Infrastructure		-	450	450	-	-	-	-	-
Cape Winelands District Grant		-	-	-	-	-	-	-	-
Municipal Accreditation and Capacity Building Grant		-	238	238	-	-	-	-	-
Waste Water Infrastructure - Maintenance		-	-	-	-	-	-	-	-
Water Supply Infrastructure - Maintenance		-	-	-	-	-	-	-	-
District Municipality:		472	440	440	-	-	220	(220)	-100.0%
Safety Initiative Implementation-whole of society approach (WOSA)		472	440	440	-	-	220	(220)	-100.0%
Other grant providers:		235	-	-	-	-	-	-	-
Departmental Agencies and Accounts		63	-	-	-	-	-	-	-
Public Corporations		172	-	-	-	-	-	-	-
<b>Total operating expenditure of Transfers and Grants:</b>		<b>19 468</b>	<b>178 546</b>	<b>199 967</b>	<b>2 392</b>	<b>26 687</b>	<b>24 454</b>	<b>2 232</b>	<b>9.1%</b>
<b>Capital expenditure of Transfers and Grants</b>									
National Government:		62 049	63 690	59 490	5 545	15 967	25 455	(9 488)	-37.3%
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		15 163	16 200	12 000	-	377	6 000	(5 623)	-93.7%
Municipal Infrastructure Grant [Schedule 5B]		46 886	-	-	-	-	-	-	-
Maintenance and Construction of Transport Infrastructure		-	-	-	-	-	-	-	-
Integrated Urban Development Grant		-	47 490	47 490	5 545	15 590	19 455	(3 865)	-19.9%
Provincial Government:		65 676	49 739	29 079	414	7 578	13 380	(5 802)	-43.4%
Libraries, Archives and Museums		-	-	55	-	55	30	25	82.3%
Human Settlements Development Grant		65 676	45 139	24 424	414	7 523	13 350	(5 827)	-43.6%
Integrated Transport Planning		-	600	600	-	-	-	-	-
Regional Socio-Economic Project/violence through urban upgrading (RSEP/VPUU)		-	4 000	4 000	-	-	-	-	-
District Municipality:		-	-	-	-	-	-	-	-
All Grants		-	-	-	-	-	-	-	-
Other grant providers:		151	-	-	-	-	-	-	-
Departmental Agencies and Accounts		151	-	-	-	-	-	-	-
<b>Total capital expenditure of Transfers and Grants</b>		<b>127 877</b>	<b>113 429</b>	<b>88 569</b>	<b>5 959</b>	<b>23 546</b>	<b>38 835</b>	<b>(15 289)</b>	<b>-39.4%</b>
<b>TOTAL EXPENDITURE OF TRANSFERS AND GRANTS</b>		<b>147 345</b>	<b>291 975</b>	<b>288 537</b>	<b>8 351</b>	<b>50 232</b>	<b>63 289</b>	<b>(13 057)</b>	<b>-20.6%</b>

## Supporting Table SC7 (2) Monthly Budget Statement – expenditure against approved roll-overs

WC024 Stellenbosch - Supporting Table SC7(2) Monthly Budget Statement - Expenditure against approved rollovers - Q2 Second Quarter						
Description	Ref	Budget Year 2020/21				
		Approved Rollover 2019/20	Monthly actual	YearTD actual	YTD variance	YTD variance
R thousands						%
<b>EXPENDITURE</b>						
<b>Operating expenditure of Approved Roll-overs</b>						
<b>National Government:</b>		-	-	-	-	
Operational Revenue:General Revenue:Equitable Share		-	-	-	-	
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		-	-	-	-	
Local Government Financial Management Grant [Schedule 5B]		-	-	-	-	
Natural Resource Management Project		-	-	-	-	
Integrated Urban Development Grant		-	-	-	-	
<b>Provincial Government:</b>		2 311	7	51	(2 260)	-97.8%
Community Development Workers Operational Support Grant		38	-	9	(29)	-75.5%
Financial Management Capacity Building Grant		360	-	-	(360)	-100.0%
Human Settlements Development Grant		-	-	-	-	
LG Graduate Internship Grant		74	7	42	(32)	-43.4%
Title Deeds Restoration Grant		1 840	-	-	(1 840)	-100.0%
<b>District Municipality:</b>		-	-	-	-	
Safety Initiative Implementation-whole of society approach (WOSA)		-	-	-	-	
<b>Other grant providers:</b>		-	-	-	-	
Departmental Agencies and Accounts		-	-	-	-	
Foreign Government and International Organisations		-	-	-	-	
<b>Total operating expenditure of Approved Roll-overs</b>		2 311	7	51	(2 260)	-97.8%
<b>Capital expenditure of Approved Roll-overs</b>						
<b>National Government:</b>		-	-	-	-	
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		-	-	-	-	
Municipal Infrastructure Grant [Schedule 5B]		-	-	-	-	
Maintenance and Construction of Transport Infrastructure		-	-	-	-	
Fire Services Capacity Building Grant		-	-	-	-	
Integrated Urban Development Grant		-	-	-	-	
<b>Provincial Government:</b>		-	-	-	-	
Human Settlements Development Grant		-	-	-	-	
Integrated Transport Planning		-	-	-	-	
Libraries, Archives and Museums		-	-	-	-	
Regional Socio-Economic Project/violence through urban upgrading (RSEP/VPUU)		-	-	-	-	
<b>District Municipality:</b>		-	-	-	-	
All Grants		-	-	-	-	
<b>Other grant providers:</b>		-	-	-	-	
Departmental Agencies and Accounts		-	-	-	-	
Public Corporations		-	-	-	-	
<b>Total capital expenditure of Approved Roll-overs</b>		-	-	-	-	
<b>TOTAL EXPENDITURE OF APPROVED ROLL-OVERS</b>		2 311	7	51	(2 260)	-97.8%

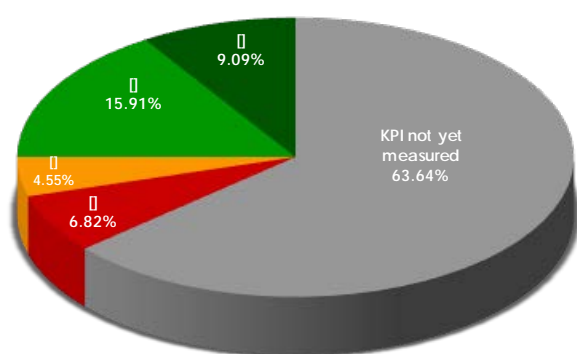
### 13. Quarterly Performance Assessment Report 2020/21, Q2 (01 October – 31 December 2020)

#### 13.1 Overall performance of the municipality

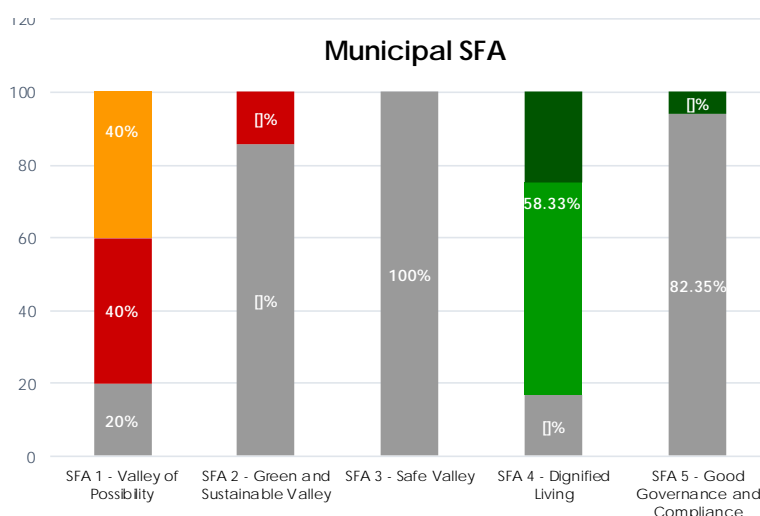
(a) Dashboard summary per Municipal Strategic Focus Area (SFA) for the 2<sup>nd</sup> Quarter (01 October – 31 December 2020) of the 2020/21 financial year.

Stellenbosch Municipality

Stellenbosch Municipality



Municipal SFA



Stellenbosch Municipality		Municipal Strategic Focus Areas (SFAs)				
		SFA 1 - Valley of Possibility	SFA 2 - Green and Sustainable Valley	SFA 3 - Safe Valley	SFA 4 - Dignified Living	SFA 5 - Good Governance and Compliance
KPI Not Yet Measured	28 (63.64%)	1 (20%)	6 (85.71%)	3 (100%)	2 (16.67%)	16 (94.12%)
KPI Not Met	3 (6.82%)	2 (40%)	1 (14.29%)	-	-	-
KPI Almost Met	2 (4.55%)	2 (40%)	-	-	-	-
KPI Met	7 (15.91%)	-	-	-	7 (58.33%)	-
KPI Well Met	4 (9.09%)	-	-	-	3 (25%)	1 (5.88%)
KPI Extremely Well Met	-	-	-	-	-	-
Total:	44	5	7	3	12	17
	100%	11.36%	15.91%	6.82%	27.27%	38.64%

Table: 1 Overall performance for Quarter 1 per SFA- 01 October – 31 December 2020

## 14. Actual performance and corrective measures to be implemented

### 14.1 SFA 1 - Valley of Possibility

SFA 1 - Valley of Possibility										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL58	KPI007	The number of jobs created through the Municipality's local economic development initiatives including capital projects (NKPI Proxy - MSA, Reg. S10(d))	Number of job opportunities created through the Municipality's local economic development initiatives including capital projects by 30 June	1 300	1 300	900	860	○	In terms of the EPWP Audit Report 860 jobs were created for the period 01 July – 31 December 2020. Certain projects had started later as a result of the COVID-19 pandemic and therefore more flexibility must be allowed to allocate such jobs in other sectors as identified in the business plan.	The shortfall in jobs created will be made up over the period 01 January – 30 June 2021.
TL59	KPI008	Land-use applications considered by the Municipal Planning Tribunal within 120 days from a complete land-use application	Percentage of land-use applications considered by the Municipal Planning Tribunal within 120 days after a complete land-use application	90%	90%	90%	71.42%	○	5 / 7 x 100 = 71.42%	The appointment of additional capacity will be concluded by 30 June 2021. ICT capabilities will also be improved to allow staff to work more effectively from home.
TL60	KPI009	Training opportunities provided for entrepreneurs and Small, Medium and Micro Enterprises (SMMEs)	Number of quarterly training opportunities provided for entrepreneurs and SMMEs	4	4	1	0	R	Target not achieved due to near impossible situation created by the Covid-19 pandemic. Training opportunities targeted were mainly for SMME's - many of who do not have access to reliable internet and computers. Furthermore, face-to-face training opportunities were not an option due to the risk of exposure to both trainers and trainees given the Covid-19 pandemic.	Develop SMME Training schedule per quarter and submit to Senior Manager for approval and funding. The municipality will also explore potential innovative ways of offering training opportunities.

SFA 1 - Valley of Possibility										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL61	KPI012	Revised Housing Pipeline (document) submitted to the Mayoral Committee (MayCo)	Number of Revised Housing Pipelines (documents) submitted to the MayCo by 31 March	1	1	0	0	N/A		
TL62	KPI080	Submission of Tourism Strategic Plan to the Municipal Manager	Number of Tourism Strategic Plans submitted to the Municipal Manager by 30 November	1	1	1	0	R	The drafting of the Tourism Strategic Plan commenced prior to the COVID-19 pandemic. In addition, a number of tourism activities were impacted by the plethora of COVID-19 regulations issued. Consequently, the Tourism Strategic Plan needs constant revision before final submission to the Municipal Manager.	The target due date will be revised and submitted to the Municipal Council for consideration and approval during January 2021.

### Summary of Results: SFA 1 - Valley of Possibility

	KPI Not Yet Measured	1
	KPI Not Met	2
	KPI Almost Met	2
	KPI Met	0
	KPI Well Met	0
	KPI Extremely Well Met	0
Total KPIs		5

## 14.2 SFA 2 - Green and Sustainable Valley

SFA 2 - Green and Sustainable Valley										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL52	KPI078	Submission of the Revised Facility Management Plan to the MayCo	Number of Revised Facility Management Plans submitted to the MayCo by 31 May	1	1	0	0	N/A		
TL63	KPI018	Building plan applications processed within 30 days	Percentage of building plan applications of <500sqm processed within 30 days after date of receipt	90%	90%	90%	47.90%	R	103 / 215 x 100 = 47.90%  Due to the Covid-19 pandemic staff have been off sick and in isolation. Challenges are also being experienced with the switch over from Collaborator to BPAMS. Furthermore, the municipality is experiencing extended internal circulation periods between departments as a result of Covid-19 pandemic.	The appointment of additional capacity will be concluded by 30 June 2021. ICT capacity will also be improved by 30 June 2021. The municipality is currently also working on putting in place systems to improve the internal circulation of applications.
TL64	KPI016	Conduct an external audit of the Stellenbosch Municipality Waste Disposal Facilities	Number of external audits of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	1	1	0	0	N/A		
TL65	KPI073	Implementation of identified waste minimisation projects	Number of identified waste minimisation projects implemented by 30 June	2	2	0	0	N/A		
TL66	KPI019	Waste water quality managed and measured to the SANS Accreditation physical and micro parameters	Percentage waste water quality compliance as per analysis certificate measured by 30 June	80%	80%	0%	0%	N/A		
TL67	KPI081	Reduce organic waste	Percentage of organic waste reduced by 30 June	20%	20%	0%	0%	N/A		

SFA 2 - Green and Sustainable Valley										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL68	KPI082	Submission of an Integrated Waste Management Plan to the MayCo	Number of Integrated Waste Management Plans submitted to the MayCo by 31 March	1	1	0	0	N/A		

### Summary of Results: SFA 2 - Green and Sustainable Valley

	KPI Not Yet Measured	6
	KPI Not Met	1
	KPI Almost Met	0
	KPI Met	0
	KPI Well Met	0
	KPI Extremely Well Met	0
Total KPIs		7



### 14.3 SFA 3 - Safe Valley

SFA 3 - Safe Valley										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL49	KPI025	Revised Disaster Management Plan submitted to the Municipal Manager	Number of Revised Disaster Management Plans submitted to the Municipal Manager by 31 March	1	1	0	0	N/A		
TL50	KPI026	Revised Safety and Security Strategy submitted to the Municipal Manager	Number of Revised Safety and Security Strategies submitted to the Municipal Manager by 31 March	1	1	0	0	N/A		
TL51	KPI027	Revised Traffic Management Plan submitted to the Municipal Manager	Number of Revised Traffic Management Plans submitted to the Municipal Manager by 28 February	1	1	0	0	N/A		

#### Summary of Results: SFA 3 - Safe Valley

	KPI Not Yet Measured	3
	KPI Not Met	0
	KPI Almost Met	0
	KPI Met	0
	KPI Well Met	0
	KPI Extremely Well Met	0
Total KPIs		3

## 14.4 SFA 4 - Dignified Living

SFA 4 - Dignified Living										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL69	KPI037	Provision of waterborne toilet facilities	Number of waterborne toilet facilities provided by 30 June	50	50	20	20	G		
TL70	KPI040	Limit unaccounted electricity to less than 9% annually {(Number of Electricity Units Purchased and/or Generated - Number of Electricity Units Sold(incl. Free basic electricity)) / Number of Electricity Units Purchased and/or Generated) x 100}	Percentage average electricity losses measured by 30 June	<9%	<9%	0%	0%	N/A		
TL71	KPI041	Water quality managed and measured quarterly ito the SANS 241 physical and micro parameters	Percentage water quality level as per analysis certificate measured quarterly	90%	90%	90%	92.90%	G2		
TL72	KPI042	Limit unaccounted water to less than 25%	Average percentage water losses measured by 30 June	<25%	<25%	0%	0%	N/A		
TL74	KPI039	Registered indigent formal households with access to free basic water (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage registered indigent formal households with access to free basic water, measured quarterly	100%	100%	100%	100%	G	7 174 / 7 174 x 100 =100%	
TL75	KPI043	Registered indigent formal households with access to free basic electricity provided by the Municipality (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic electricity provided by the Municipality, measured quarterly	65%	65%	65%	70.47%	G2	5 056 / 7 174 x 100 = 70.47%	
TL76	KPI044	Registered indigent formal households with access to free basic refuse removal (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic refuse removal, measured quarterly	100%	100%	100%	100%	G	7 174 / 7 174 x 100 =100%	

SFA 4 - Dignified Living										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL77	KPI045	Registered indigent formal households with access to free basic sanitation (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic sanitation, measured quarterly	100%	100%	100%	100%	G	7 174 / 7 174 x 100 =100%	
TL78	KPI074	Formal households with access to water (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to water, measured quarterly	26 500	26 500	26 500	26 500	G		
TL79	KPI075	Formal households with access to electricity (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to electricity, measured quarterly	24 000	24 000	24 000	26 500	G2		
TL80	KPI076	Formal households with access to refuse removal (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to refuse removal, measured quarterly	26 500	26 500	26 500	26 500	G		
TL81	KPI077	Formal households with access to sanitation (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to sanitation, measured quarterly	26 500	26 500	26 500	26 500	G		

### Summary of Results: SFA 4 - Dignified Living

KPI Not Yet Measured	2
KPI Not Met	0
KPI Almost Met	0
KPI Met	7
KPI Well Met	3
KPI Extremely Well Met	0
<b>Total KPIs</b>	<b>12</b>

## 14.5 SFA 5 - Good Governance and Compliance

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL43	KPI058	Employment equity appointments made within the financial year in the three highest levels of management	Percentage of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	75%	75%	0%	0%	N/A		
TL44	KPI062	Revised Risk-Based Audit Plan (RBAP) submitted to the Audit Committee	Number of Revised RBAPs submitted to the Audit Committee by 30 June	1	1	0	0	N/A		
TL45	KPI063	Audit Action Plan (AAP) submitted to the Audit Committee	Number of Audit Action Plans submitted to the Audit Committee by 28 February	1	1	0	0	N/A		
TL46	KPI064	Revised Strategic Risk Register (SRR) submitted to the Risk Management Committee	Number of Revised Strategic Risk Registers submitted to the Risk Management Committee by 30 June	1	1	0	0	N/A		
TL47	KPI067	Draft Integrated Development Plan (IDP) submitted to Council	Number of Draft IDPs submitted to Council by 31 March	1	1	0	0	N/A		
TL48	KPI070	IDP / Budget / SDF time schedule (process plan) submitted to Council	Number of IDP / Budget / SDF time schedules (process plan) submitted to Council by 31 August	1	1	0	0	N/A		
TL53	KPI059	The percentage of actual payroll budget spent on implementing the Municipal Workplace Skills Plan (NKPI Proxy- MSA, Reg. S10(f))	Percentage of municipality's payroll budget actually spent on implementing its Workplace Skills Plan ((Total Actual Training Expenditure/ Total Annual payroll Budget) x100), measured by 30 June	0.58%	0.58%	0%	0%	N/A		

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL54	KPI065	Revised Information and Communication Technology (ICT) Backup Disaster Recovery Plan submitted to the ICT Steering Committee	Number of Revised ICT Backup Disaster Recovery Plans submitted to the ICT Steering Committee by 31 March	1	1	0	0	N/A		
TL55	KPI066	Revised Strategic ICT Plan submitted to the ICT Steering Committee	Number of Revised Strategic ICT Plans submitted to the ICT Steering Committee by 31 March	1	1	0	0	N/A		
TL56	KPI072	Submission of a Draft Smart City Framework to the MayCo	Number of Draft Smart City Frameworks submitted to the MayCo by 31 May	1	1	0	0	N/A		
TL57	KPI083	Submission of a Cyber-attack Mitigation and Resilience Strategy to the Municipal Manager	Number of a Cyber-attack Mitigation and Resilience Strategies submitted to the Municipal Manager by 30 September	1	1	0	0	N/A		
TL73	KPI071	Revised Electrical Master Plan submitted to Council	Number of Revised Electrical Master Plans submitted to Council by 30 June	1	1	0	0	N/A		
TL82	KPI055	Financial viability measured in terms of the available cash to cover fixed operating expenditure (NKPI Proxy - MSA, Reg. S10(g)(iii))	Cost coverage as at 30 June annually [(Cash and Cash Equivalents - Unspent Conditional Grants - Overdraft) + Short Term Investment) / Monthly Fixed Operational Expenditure excluding (Depreciation)	4	4	0	0	N/A		

SFA 5 - Good Governance and Compliance										
Ref	IDP Ref	KPI Name	Description of Unit of Measurement	Original Annual Target	Revised Annual Target	01 October – 31 December 2020				
						Target	Actual	R	Performance Comment	Corrective Measures
TL83	KPI056	Achieve an average payment percentage of 96% by 30 June (Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	(Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	96%	96%	0%	0%	N/A		
TL84	KPI057	Actual expenditure on the approved Capital Budget for the Municipality by 30 June (NKPI - MSA, Reg. S10(c))	Percentage of approved Capital Budget for the Municipality actually spent by 30 June	90%	90%	30%	30.39%	G2	R 147 011 293 / R 483 710 958 x 100 = 30.39%	
TL85	KPI060	Financial viability measured in terms of the Municipality's ability to meet its service debt obligations (NKPI Proxy - MSA, Reg. S10(g)(i))	Debt coverage ratio ((Total operating revenue - operating grants received) / (Debt service payments due within the year)) measured by 30 June	15%	15%	0%	0%	N/A		
TL86	KPI061	Financial viability measured in terms of the outstanding service debtors (NKPI Proxy - MSA, Reg. S10(g)(ii))	Service debtors to revenue ratio - (Total outstanding service debtors / revenue received for services) measured by 30 June	27%	27%	0%	0%	N/A		

### Summary of Results: SFA 5 - Good Governance and Compliance

	KPI Not Yet Measured	16
	KPI Not Met	0
	KPI Almost Met	0
	KPI Met	0
	KPI Well Met	1
	KPI Extremely Well Met	0
Total KPIs		17

## 15. Strategic performance conclusion

- (a) Out of the 44 Key Performance Indicators (KPIs) listed on the Top layer SDBIP 2020/21 (quarter 2), 28 were not measured, 03 KPIs were not met, 07 were met and 04 were well met.

### Summary of Results: Strategic Focus Areas 1 - 5

	KPI Not Yet Measured	28
	KPI Not Met	3
	KPI Almost Met	2
	KPI Met	7
	KPI Well Met	4
	KPI extremely well met	0
Total KPIs		44

<b>7.</b>	<b>CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]</b>
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<b>7.1</b>	<b>COMMUNITY AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)</b>
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NONE

<b>7.2</b>	<b>CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)</b>
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<b>7.2.1</b>	<b>PAYMENT OF WARD COMMITTEE MEMBERS WHERE WARD COMMITTEES DID NOT CONVENE MEETINGS DURING QUARTER 4 OF 2020</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 January 2021

**1. SUBJECT: PAYMENT OF WARD COMMITTEE MEMBERS WHERE WARD COMMITTEES DID NOT CONVENE MEETINGS DURING QUARTER 4 OF 2020**

**2. PURPOSE**

To submit to Council a report to consider if payment should be made to ward committee members where their ward committee did not convene meetings during the period October 2020 to December 2020 due to various challenges.

**3. DELEGATED AUTHORITY**

Council is the decision-making authority.

**4. EXECUTIVE SUMMARY**

Subsequent to the declaration of a national disaster on the Covid-19 pandemic on 15 March 2020, Council, at an urgent meeting on 25 March 2020, granted permission to the Executive Mayor to exercise powers of the Council with the exception of powers stipulated in Section 160(2) of the Constitution. The Executive Mayor approved the payment of ward committee members despite the fact that they did not meet during lockdown, as committees could not meet.

With the entire country placed on alert level 2 during August 2020 in the wake of a moderate Covid-19 spread of the virus, council meetings took place again although on a virtual platform. Council was fully operational and the full workforce at work although some ward offices were still closed. Council withdrew the delegations to the Executive Mayor on her request in September 2020.

The ward offices, except those of wards 16 and 17, opened on 01 September 2020 after the national lockdown implemented in March 2020. This paved the way for ward committees to convene meetings, strictly adhering to the Covid-19 regulations, health and safety protocols.



The wards indicated in Table 1 below did not convene any ward committee meetings during the period October to December 2020 for the reasons indicated below as received from the respective ward councillor. Payment could not be made to the ward committee members of said ward committees as Clause 25 of the Policy and Procedures for Ward Committees stipulates that payment for out-of-pocket allowances should be made to a ward committee member for attending a ward committee meeting.

The country has subsequently moved to level 1 and was again placed under revised level 3 lockdown regulations from 28 December 2020.

**Table 1: List of ward committees that held no meetings during the period October to December 2020**

Ward	Meetings scheduled prior to lockdown	Reason/s for not being able to meet
3	6 Oct ; 3 Nov	Unrest within Lanquedoc led to Councillor being protected 24/7
5	6 Oct ; 3 Nov ; 1 Dec	No network connection: ward office could therefore not function – was waiting for equipment to enable ICT to fix the problem at the ward office. Problem only fixed on 15 December 2020
14	14 Oct ; 11 Nov	No ward office – awaiting action from LED to provide office space as per negotiations done by the Office of the Speaker
22	7 Oct ; 4 Nov ; 3 Dec	No ward office – previous office space utilised (Plein Street Library Hall) not available during lockdown and beyond

Council has adopted a revised Policy and Procedures for Ward Committees on 25 November 2020. In terms of the said Policy ward committee members will be paid an amount of R350.00 for out-of-pocket expenses incurred when attending a ward committee meeting.

Council must consider if they want to consider waiving Clause 25 and approving the payment to ward committee members of those wards that could not meet as a result of the challenges as indicated in Table 1 above. It is also advised that Council resolves on the period between January 2021 and March 2021 as it is unclear what the situation will be as the current level 3 has been extended to manage wave 2 of the virus.

## 5. RECOMMENDATION

For consideration

## 6. DISCUSSION / CONTENTS

When the President of South Africa on 15 March 2020 declared the Coronavirus (Covid-19) pandemic a national disaster in terms of Section 23(1) of the Disaster Management Act, 2002, it was to prevent an uncontrolled surge of infections and to prepare the health system adequately. During August 2020 indications were that South Africa has reached the peak and subsequently moved beyond the inflexion point of the curve.

On 17 August 2020 the entire country was placed on alert level 2 as a result of a moderate Covid-19 spread of the virus. Economic activity was permitted with the required and appropriate stringent health protocols and safety precautions in place. The country has subsequently moved to level 1 and was again placed under revised level 3 lock down regulations from 28 December 2020.

Ward offices, with the exception of wards 16 and 17, opened on 01 September 2020 after the lockdown levels were relaxed. Wards 3, 5, 14 and 22 did not convene meetings for the period October to December due to various challenges as outlined in Table 1. It is therefore recommended to Council to consider allowing payment to be made to the ward committee members of the wards that did not hold meetings. In terms of the Policy and Procedures for ward committees, payment should be made to ward committee members for out-of-pocket expenses when attending a ward committee/public meeting.

Clause 25 of the Policy *inter alia* stipulates:

*“(1) Members of ward committees will be reimbursed for out-of-pocket expenses as contemplated in clause 25(2)(a)(i) below.*

*(2) The Municipality will annually budget for the reimbursement of:*

*(a) out-of-pocket expenses for members of ward committees in respect of their participation in ward committees subject to the following criteria as approved by the Council on 20 June 2012 and revised by the Council on 28 October 2015:*

*(i) that 14 ward committee meetings which will comprise one ward committee meeting every month and one open public meeting every semester (every six months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings be paid an out-of-pocket allowance of R350.00 per meeting (R350 x 14 = R4 900.00). Payment of out-of-pocket allowances will be made quarterly.*

*... (iii) that reimbursements only be paid on verification of the attendance register of meetings attended and that reimbursements only be electronically transferred to the bank account of the relevant ward committee members ...”*

The above-mentioned stipulations necessitate that Council considers waiving these stipulations to enable the Administration to effect payment to ward committee members of those wards that did not convene meetings.

## 6.1 **Background**

Council approved a revised Policy and Procedures for Ward Committees at a Council meeting on 25 November 2020. This policy makes provision for Ward Committee members to be reimbursed for out-of-pocket expenses for attending ward committee meetings. Item 25(2) stipulates that payment be made on verification of attendance registers of meetings held.

The country has been in lockdown since 27 March 2020. Towards the end of August 2020 the lockdown was eased to level 2 in terms whereof, amongst others, meetings could be held with the necessary Covid-19 protocol i.e. screening, sanitising and social distancing being adhered to.

Most of the ward committees except wards 3, 5, 14 and 22 convened meetings after the reopening of ward offices on 01 September 2020. The wards which did not meet during the period October to December 2020 encountered various problems that prevented them from convening meetings as set out in Table 1. The country has subsequently moved to level 1 and was again placed under revised level 3 lock down regulations from 28 December 2020. It is also advised that Council resolves on the period between January 2021 and March 2021 as it is unclear what the situation will be as the current level 3 has been extended to manage wave 2 of the virus.

## 6.2 **Financial Implications**

Budgetary provision has been made in the 2020/2021 Budget for the payment of ward committee members.

**6.3    Legal Implications**

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

**6.4    Staff Implications**

This report has no additional staff implications to the Municipality.

**6.5    Risk Implications**

Risk implications for the Municipality are addressed in the item.

**6.6    Comments from Senior Management:**

Not requested

**ATTACHMENTS:**

**APPENDIX 1** – Delegations conferred on the Executive Mayor.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Nicky Ceasar</i>
<b>POSITION</b>	<i>Executive Support Officer</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8618</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:nicky.ceaser@ Stellenbosch.gov.za">nicky.ceaser@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>13 January 2021</i>

# APPENDIX 1



**STELLENBOSCH**  
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## **APPENDIX 1**

# **CONFERRAL OF COUNCIL POWERS ON THE EXECUTIVE MAYOR**

9.1	<b>DELEGATION TO THE EXECUTIVE MAYOR AND EMERGENCY ASSISTANCE TO CITIZENS IN LIGHT OF COVID-19</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Good governance and compliance**

**Meeting Date:**

**25 March 2020**

**1. DELEGATION TO THE EXECUTIVE MAYOR AND EMERGENCY ASSISTANCE TO CITIZENS IN LIGHT OF COVID-19**

**2. PURPOSE OF REPORT**

- (a) To obtain approval from Council to confer all Council powers and functions upon the Executive Mayor with the exception of the non-delegated powers as per section 160 (2) of the Constitution; and
- (b) To approve the emergency assistance to citizens in light of the COVID-19 pandemic.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The President of South Africa on 15 March 2020 declared the Coronavirus (COVID-19) pandemic a national disaster in terms of Section 23(1) (b) of the Disaster Management Act 2002. In his address, President Cyril Ramaphosa, in order to enable the development of an integrated and coordinated disaster management mechanism to focus on the prevention and reduction of the COVID-19 outbreak, has put specific measures in place.

Several regulations in this regard have been Gazetted during the past week that need urgent decision-making. It is not practical to call a Council meeting every time a decision must be made in the case of an emergency. Council therefore grants permission to the Executive Mayor to exercise power of the council during the national disaster with the exception of powers in section 160(2) of the Constitution.

Moreover, it is anticipated that the COVID-19 will have adverse effects on the economy and especially on the most vulnerable and the poorest of the poor. It is for this reason that as a responsible and caring government emergency assistance is proposed to alleviate the impact on our communities.

**URGENT COUNCIL MEETING: 2020-03-25: ITEM 9.1**

With reference to recommendation (e), Councillor DA Hendrickse requested that it be minuted that he objects to the Executive Mayor using delegated powers during this period to approve matters not specifically relating to COVID-19.

**RESOLVED** (majority vote)

- (a) that a payment reprieve be granted to citizens on application and when the criteria as set out in 6.2 are met;

- (b) that, should this agreement as referred to in 6.2 not be honoured, the full outstanding debt will become payable immediately;
- (c) that the free basic water allocation to registered indigents be increased from 6 kilo litres to 10 kilo litres from 1 April 2020 until 30 June 2020;
- (d) that credit control measures and procedures be suspended until the end of April 2020 or to such time that lockdown might be extended;
- (e) that permission be granted to confer all Council powers and functions upon the Executive Mayor with the exception of the non-delegated powers as per section 160 (2) of the Constitution until the disaster is lifted by the President; and
- (f) that the Municipal Manager be mandated to investigate and approve any further debt relief as needed.

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

*Cllrs Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); N Mananga-Gugushe (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Municipal Manager
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	25 March 2020

7.2.2	LEASE PORTIONS 528A AND 529CC: MOUNTAIN BREEZE CARAVAN PARK
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

20 January 2021

**1. SUBJECT: LEASE PORTIONS 528A AND 529CC: MOUNTAIN BREEZE CARAVAN PARK**

**2. PURPOSE**

To inform council that the current lease agreement comes to an end on 31 March 2021. Council has to resolve on a way forward.

**3. DELEGATED AUTHORITY**

The Municipal Council must consider the matter.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality and Stellenbosch Caravan Park cc (Malan) concluded a long term Lease Agreement during 1992 for a period of 30 years (1 April 1991-31 March 2021). This Lease Agreement was later ceded to the Mountain Breeze Caravan Park cc (Visser). The lease Agreement will expire on 31 March 2021. The current Lessee send a letter attached as **APPENDIX 8** expressing her interest to continue with a lease provided that it is a 10 year period to get some returns on investment.

A letter and email was also received from one of the persons occupying a stand on a long term basis requesting to rent the land from Council – **APPENDIX 6 and 7**.

Council must now decide on how to deal with this property, i.e. whether to dispose of it, or enter into a further rental agreement with the current lessee or someone else or use the property for another purpose. A decision also needs to be taken on the short term process (after March 2021) until a final decision has been reached.

**5. RECOMMENDATION**

For consideration

**6. DISCUSSION / CONTENT**

**6.1 Background**

**6.1.1 Existing Lease Agreement**

Stellenbosch Municipality and Stellenbosch Caravan Park cc (C.P Malan) concluded a long-term Lease Agreement on 18 May 1992 for the period 1 April 1991 to 31 March 2021.

This Lease Agreement, however, was later ceded to the Mountain Breeze Caravan Park cc (R.P. Visser) during 1995.

Copies of the Lease Agreement, as well as the Cession and Assignment Agreement are attached as **APPENDICES 1 and 2**, respectively.



### 6.1.2 Current Lessee

The current Lessee, Mrs Visser, indicated that she would be interested in a further lease period.

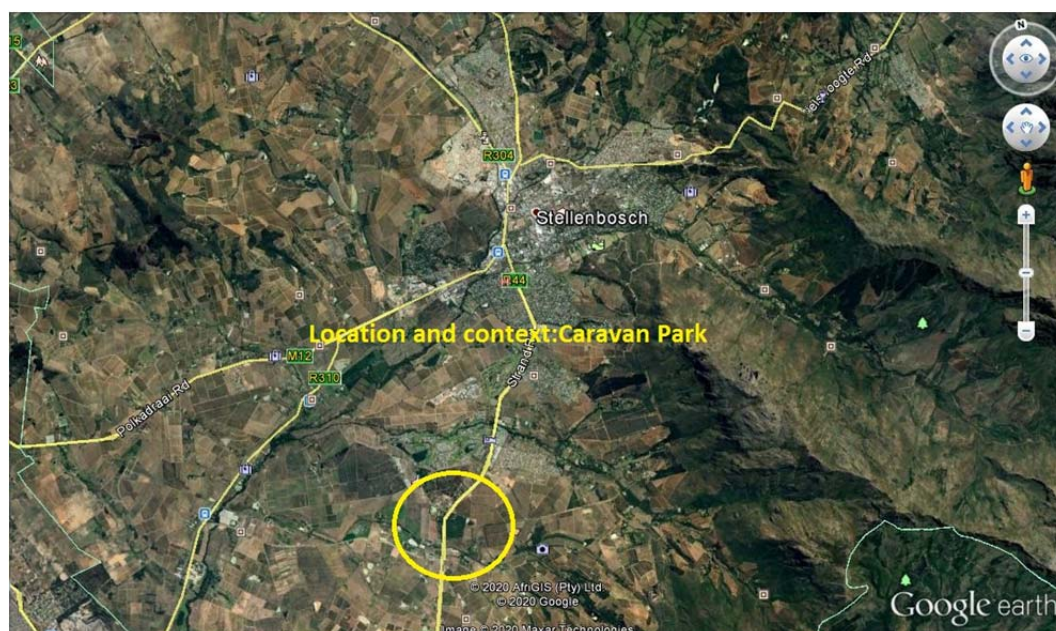
The long term residents in the park have also expressed an interest to rent the properties they currently occupy.

Council must now decide on the most appropriate use of the property and should Council consider the disposal or awarding of long term rights (lease agreement). See paragraph 6.2.9 for a more detailed discussion on the various options.

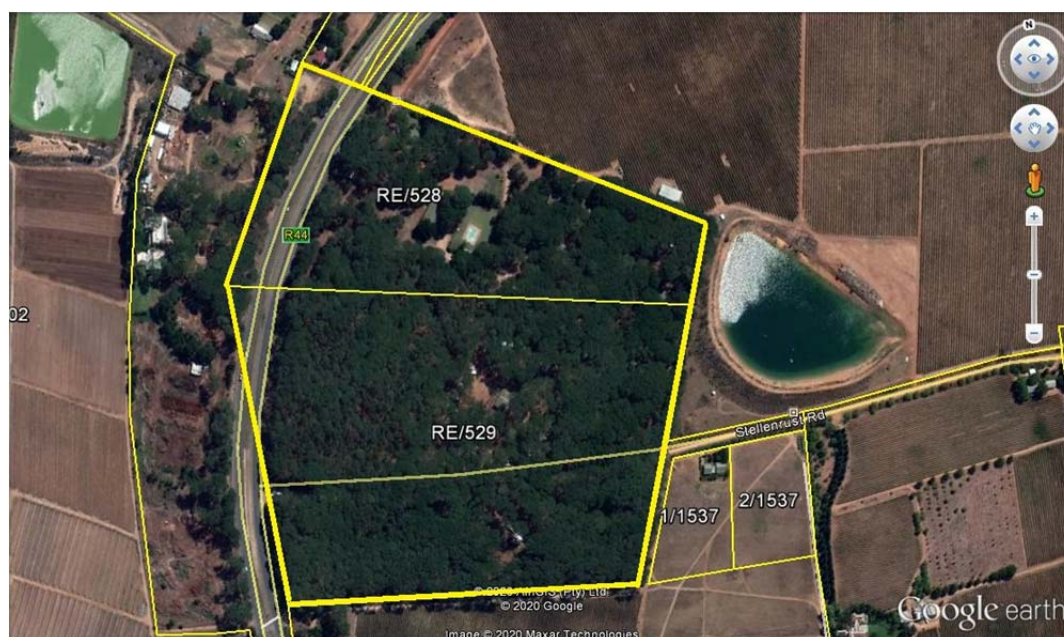
## 6.2 Discussion

### 6.2.1 Locality and context

Mountain Breeze Caravan Park is situated on Lease Portions 528 and 529C, measuring 20.3ha in size, as indicated on Fig 1 and 2 below.



**Fig 1: Location and regional context**



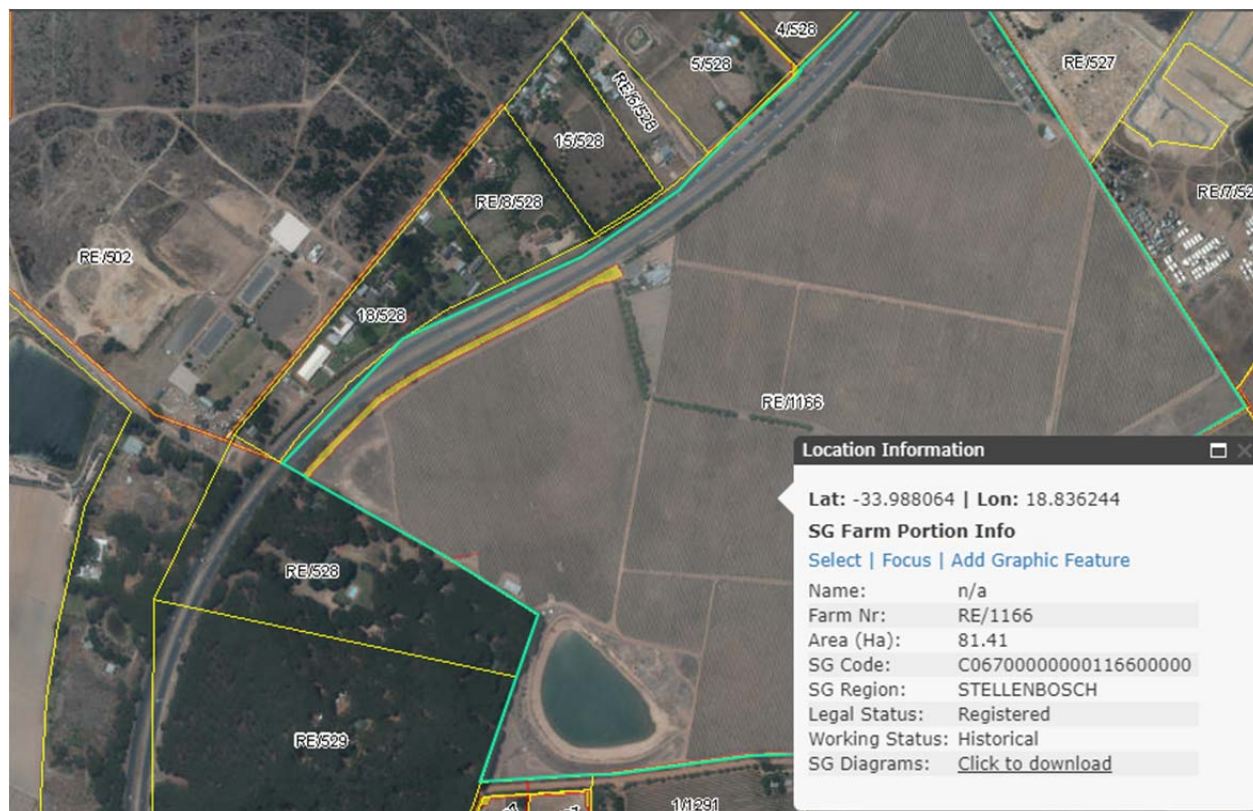
**Fig 2: Extent of property(s)**

### 6.2.2 Ownership

The ownership of the two properties vests in Stellenbosch Municipality by virtue of Title Deeds STFH-891 and STFH6-4/1890, respectively. See Windeed records attached as **APPENDICES 3 and 4** respectively.

### 6.2.3 Access

Access to the property is via a registered servitude access off the R44, over a portion of Farm 1166, Stellenbosch as shown on Fig 3, below.



**Fig 3: Access road**

The servitude was registered at the Surveyor General in 1985, see copy of LG Diagram 8786/83 hereto attached as **APPENDIX 5**.

### 6.2.4 Access to services

The property has access to irrigation water (Theewaterskloof) and is getting drinking water from a borehole situated on the neighbouring farm 1166. Electricity is supplied by Eskom.

### 6.2.5 Improvements

The following buildings were constructed by the Lessee during the lease period:

#### 6.2.5.1 Temporary structures

##### 6.2.5.1 .18 x Nutec Houses

Although the houses differ in size, the average size is about 150m<sup>2</sup>. The Reception Area is part of 1 of the houses. See figures 4-12 below.





Fig 4: Reception (part of house 1)



Fig 5: House 1





**Fig 6: House 2**



**Fig 7: House 3**



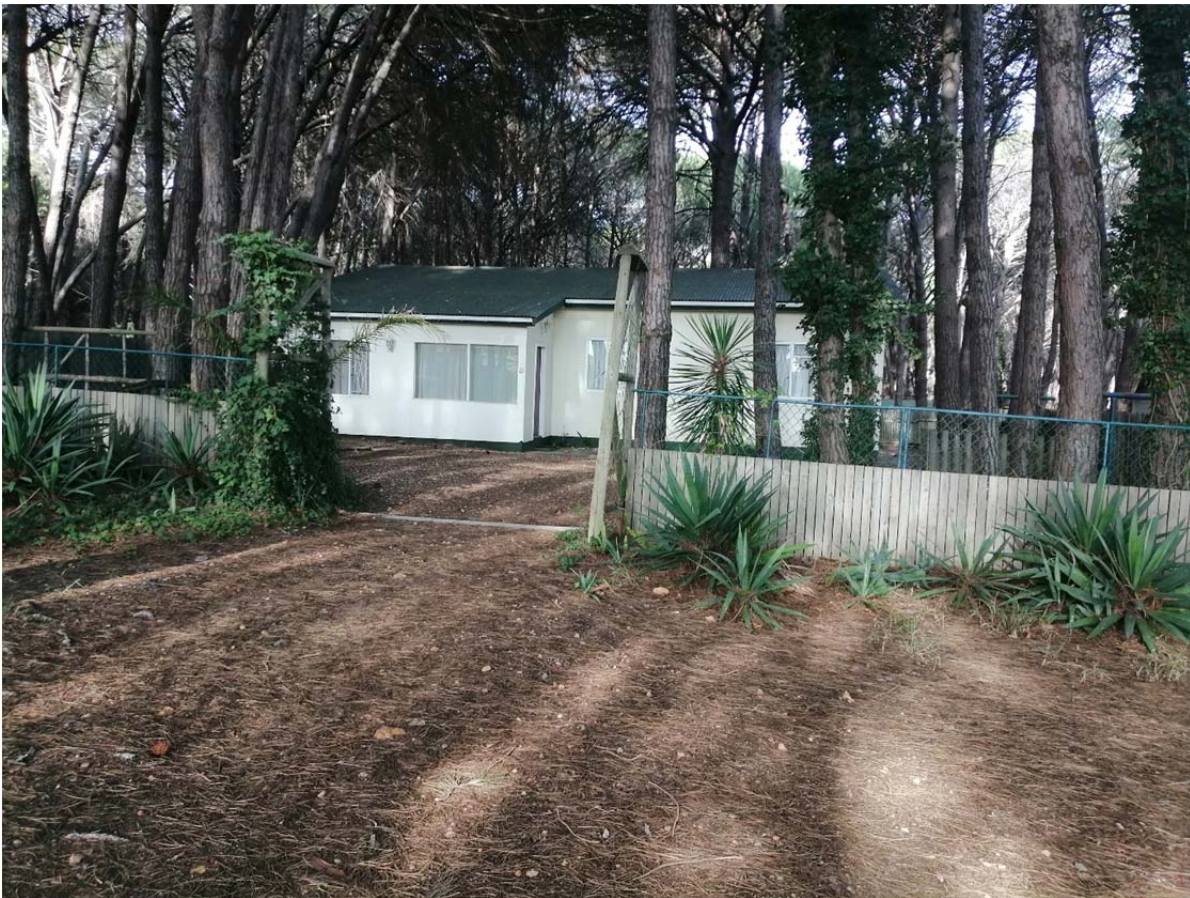


Figure 8: House 4



Fig 9: House 5





**Fig 10: House 6**



**Fig 11: House 7**





**Fig 12: House no 8**

**6.2.5.1.2 4 x Wood/Nutec Bungalows**

These units are 38m<sup>2</sup> each. See Fig 13-14



**Fig 13: Units 1 and 2**





**Fig 14: Units 3 and 4**

**6.2.5.1.3:2 x Big Nutec Bungalows**

These units are 57m<sup>2</sup> each. See Fig 15.



**Fig 15: Units 1 and 2**



**6.2.5.1.4:2 x Plett. Caravans**

These units are 52m<sup>2</sup> each. See Fig 16.



**Fig 16: Units 1 and 2**

**6.2.5.1.5 1 x Nutec Hall**

This facility is 860m<sup>2</sup> in size. See Fig 17.



**Fig 17**



**6.2.5.2 Permanent Structures****6.2.5.2.1 1 x Swimming pool with ablutions facilities**

The swimming pool is 104m<sup>2</sup>, whilst the ablution facilities are 102m<sup>2</sup>. See Fig 18.



**Fig 18: Swimming pool and ablution facilities**

**6.2.5.2.2 1 x Ablution facility**

This facility is 189m<sup>2</sup> in size. See fig 19 below.



**Fig 19: Main ablution facilities**



**6.2.5.2.3 6 X Chalets**

These units (2x3) are 80m<sup>2</sup> each. See Fig 20 and 21



**Fig 20: Units 1 and 2**



**Fig 21: Units 3 and 4**





**Fig 22: Units 5 and 6**

#### **6.2.5.2.4 2 x Staff houses**

**These units are 45m<sup>2</sup> and 130m<sup>2</sup> respectively. See fig 23 below.**



**Fig 23: Units 1 and 2**

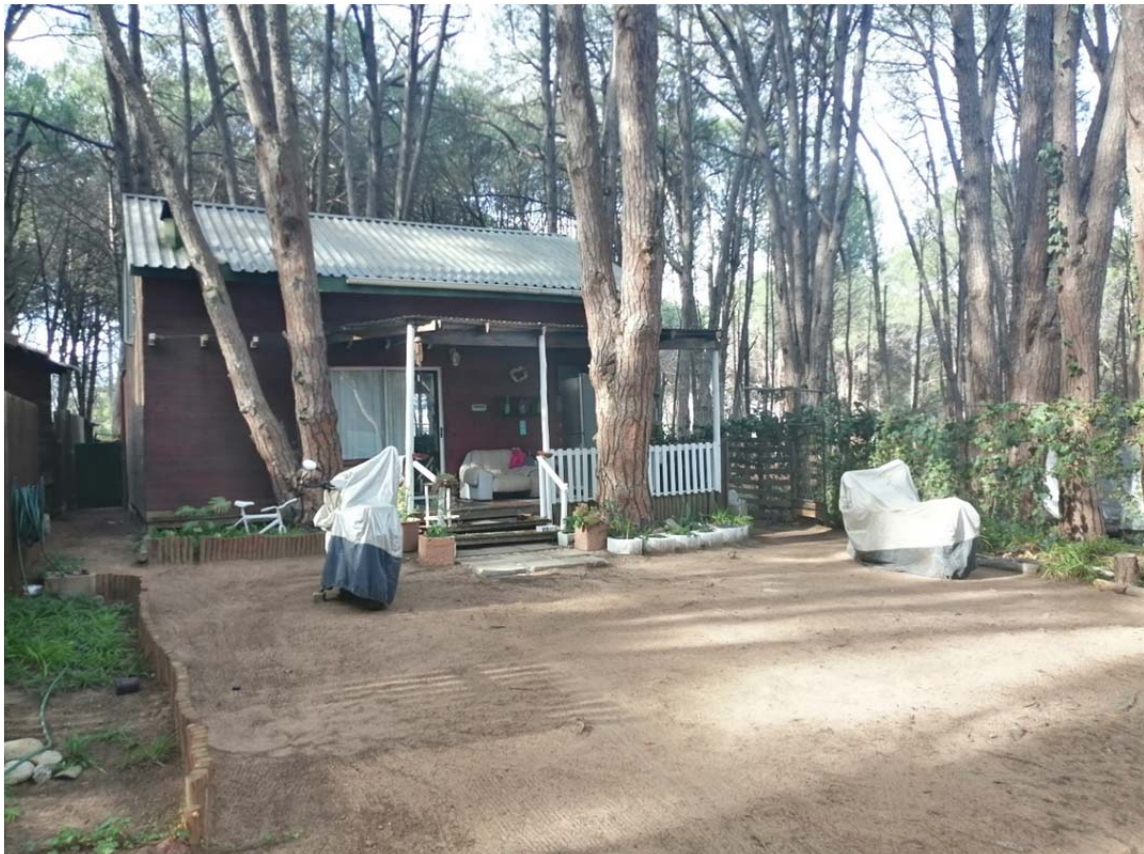


**6.2.5.3 Temporary Structures put up by tenants**

There are 9 temporary units that were put up by tenants. See Fig 24-32



**Fig 24: Unit 1**



**Fig 25: Unit 2**





Fig 26: Unit 3



Fig 27: Unit 4





**Fig 28: Unit 5**



**Fig 29: Unit 6**





Fig 30: Unit 7



Fig 31: Unit 8





**Fig 32: Unit 9**

#### **6.2.5.4 Caravan/Camping stands**

A total of 60 sites have been developed with electrical points and shared water points.  
See fig 33 below.



**Fig 33: Camping sites**

**6.2.6 Number of staff working at facility**

There are 4 permanent staff members, being the maintenance Manager and his wife, working at Reception and two labourers.

All the staff members are currently residing on the property.

**6.2.7 Current rental payable**

The current rental payable is R47 873.59 per annum.

**6.2.8 Legal requirements**

Depending on whether Council is considering the disposal of the asset or whether to award long term rights various sections/regulations of the Municipal Finance Act, No 56 of 2003, (MFMA), the Asset Transfer Regulations (ATR) and the Municipality's Policy on the Management of Council owned property, will apply.

**6.2.8.1 Disposal of fix properties****6.2.8.1.1Municipal Finance Management Act (MFMA)**

In terms of the Section 14 of the MFMA,

*“A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*

*(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—*

*(a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and*

*(b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.*

*(3) A decision by a municipal council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset has been sold, transferred or otherwise disposed of.*

*(4) Municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.*

*(5) Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111”.*

**6.2.8.1.2 Asset Transfer Regulations (ATR)**

In terms of Regulation 5 of the ATR

*“(1) A municipality may transfer or dispose of a non-exempted capital asset only after—*

*(a) the accounting officer has in terms of regulation 6 conducted a public participation process to facilitate the determinations a municipal council must make in terms of section 14(2)(a) and (b) of the Act; and*

*(b) the municipal council—*

*(i) has made the determinations required by section 14(2)(a) and (b) and*

*(ii) has as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.*

*(2) Sub regulation (1)(a) must be complied with only if the capital asset proposed to be transferred or disposed of is a high value capital asset” (i.e. in excess of R50M)”.*

### **6.2.8.1.3 Policy on the Management of Council owned property**

In terms of paragraph 7.2.3 (general principles pertaining to the disposal of immovable property), of the policy;

*“Before alienating Immovable property or rights in Immovable property the Municipality shall be satisfied that alienation is the appropriate methodology and that reasonable economic, environmental and social return cannot be derived whilst ownership of the Immovable property or Property rights is retained by the Municipality”.*

Further in terms of paragraph 8 of the policy:

*“8.1 Before an Immovable property is declared as surplus, and earmarked for disposal or the awarding of rights, it must first be assessed for its most appropriate use.*

*8.2 The most appropriate use for a surplus property is one which achieves an optimum balance between the following three key elements of sustainable development:*

- (a) the protection of ecological processes and natural systems;*
- (b) the optimum financial return to and economic development of the municipal area; and*
- (c) the enhancement of the cultural, economic, physical and social wellbeing of people and communities.*

*8.3 The three elements of sustainability will apply to all surplus Immovable Properties, however their significance and the relationships between them will vary for individual Immovable Properties.*

*8.4 In determining the most appropriate use of surplus properties, regard should be given to:*

- (a) Spatial development framework(s);*
- (b) Regional plans;*
- (c) Sectoral studies/plans;*
- (d) Government policies;*

- (e) *Relevant legislation; and*
- (f) *The views of interested and affected parties.*

8.5 *Where appropriate, opportunities should be provided for community involvement in the assessment process”.*

*Further, Subsequent to determining the most appropriate use of a property and after the Municipality has decided that the Immovable property could be disposed of, or that rights may be awarded, the method of disposal or method of awarding rights should be determined”*

In terms of paragraph 9.1 the Municipality may use any of the following methods, depending on the circumstances pertaining the specific Immovable property:

*Tender process*

- a) Auction*
- b) Call for proposals (will include a tender process)*

#### **6.2.8.2 Granting of rights to use, Control or Manage a Capital asset**

##### **6.2.8.2.1 Asset Transfer Regulations (ATR)**

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”.*

In considering options Council must treat the property as a property that falls within this category valued in excess of R10M.

- “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”.*

Council must consider its options and decide on the future use of the property. Only after Council had decided on a way forward, an Information Statement will be prepared and submitted with a further item.

#### **6.2.8.2.2 Policy on the Management of Council owned property**

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 Immoveable 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 Immoveable property ownership position is complex or the development proposals for the Immoveable 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*

Council may also decide to deal with any other competitive process like an auction.

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.*

Here under a list of circumstances where Council dispense with a competitive process.

*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.

## 6.2.9 Consideration of options

From the above it is clear that Council may consider any of the following options:

### 6.2.9.1 Disposal of property

Should Council decide to dispose of the properties, then the legal provisions set out in paragraph 6.2.8 (*supra*) will apply. Council’s attention is specifically drawn to paragraph 8 of the Policy on the Management of Council-owned property, requiring the Council to first assess the properties for its “*most appropriate use*” before declaring the property as surplus.

### 6.2.9.2 Awarding of rights: Long term Lease

Should Council decide to grant a right to use (Lease agreement) or manage the properties to a third party, then the legal provisions set out in paragraph 6.2.8.2 (ATR and Policy) will apply.

Under this option, Council must first consider whether to enter into a **private treaty agreement** with the existing Lessee (i.e. without following a tender process) or to follow a **public tender process**.

If Council decides to follow a public tender process, then it must decide on the type of process to be followed, i.e.:

- Outright tender;
- Qualified tender/Call for proposals, or
- Call for proposals on a Built-Operate-Transfer basis.

## 6.3 Financial Implications

The possible financial implications can only be determined after Council has decided which route to follow.

## 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**

None

**6.7 Risk Implications**

The risks are addressed in the item.

**6.8 Comments from Senior Management**

Will be obtained when council has indicated its preference on the way forward.

**ANNEXURES:**

**Annexure 1: Lease Agreement**

**Annexure 2: Cession and Assignment Agreement**

**Annexure 3: Windeed records**

**Annexure 4: Windeed records**

**Annexure 5: LG Diagram 8786/83**

**Appendix 6: Letter from current Lessee**

**Appendix 7 and 8: Letters from one of the long term residents**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Piet Smit
<b>POSITION</b>	<i>Manager: Property Management</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	13- 01-2021

# APPENDIX 1



2.1

**MEMORANDUM VAN HUUROOREENKOMS**

Aangegaan deur en tussen

**DIE MUNISIPALITEIT 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 CARAVAN PARK CC****NO CK 85/08481/23**

hierin verteenwoordig deur **DANIE MALAN** as synde die gevolmagdigde verteenwoordiger ingevolge 'n besluit van die Beslote Korporasie gedateer 1992-<sup>03-24</sup>~~03-24~~ waarvan 'n afskrif as Bylae A aangeheg is

("die **HURDER**")**NADEMAAL** die **VERHUURDER** die eienaar is van die eiendom bekend as

Plase 528A en 529C groot 20,3 hektaar

soos aangedui op die aangehegte kaart

("die **EIENDOM**")

**EN NADEMAAL** die **VERHUURDER** begerig is om die **EIENDOM** aan die **HURDER** te verhuur vir die uitsluitlike gebruik van 'n karavaanpark 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 **HURDER** bekend is.

Gemeenskapsdienste : 1994-07-05 : Item 2.1.A

AANHANGSEL 2

2.1

**MEMORANDUM VAN HUUROOREENKOMS**

Aangegaan deur en tussen

**DIE MUNISIPALITEIT STELLENBOSCH**

hierin verteenwoordig deur

**ERASMUS PETRUS SMITH TALJAARD EN GERHARDUS MATTHYS STRYDOM**

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 sproeiingsraad (**DIE OOREENKOMS**), die terme en voorwaardes van die ooreenkoms waarvan aan  
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*(Handwritten signatures and initials)*  
 ER. RJ  
 bgr  
 [Signature]

## 2.2

**EN NADEMAAL** die **HURDER** 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 **HURDER** 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 **HURDER** die eiendom, wat deur die **HURDER** 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 bepalinge van subklousules 4.4 (laat betaling), 13.1 (sessie), klousule 20 (opsegging) en die bepalinge van Bylae B hiervan.

2. Die **VERHUURDER** onderneem om alles te doen, of te laat doen, om 2 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 **HURDER** 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 bepalinge van **DIE OOREENKOMS**, of andersins bepaal, welke terme en voorwaardes aan die **HURDER** bekend is.

#### **4. HURGELD, KOSTE VAN WATER, MUNISIPALE BELASTING**

4.1 Die **HURDER** betaal eenmalig voor of op die 30ste dag van April 1992 by die kantoor van die Stadstoesourier die bedrag van **R12 486,01** (welke bedrag bereken is vir die tydperk vanaf die datum waarop die ooreenkoms 'n aanvang neem tot die 31ste dag van

## 2.2

**EN NADEMAAL** die **HURDER** 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.

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## 2.3

Maart 1993. Die **HUURDER** betaal daarna jaarliks voor of op die 31ste dag van Maart van elke daaropvolgende jaar die basiese huurgeld plus verhoging plus addisionele huurpremie 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 Watervorsingsraad;

4.2.1.5 koste van die gelewerde water soos deur die Besproeiingsraad en bereken teen die aankoopkoste van water soos van tyd tot tyd deur die Departement van Waterwese bepaal.

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

## 2.4

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.

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## 2.5

7.2 Die **HURDER** 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 **HURDER** aangeplant is nie, te kap en te verwyder, en hiervoor het hy vrye toegang tot die eiendom.

8. **WATERBRONNE**

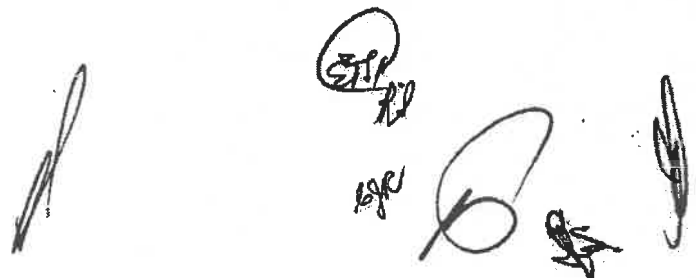
8.1 Die **VERHUURDER** waarborg geen voorraad van oppervlakte- of ondergrondse water nie.

8.2 Die **HURDER** onderneem om nie met fonteine 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 fonteine 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 **HURDER** onderneem om alle strome, fonteine of opgaardamme teen besoedeling te beskerm, en om sodanige instruksies uit te voer as wat die **VERHUURDER** periodiek te dien einde mag uitreik.

8.5 'n Serwituut is ten gunste van die **EIENDOM** op die boorgat gemerk A en pyplyn gemerk AB op die aangehegde diagram no 8743/87 geregistreer.

The bottom of the page contains several handwritten signatures and initials. On the left, there is a long, vertical signature. To its right, there are several sets of initials and signatures, including one that appears to be 'SIP' inside a circle, and another that looks like 'B' with a large loop. There are also some smaller, less legible marks.

## 2.6

**9. GRONDBEWARING**

- 9.1 Die **HURDER** 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 bepalinge 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** ingeval laasgenoemde versuim om dit op die **VERHUURDER** se versoek te doen.

**11. BRANDBESTRYDING**

- 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

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## 2.6

## 9. GRONDBEWARING

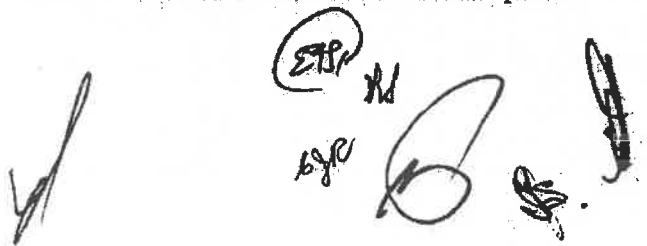
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op die **EIENDOM** wat aan die **VERHUURDER** behoort word deur 'n taksateur wat deur die **VERHUURDER** aangestel en wie se bevinding bindend is, aangeslaan, en aan die **VERHUURDER** deur die **HUURDER** vergoed.

## 12. OMHEINING

12.1 Die **HUURDER** is verantwoordelik vir die oprigting en koste van enige omheining wat hy vir die beskerming van sy onderneming op die **EIENDOM** nodig mag ag. Geen motorvoertuighek mag op die grens, aangedui as Kabode op die aangehegte kaart aangebring word nie.

12.2 Omheining wat deur die **HUURDER** 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 onderhandeling 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 reëlins binne sestig dae vanaf die datum van hervershuring deur die **HUURDER** getref is nie, en in so 'n geval is die **HUURDER** nie geregtig tot enige vergoeding vir die omheining wat aldus deur hom verbeur is nie.

## 13. ONDERVERHURINGS, SESSIES OF OORDRAGTE, ENS

13.1 Die **HUURDER** 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 **HUURDER** 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 **HUURDER** is of by verandering van direkteure of by likwidasie van die maatskappy of beslote korporasie of ingeval die maatskappy onder geregtelike bestuur geplaas word, bly die oorspronklike borge ten behoeve 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 **HUURDER** toestem tot vervanging van sodanige borge.

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## 2.7

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. Geen motorvoertuighek mag op die grens, aangedui as Kabode op die aangehegte kaart aangebring word nie.

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 hervverhuring 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 likwidasie van die maatskappy of beslote korporasie of ingeval die maatskappy onder geregtelike bestuur geplaas word, bly die oorspronklike borge ten behoeve 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.

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- 13.4 Verandering van die beherende aandeelhouding of verandering van ledebelaang, 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 verbetering 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 verbetering 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 verbetering 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 verbetering 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 bepalinge 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

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## 2.9

die stiptelike nakoming van die bepalings en vereistes van die toepaslike wetgewing met betrekking tot behuising.

Enige plakkery 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 4.4, 20.1.1, 20.1.2 en 20.2 of andersins volgens sy eie diskresie en goeëdunke 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 waarvan 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 **VERHUURDER** word. /NS
- 14.8 Die **EIENDOM** sal bo-en-behalwe die bepalings van hierdie ooreenkoms, ook onderhewig wees en voldoen aan die bepalings van die **VERHUURDER** se Verordening insake parke vir woonwaens en mobiele wonings.
- 14.9 Die uitlegplan waarvolgens die **EIENDOM** as park ontwikkel sal word, sal op koste van die **HURDER** deur 'n gekwalifiseerde Stadsbeplanner gedoen word en sodanige plan sal onderworpe wees aan die goedkeuring van die **VERHUURDER**,
- 14.10 Op 'n maksimum van 10 % van die ontwikkelde persele mag permanente okkupasie toegelaat word van welke 10 % permanente okkupasie minstens 50 % in woonwaens moet geskied. Hierdie laasgenoemde persentasie kan egter by skriftelike kennisgewing van die **VERHUURDER** aan die **HURDER**, gewysig word.
- 14.11 Die beplanning en voorsiening van siviele en elektriese dienste op die eiendom moet volgens die voorskrifte van die **VERHUURDER** op koste van die **HURDER** geskied.
- 14.12 Minstens 50 % van die ontwikkelde persele moet elk oor 'n 220 V elektriese kragpuntaansluiting beskik.
- 14.13 Op 'n gedeelte van die **EIENDOM**, gemerk CDEFGHJKjhgfC op die aangehegte kaart, mag geen persele ontwikkel word nie. Gemelde gedeelte moet gebruik word vir die huisvesting van personeel werksaam op die eiendom en voorts vir doeleindes van buiteligontspanning deur dag besoekers.

2.10

**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 baken 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**

- 16.1 Die **HURDER** onderneem om alle bestaande paaie op die **EIENDOM** in 'n goeie toestand te hou, en voorts om geen verdere paaie te bou of oop te maak sonder die voorafverkreë skriftelike toestemming van die **VERHUURDER** nie.
- 16.2 'n Ewigdurende reg van weg soos aangedui as ABCDEFGHIJKLMNOPQRS op die aangehegte diagram no 4534/85, is ten gunste van die **EIENDOM** geregistreer.

**17. INSPEKSIES**

Die gemagtigde amptenare van die **VERHUURDER** kan te eniger tyd die **EIENDOM** betree om sodanige inspeksies as wat hulle nodig mag ag, uit te voer en om vas te stel of die voorwaardes en bepalings 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 voorafverkreë skriftelike toestemming van die **VERHUURDER** nie.

2.10

**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.
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Die **HURDER** sal geen advertensietekens hoegenaamd op die **EIENDOM** oprig nie, en sal ook nie toelaat dat sulke tekens opgerig word sonder die voorafverkreë skriftelike toestemming van die **VERHUURDER** nie.

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## 2.11

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 BEÏNDIGING 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 **HURDER** deur sy handelinge op die **EIENDOM** 'n oorlas vir ander uitmaak; of

20.1.4 indien die **HURDER** teenstrydig met enige bepaling van die Dorpsaanslegskemaregulasies 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 **HURDER** verleë word, op voorwaarde dat die **HURDER** 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 heroorgeweging geneem sal word.

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20.2 die **HURDER** 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 **HURDER** aan die **VERHUURDER** gegee is, hierdie ooreenkoms beëindig.

20.3 Wanneer subklousule 20.1.5 toegepas word sal die **HURDER** 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** aanvaarbaar is - minus die waardevermindering wat in gelyke paalemente 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.

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## 2.13

23. **ARBITRASIE**

23.1 Enige geskil wat te eniger tyd tussen die partye mag ontstaan in verband met enige aangeleentheid voortspruitende 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 blootlegging 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 Goeie 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. **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/kliëntbasis, 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.

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2.14

GETEKEN TE STELLENBOSCH HIERDIE 18 DAG VAN Mei 1991 2

GETUIE

TEN BEHOEWE VAN DIE VERHUURDER

1. B. Supel.

2. Bj Robinson

E. J. J. J. J.  
BURGEMEESTER

[Signature]  
UITVOERENDE HOOF/  
STADSKLERK

GETEKEN TE STELLENBOSCH HIERDIE 8<sup>ste</sup> DAG VAN April 1991

GETUIE

TEN BEHOWE VAN DIE HUURDER

1. [Signature]

2. [Signature]

[Signature]  
-  
[Signature]

1992-02-24

(#SKLUB/KONTRAK/mc)

[Signature]

**BELEID EN TOEPASSING VAN DIE HUURGELDBEREKENING**

1. (a) Vir die doeleindes van hierdie ooreenkoms word die huurgeld gebaseer op die onverbeterde waarde van die Landbougrond in welke geval die volgende woordbepaling van toepassing sal wees:

*"Onverbeterde grond"* - beteken grond soos in sy natuurlike staat, met of sonder natuurlike plantegroei, waarop geen spesifieke struik of gewasse voorkom en verbou word met die doel om dit te oes nie;

1. (b) die waarde van die onverbeterde Landbougrond sal deur die KWV bepaal word; en

1. (c) vir die jaar 1989 word die waarde van die grond vasgestel op R7 200,00 per hektaar waarop die Stadsraad 'n opbrengs van 5 % verwag.

2. **Huurgeld betaalbaar in eerste termyn van vyf (5) jaar**

- (a) Die jaarlikse basiese huurgeld ingevolge klousule 4.1 van die huurooreenkoms betaalbaar, is die som van R360,00 per hektaar per jaar;
- (b) die basiese huurgeld sal jaarliks met 70 % van die styging van die amptelike verbruikersprysindeks soos op 31 Desember van die vorige jaar eskaleer.

3. **Aangepaste huurgeld na vyf (5) jaar**

Die basis van die huurgeld sowel as die persentasie aanpassing soos beskryf in paragrawe 1 en 2 sal elke vyf (5) jaar herbepaal word ooreenkomstig die basis beskryf in par. 1 of op 'n ander basis waarop onderling ooreengekom word. Indien die partye nie konsensus kan bereik oor die huurgeld nie, sal sodanige kwessie verwys word vir arbitrasie ingevolge klousule 23 van die hoofooreenkoms.

1992-02-24

(/SKLUB/KONTRAK/mc)

A

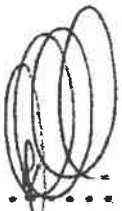
STELLENBOSCH CARAVAN PARK C.C.

No CK 85/08481/23

Minutes of a meeting of the members held at D.F.Malan Industria on Tuesday 24th March 1992.

Resolved that Mr.Danie Malan in his capacity as a member of the close corporation be empowered to sign on behalf of the close corporation all documents relating to a lease for land to be entered into with the Municipality of Stellenbosch.

Signed at D.F.Malan Industria on 24th March 1992.



.....  
D.J.WALL  
SECRETARY



# **APPENDIX 2**

7/2/12/103

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A/5a/214

Van der Westhuizen Vos & Horn Inc.  
Attorneys, Notaries & Conveyancers  
9 Helderberg Street  
Stellenbosch  
(Ref: A M Vos)  
Tel: 021 - 887 6860  
Fax: 021 - 886 5793

## CESSION AND ASSIGNMENT OF LEASE BY LESSEE

### MEMORANDUM OF AGREEMENT ENTERED INTO BY AND BETWEEN

#### THE MUNICIPALITY OF STELLENBOSCH

(herein represented by JACOBUS PETRUS RETIEF in his capacity as Town Clerk/Executive Officer and hereinafter referred to as "the Lessor")

and

#### STELLENBOSCH CARAVAN PARK CC

(herein represented by CARL PHILIP MALAN in his capacity as duly authorised member and hereinafter referred to as "the Lessee")

and

#### MOUNTAIN BREEZE CARAVAN PARK CC

(herein represented by RUDOLPH PHILIPPUS VISSER, duly authorised thereto and hereinafter referred to as "the Cessionary")

WHEREAS the Lessor and the Lessee did on the 18<sup>th</sup> day of May 1992 at Stellenbosch enter in a Lease Agreement, a copy of which is annexed hereto marked Annexure "A"; and

WHEREAS the Lessee is desirous of ceding his rights and delegating his obligations in terms of the aforesaid agreement to the Cessionary; and

WHEREAS the Cessionary is prepared to take cession of the Lessee's rights and assignment of the Lessee's obligations under the agreement; and

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- 2 -

**WHEREAS** the Lessor has consented to the cession and assignment of the Lease Agreement by the Lessee to the Cessionary;

**NOW THEREFORE** it is agreed as follows:

# 1. INTERPRETATION

In this agreement, except in a context indicating the contrary,

- 1.1 "the Effective date" shall mean 18<sup>th</sup> December 1995; and
- 1.2 "the Lease" shall the agreement entered into by and between the Lessor and the Lessee, dated at Stellenbosch on the 18<sup>th</sup> day of May 1992; and
- 1.3 "the parties" shall mean the parties to this agreement; and

# 2. CESSION & DELEGATION

- 2.1 Regardless of the date of signing hereof, the Lessee hereby cedes to the Cessionary all the Lessee's rights, title and interest under, in and to the Lease, and delegates to the Cessionary all its obligations under the Lease.
- 2.2 The Cessionary hereby accepts the cession and delegation in terms of clause 2.1 above.
- 2.3 The Lessor hereby consents to the cession and delegation in terms of clause 3.1 above.

# 3. SURETYSHIP

- 3.1 It is recorded that upon signing of the Lease, the members of the Lessee bound themselves in their personal capacity as sureties and co-principal debtors in favour of the Lessor for the due fulfilment of the Lessee obligations under the Lease. A copy of the relevant Deed of Suretyship is annexed hereto marked "Annexure B".
- 3.2 It is recorded that the Lessor hereby releases all the sureties reflected in Annexure B unconditionally with effect from the Effective date.
- 3.3 It is hereby further recorded that **RUDOLPH PHILIPPUS VISSER**, the sole member of the Cessionary, binds himself as surety and co-principal debtor in favour of the Lessor for the due fulfilment of the Cessionary's obligations under the Lease from the Effective date.

Handwritten signatures and initials at the bottom of the page, including a large signature on the right and several initials or smaller signatures on the left and center.



- 3 -

**4. INDEMNITY**

- 4.1 The Lessee indemnifies the Cessionary against all claims by the Lessor against the Cessionary in terms of the Lease on causes arising prior to the Effective date.
- 4.2 The Cessionary indemnifies the Lessee and all its members in their personal capacity against any claims by the Lessor against the Lessee or its members in their personal capacity on causes arising from the Effective date and thereafter.

**5. SOLE MEMORIAL**


It is recorded that this document and annexures thereto constitute the entire agreement between the parties and that no variation shall be of any legal force or effect unless reduced to writing and signed by the parties.

THUS DONE and SIGNED at Stellenbosch on this the 16<sup>th</sup>  
day of March 1998.

AS WITNESSES:


1. 

2. \_\_\_\_\_


  
LESSOR

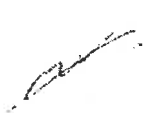


THUS DONE and SIGNED at D.F. Malan Industrie on this the 17<sup>th</sup>  
Day of February 1998.

AS WITNESSES:

1. 

2. 

  
LESSEE

- 4 -

THUS DONE and SIGNED at STELLENBOSCH

on this the 29TH

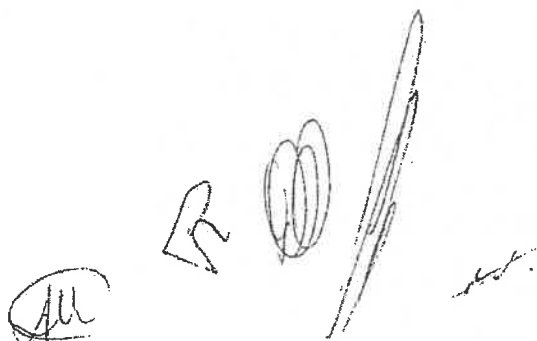
Day of JANUARY

1998.

AS WITNESSES:

1.   
**ANTON MARIUS VOS**  
Kommissaris van Ede/Commissioner of Oaths  
Prokureur/Attorney
2. Heiderbergstraat 9 Heiderberg Street  
STELLENBOSCH

  
CESSIONARY



# **APPENDIX 3**

## Deeds Office Property

**windeed**  
A LexisNexis® Product

FARM 529, 529, 0 (REMAINING EXTENT) (CAPE TOWN)

## GENERAL INFORMATION

Deeds Office	CAPE TOWN
Date Requested	2020/05/18 10:45
Information Source	DEEDS OFFICE
Reference	-



## PROPERTY INFORMATION

Property Type	FARM
Farm Name	FARM 529
Farm Number	529
Portion Number	0 (REMAINING EXTENT)
Local Authority	STELLENBOSCH MUN
Registration Division	STELLENBOSCH RD
Province	WESTERN CAPE
Diagram Deed	STF6-4/1890
Extent	86.7292H
Previous Description	-
LPI Code	C06700000000052900000

## OWNER INFORMATION

## Owner 1 of 2

Company Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
Registration Number	
Title Deed	ST FH 6-4/1890
Registration Date	1890/12/12
Purchase Price (R)	SECT 16
Purchase Date	-
Share	
Microfilm Reference	2006 0406 0383
Multiple Properties	NO
Multiple Owners	NO

## Owner 2 of 2

Company Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
Registration Number	
Title Deed	T101559/2005
Registration Date	-
Purchase Price (R)	TRANSFER BY ENDO
Purchase Date	-
Share	
Microfilm Reference	2006 0406 0391
Multiple Properties	NO
Multiple Owners	NO

Printed: 2020/05/18 10:45

**ENDORSEMENTS (10)**

#	Document	Institution	Amount (R)	Microfilm
1	EX758/1965-ST FH 6-4	/1890	UNKNOWN	
2	K1262/2005S	-	UNKNOWN	2006 0406 0395
3	K325/2018S	-	UNKNOWN	
4	K401/1992S	-	UNKNOWN	1992 0430 0843
5	VA1405/1986-6-4/1890	STF	UNKNOWN	
6	VA2447/2018	MUN STELLENBOSCH	UNKNOWN	
7	VA544/1989-STF6-4/18	90	UNKNOWN	
8	VA8545/2005	MUN STELLENBOSCH	UNKNOWN	2006 0406 0376
9	FARM ST 529	-	UNKNOWN	1985 0072 0660
10	PTN'S ST RD 529/1-2	-	UNKNOWN	

**HISTORIC DOCUMENTS (1)**

#	Document	Owner	Amount (R)	Microfilm
1	ST FH 6-4/1890	MUN STELLENBOSCH	UNKNOWN	2006 0406 0383

**DISCLAIMER**

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# APPENDIX 4

Printed: 2020/05/18 10:40

**windeed**  
A LexisNexis® Product

## Deeds Office Property

FARM 528, 528, 0 (REMAINING EXTENT) (CAPE TOWN)

### GENERAL INFORMATION

Deeds Office CAPE TOWN  
Date Requested 2020/05/18 10:40  
Information Source DEEDS OFFICE  
Reference -



### PROPERTY INFORMATION

Property Type FARM  
Farm Name FARM 528  
Farm Number 528  
Portion Number 0 (REMAINING EXTENT)  
Local Authority STELLENBOSCH MUN  
Registration Division STELLENBOSCH RD  
Province WESTERN CAPE  
Diagram Deed ST FH 6-6/1891  
Extent 4.8639H  
Previous Description -  
LPI Code C0670000000052800000

### OWNER INFORMATION

#### Owner 1 of 1

Company Type LOCAL AUTHORITY  
Name MUN STELLENBOSCH  
Registration Number  
Title Deed ST FH 6-6/1891  
Registration Date 1891/06/29  
Purchase Price (R) -  
Purchase Date -  
Share  
Microfilm Reference  
Multiple Properties NO  
Multiple Owners NO

### ENDORSEMENTS (4)

#	Document	Institution	Amount (R)	Microfilm
1	EX758/1965-ST FH 6-6	/1891	UNKNOWN	
2	K401/1992S	-	UNKNOWN	1992 0430 0843
3	FARM ST 528	-	UNKNOWN	1985 0072 0648
4	PTNS ST RD 528/1-8,1	5	UNKNOWN	

### HISTORIC DOCUMENTS

No documents to display

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# APPENDIX 5



8786-83

Goedgekeur

Landmeter-generaal

1984-01-26

Bakens:

wat 305mm uitsteek  
 A,H,J,K : Ysterdraadpaal in klipstapel  
 wat 305mm uitsteek  
 L : Ysterpaal in klipstapel  
 R,M,N,P,Q : Ysterpaalseksies in klipstapels  
 M,N,P,Q : 16mm ysterpenne in klipstapels

SYE METER	RISTINGS- HOEKE		KOÖRDINATE		
			Y	STELSEL Lo 10°	X
	Konstante			0,00	+3700000,00
	A 258 16 00	A	+ 15 385,80	+ 62 209,39	
		B			
		C			
		D			
		E			
		F			
		G			
HJ	348,07	H	86 43 20	+ 14 419,28	+ 61 925,14
JK	370,05	J	270 12 50	+ 14 720,98	+ 62 098,75
KL	493,54	K	54 46 10	+ 14 535,21	+ 62 418,80
		L		+ 15 026,80	+ 62 374,94
LM	22,50	L	278 16 10	+ 15 026,87	+ 62 374,78
MN	66,56	M	88 27 20	+ 15 025,63	+ 62 397,25
NP	193,44	N	186 00 10	+ 15 092,16	+ 62 399,13
PQ	179,38	P	176 05 30	+ 15 283,89	+ 62 424,79
QR	151,00	Q	67 32 30	+ 15 462,89	+ 62 436,41
RA	88,92	R	179 59 30	+ 15 414,37	+ 62 293,42
		R		+ 15 414,35	+ 62 293,58
	Stel 7	Δ	+ 14 377,22	+ 65 509,37	
	Helderberg	Δ	+ 10 986,97	+ 66 847,76	

Komponente:

- Die figuur ABCDEFGHJKLR stel die Restant van Gedeelte 1 van die plaas No. 528 voor. Sien kaart No. 3271/1940 T.A. 1941/22-1064
- Die figuur RLMNPQ stel Gedeelte 3 van die plaas No. 529 voor. Sien kaart No. 8785/83 T.A. 1985- -7289

Die figuur A B C D E F G H J K L M N P Q R

stel voor 81,7271 hektaar

grond, synde

PLAAS No. 1166 en bevat 1., 2. soos hierbo beskryf

geleë in die Munisipaliteit en

Administratiewe Distrik

Stellenbosch

Provinsie Kaap die Goeie Hoop.

Opgevestigd in Saamgestel in Oktober 1983  
 deur my,

*Burger*  
 Landmeter

Hierdie kaart is geheg aan Sert.Verren.Titel

No. T.7290/1985  
 gedateer  
 t.g.v.

Registrateur van Aktes

Die oorspronklike kaarteis.

soos hierbo aangetoon.

No. geheg aan  
 Transport/Grondbrief  
 No.

Lêer No. Stel. 1166

M.S. No. Saamgestel

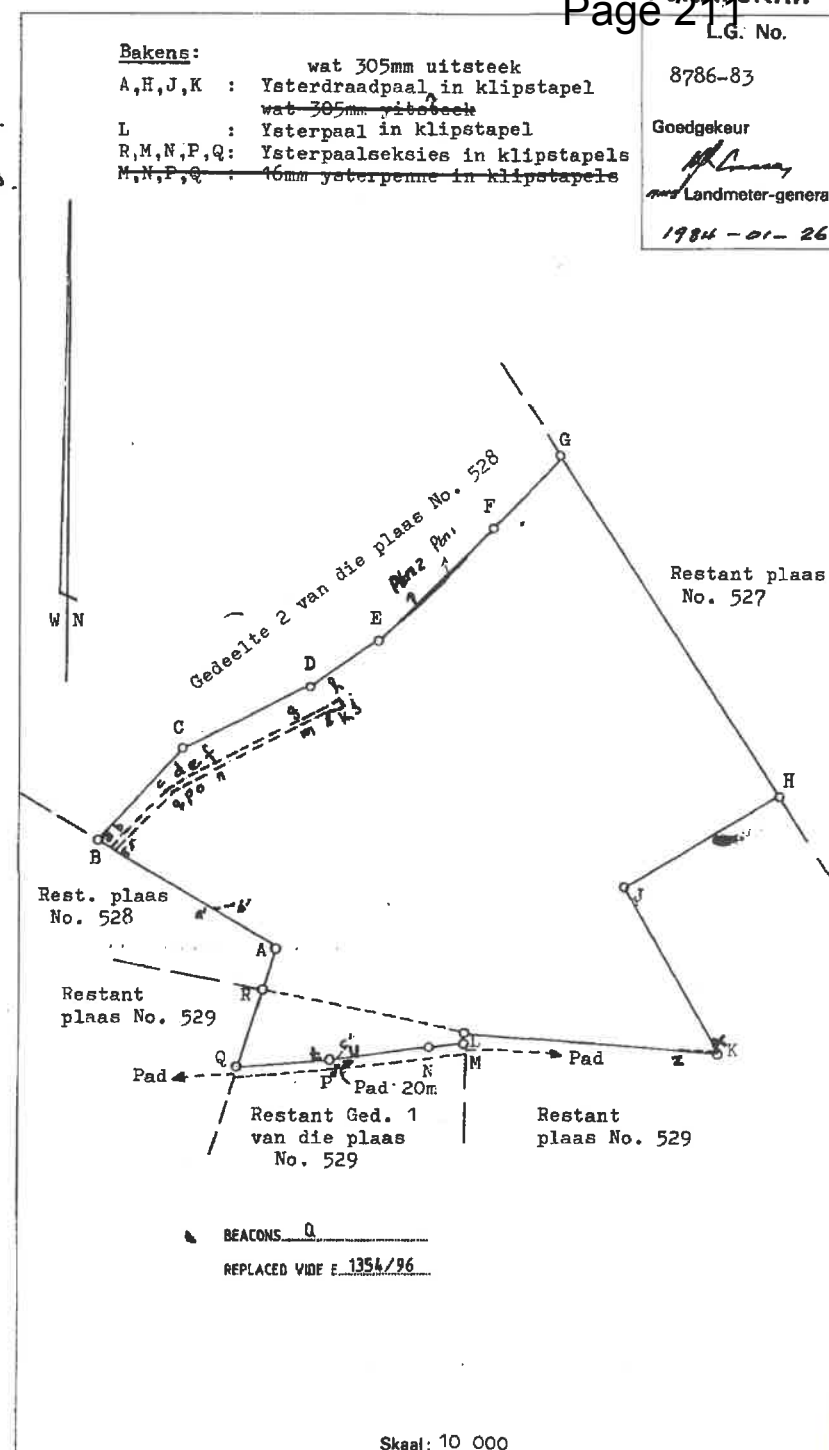
BH-8DCD (3785)

Komp. Bakens H,J,K,L,R,  
 A,en Grense GH,HJ,JK,KL  
 LR,RA en AB gevestig.

BA 051/1940

VIR ENDOSSEMENTE

RA 051/1940



BEACONS Q  
 REPLACED VIDE E 1354/96

Skaal: 10 000



# **APPENDIX 6**

**Annalene De Beer**

---

**From:** Dome Sonnekus <domesonnekus@gmail.com>  
**Sent:** Tuesday, 29 September 2020 10:22  
**To:** Annalene De Beer; Aldridge Frazenburg  
**Subject:** [EX] Mountain Breeze Karavaan Park

Goeie môre Annalene en Aldridge

Ek het jul inligting by Rikus Badenhorst gekry,

Ek glo dat my e-pos wat ek vir hom gestuur het en sy antwoord terug aan my, waarin jul in gesluit is, sal kan help om vir my te help met die nodige inligting.

Ek sal baie graag wil voortgaan met 'n tydelike kontrak indien moontlik, of dalk met die nuwe Bestuur van die park wil saam werk ivm die toekoms van die permanente inwoners.

Ek het baie ondervinding in Gastehuse en Safari Lodges, bestuur asook die finansiële funksies.

Die ander inwoners maak om een of ander rede staat op my, om 'n antwoord/gerus te stel, aan hul te verskaf.

Byvoorbaat dank  
Domé Sonnekus  
0845181951

# APPENDIX 7

**Annalene De Beer**

**From:** Rikus Badenhorst  
**Sent:** Tuesday, 29 September 2020 10:01  
**To:** domesonnekus@gmail.com  
**Cc:** Annalene De Beer; Aldridge Frazenburg  
**Subject:** FW: [EX] Mountain Breeze Karavaan Park

Dag Me Sonnekus

Die Direktooraat wat met eiendoms verhuring deel is Corp & Strategic Services, Dir Annalene De Beer – sy sal meer lig kan werp, ek sluit haar en Raadslid Frazenburg in (Rdsl Frazenburg is die Burgemeesters Komitee Lid van die afdeling)



*Kind regards, Vriendelike Groete*

**Cllr. Rikus Badenhorst**

**Councillor: Ward 21**

**Mayco Member: Community & Protection Services**

T: +27 21 808 8350 Ward Office

T: +27 21 808 8012 Mayco Office C:

+27 82 654 1048

Email:

[Rikus.Badenhorst@ Stellenbosch.gov.za](mailto:Rikus.Badenhorst@ 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/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)



**From:** Dome Sonnekus [mailto:domesonnekus@gmail.com]  
**Sent:** Tuesday, 29 September 2020 09:13  
**To:** Rikus Badenhorst  
**Subject:** [EX] Mountain Breeze Karavaan Park

Goeie môre Rikus

Ek het geen idee met wie moet ek kontak maak nie, maar hoop dat jy my kan leiding gee.

Dit is ivm die voortbestaan van Mountain Breeze Karavaan Park.

Die dame wat nou die kontrak het, het vir die 9 permanente inwoners, op 1 Augustus 2020 kennis gegee dat haar kontrak op 28 Feb 2021 klaar maak en ons moet ons huise afbreek en die perseel ontruim.

Ek het verskeie kere by haar (mev Visser) probeer uitvind wat gaan gebeur, maar sonder sukses.

Daar is van ons wat al 22 jaar plus daar woon en geniet die Bos baie. My eie huis het ek al 18 jaar.

Ons wil baie graag weet of daar al 'n tender uit is en/of 'n tender reeds aan iemand toegestaan is.

Ek is ook bereid om die park op 'n tydelike verlengde kontrak te bestuur (miskien vir 5 jaar).

Almal van ons wat permanent daar woon is langtermyn inwoners en nie 'fly by night' mense nie, aangesien dit ons keuse is om daar te woon.

Ek hoor graan van jou.

Vriendelike groete  
Domé Sonnekus  
0845181951

# APPENDIX 8



**Mountain Breeze Caravan Park**  
**Post Suite 94, Private Bag X4, Die Boord, Stellenbosch, 7613**  
**Cell: 0826822412**  
**Email: mountainbreezeresort@adept.co.za**

Piet Smit  
Stellenbosch Munisipaliteit

23 November 2020

Beste Piet,

Dit was n voorreg om die afgeope drie en twintig jaar deel te wees van die toerisme bedryf in ons mooiste omgewing en om ons pragtige Wynland streek aan soveel verskillende persone ten toon te stel.

Mountain Breeze Karavaanpark BK het n verhuringskontrak met die Munisipaliteit van Stellenbosch, wat op 31 Maart 2021 verstryk.

Dit blyk dat die tenderproses nog nie op die Munisipale raad se agenda aangebring is nie en gevolglik is daar heelwat aspekte wat vir my kommerwekkend is. Die bekommernisse is o.a.

- Wat sal van die Park se huidige infrastruktuur word as ons na 31 Maart wegstap en die hekke sluit?
- Wat van die personeel en hul gesinne wat op die perseel woonagtig is?
- Wat van die inwoners wat al vir baie jare daar woon en eintlik nie ander heenkome het nie?
- Die oord sal vinnig agteruit gaan en die kans is goed dat dit in n plakkerskamp kan ontaard, wat verdere groot probleme vir die Munisipaliteit kan meebring.

Ons, ons personeel en die inwoners ervaar tans baie onsekerhede oor wat ons toekomsgerig te doen staan, aangesien daar geen rigting vanuit die Stellenbosch Munisipaliteit gegee word nie.

Ons besef die tenderproses verg tyd, maar intussen verstryk ons verpligtinge teenoor die Stellenbosch Munisipaliteit op 31 Maart 2021, met negatiewe gevolge vir die Munisipaliteit.

As n moontlike oplossing sou ons dus die volgende voorstel:

Mountain Breeze Karavaan Park BK doen aansoek ter verlenging van die huidige kontrak met die Munisipaliteit van Stellenbosch.

Daar is baie ruimte om die Karavaanpark verder te ontwikkel en uit te brei tot voordeel van die hele Stellenbosch gemeenskap. Die doel van verlenging sal meerdoelig wees.

Mountain Breeze Karavaan Park is enig in sy soort in die Stellenbosch omgewing en bied n noemenswaardige bron van bekostigbare akkomodasie vir vele besoekers na ons kontrei. Stellenbosch se ekonomie is afhanklik van beide internasionale en nasionale toerisme en Mountain Breeze Karavaanpark huisves beide en is ook toeganklik vir laer-, middle- en hoër inkomste groepe. Iets wat nie so maklik bekombaar is in Stellenbosch nie.

Mountain Breeze Karavaanpark skep ook werksgeleenthede vir persone in die kontrei en onderhou huidiglik sewe huishoudings deur middel van hul indiensname. Indien die kontrak verstryk in Maart 2021 en die BK nie voortgaan met n sekure en bepaalde kontrak nie, sal die dienste van die huidige werknemers ook ongelukkig beëindig moet word.

Dit is geen geheim dat 2020 n katestrofiese effek op die toerisme bedryf gehad het en Mountain Breeze Karavaanpark het ook vir drie tot vyf maande min tot geen inkomste verdien nie. Huidiglik is dit steeds n industrie wat sukkel a.g.v. n tekort aan en selfs afwesigheid aan toeriste. Ten spyte van die beperkinge vanaf Maart, het Mountain Breeze uit sy pad gegaan om personeel te behou en salarisse te dek, meestal uit die aandeelhouers se persoonlike hoedanigheid. Talle ander voorbeelde kan genoem word, maar die doel waarom dit gedeel word is om ons hart en ingesteldheid te beklemtoon teenoor ons huidige werknemers en groter sosio-ekonomiese verantwoordelikheid teenoor die kontrei en sy mense.

Ons wil graag sien dat die Karavaanpark voortgaan, maar ook verbeter en meer werksgeleenthede skep deur n uitgebreide dienslewering tot voordeel van die gemeenskap. Saam met die uitgebreide dienste wat ons kan lewer, sal n kapitale inspuiting vereis moet word om dit te bewerkstellig. Die addisionele kapitale inspuiting sal aangewend word vir die verbetering van die huidige infrastrukture en die ontwikkeling van nuwe dienste. Spesifieke ambagte sal benodig word om dit te laat geskied en Mountain Breeze sal gebruik maak van lokale besighede, wat n ekonomiese hupstoot in ons sukkelende ekonomie kan bewerkstellig.

Vanuit n besigheids perspektief, is enige kapitale inspuiting afhanklik van 'n verlenging van die kontrak oor n maksimale tydperk. Dit is om 'n relatiewe opbrengs op die belegging te verseker.

Die aansoek om die huidige kontrak te verleng is dus afhanklik van 'n volle beskikbare termyn van ten minste tien (10) jaar wat dan beskikbaar gestel moet word vir die verlenging van die kontrak. Dit sal die BK in staat stel om die verliese van die 2020 jaar te verhaal, addisionele kapitaal beskikbaar te stel ter opgradering van die infrastruktuur van die Park, uitbreiding van dienste en dus gepaardgaande addisionele werkskepping daar te stel. Dit sal ook die voortdurende verskaffing van unieke akkomodasiegeriewe vir die Stellenbosch toerisme bedryf verseker.

Ons vertrou op n gunstige oorweging van ons versoek en 'n spoedig antwoord.

Baie dankie by voorbaat.

Vriendelike groete,

Jeanine Visser

7.2.3	<b>PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH</b>
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 January 2021

# **1. SUBJECT: PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH**

## **2. PURPOSE**

To obtain Council's approval to amend the Lease Agreement between Stellenbosch Municipality and Karlien and Kandas crèche in regard to erven 12758 and 12759, Stellenbosch.

## **3. DELEGATED AUTHORITY**

The Executive Mayor in consultation with the Executive Mayoral committee has delegated powers to make a decision in regard to lease agreements for less than 10 years and values that will be less than R5 million.

## **4. EXECUTIVE SUMMARY**

Stellenbosch Municipality took over a Lease Agreement between Karlien en Kandas Crèche and the Dutch Reform church when the properties (erven 12758 and 12759) were transferred to Stellenbosch Municipality in 2001. This agreement was for an undetermined period, and had an early termination clause (6 months).

This Agreement was replaced with a new Lease Agreement in 2004, also for an undetermined period (**APPENDIX 3**). Changes to the existing lease can only be implemented with the agreement of the lessee as rights are in existence in terms of the current agreement's term. The Lessee has indicated that they will accept the change in the lease period. The nature of the business of the crèche requires that they get at least 12 months' notice to ensure that the children are accommodated should they need to move out of the current facility

The item served before Mayco in November 2019, but was referred back due to the link the property has with erf 13246. The item on erf 13246 was resubmitted for consideration early in 2020, but the item on erf 13246 was referred back and therefore this item was also not dealt with. Both items are resubmitted for consideration.

The item served before Council in November 2020. No resolution was taken as it stood down for further deliberation. It is resubmitted for consideration.

## **5. RECOMMENDATIONS**

- (a) that it be confirmed that erven 12758 and 12759 were identified as land not needed for municipal purpose for the period for which the rights are awarded;
- (b) that Council notes that a current lease agreement with the Lessee exists;
- (c) that Council considers to amend the period of the lease from an undetermined time to 9 years and 11 months based on the following conditions:

- i) Monthly rental: 50% of market value, to be determined by an independent valuer, as contemplated in par 22.1.4 of the Property Management Policy;
- ii) Annual escalation: 6%;
- iii) An early termination clause of 12 months written notice (given the nature of the purpose for which the lessee uses the property), should the property be required for municipal purposes;
- (d) that public comments/objections be requested and that the item be resubmitted in terms of the delegation after the public participation process; and
- (e) that the lessee be responsible for the costs of the rezoning of the property. Should the rezoning not be approved, the lease agreement will have to be terminated.

## 6. DISCUSSION / CONTENT

### 6.1 Background

#### 6.1.1 Acquisition of properties

Erven 12758 and 12759 were acquired by Stellenbosch Municipality by virtue of an Exchange of Land Agreement concluded between Stellenbosch Municipality and the Dutch Reform Church in May 1993.

#### 6.1.2 Ownership

The properties were transferred to Stellenbosch Municipality on 2001.01.23 and now vests with the Municipality by virtue of Title Deed T4375/2001. Copies of the Deeds Records are attached as **APPENDIX 1**.

#### 6.1.3 Lease Agreement

At the time of acquiring the properties from the Dutch Reform Church: Welgelegen a Lease Agreement was in place between then and Karlien and Kandas (Mrs. Vlok). The agreement was for an undetermined period, but with a 6 months early termination clause. A copy of the Lease Agreement is attached as **APPENDIX 2**.

In terms of the legal principle "*huur gaan voor koop*", this lease agreement was taken over by Stellenbosch Municipality. The rental at the time was R100/month.

#### 6.1.4 New Lease Agreement

On 2004.08.08 a new Lease Agreement was concluded in to make the monthly rental more market related. Correspondence and a copy of the Lease Agreement is attached as **APPENDIX 3**. In terms of the new Lease Agreement a monthly rental of R340-00 was payable, with an annual escalation of 10%. The term of the agreement was for an undetermined period.

#### 6.1.5 Request for further amendment of Lease Agreement

On 2019.07.11 the Director: Corporate Services addressed a memo to the Manager: Property Management requesting some information in regard to the Lease Agreement. A copy of the memo is attached as **APPENDIX 4**.

## 6.2. DISCUSSION

### 6.2.1 Location and context

Erven 12758 and 12759 are situated in Rhode Street, as shown on Fig 1 and 2, below.



Fig 1: Location and context: Erven 12758/9



Fig 2: Extent of property



**6.2.2 Ownership**

As indicated above, ownership of the properties vests with Stellenbosch Municipality.

**6.2.3 Zoning**

Although it was a condition of the Exchange of Land Agreement that the properties were to be rezoned, and although the Municipality started the process of rezoning (see notices published on 1996.05.10 hereto attached as **APPENDIX 5**), the properties were never formally rezoned from single residential to educational/institutional purposes to allow for a crèche to be operated. The properties are still zoned for single residential use. See copy of zoning certificate issued on 2009-09-01, hereto attached as **APPENDIX 6**.

**6.2.4 Current rental payable**

The current monthly rental amounts to R1796.61. Over and above the monthly rental, the crèche is also liable for annual levies in relation to sewer and refuse removals as well as services consumed.

**6.3 Financial Implications**

Should Council approve the recommendations, a new monthly rental (at 50% of market rental) will be determined.

**6.4 Legal Implications****6.4.1 Asset Transfer Regulation**

In terms of Section 34 (1) of the ATR a Municipality may grant a right to use, control or manage a capital asset only after-

- a) The Accounting officer has concluded a public participation process\*; and
- b) The municipal council has approved in principle that the right may be granted.

\*Sub regulation (1)(a) (public participation process), must be complied with only if-

- The capital asset in respect of which the right is to be granted has a value in excess of R10M\*; and
- A long-term right is proposed to be granted (i.e. longer than 10 years).

None of the assets has a value in excess of R10M.

In terms of Regulation 36, the municipal council must, when considering such approval, 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**

In terms of Regulation 41, if an approval in principle has been given in terms of Reg.34 (1)(b), the municipality (read Mayco) 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

\*The policy on the Management of Council owned property is deemed to be Stellenbosch Municipality's disposal management System.

**6.4.2 Policy on the Management of Council owned property**

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.

**One of the circumstances listed in (I) is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years.** Seeing that the crèche offers a service to the community, albeit at a fee, it is recommended that Council approve a Lease Agreement on a private treaty basis, i.e. direct negotiations. It is further recommended that the rental be determined at 50% of market rental.

Further, in terms of paragraph 9.2.2.2, the **reasons for any such deviation** from the competitive process **must be recorded**.

In terms of paragraph 22.1.4 the fair market rentals will be determined by the average of the valuations sourced from service providers, unless determined otherwise by the Municipal Manager taking into account the estimated rental(s) *vis-à-vis* the cost of obtaining such valuations.

**6.5 Staff Implications**

This report has no additional staff implications to the Municipality.

**6.6 Previous / Relevant Council Resolutions**

The approval of the rental agreement did not serve before Council.

**6.7 Risk Implications**

Risks are addressed in the item.

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

The recommendations are supported.

**ANNEXURES:**

**Appendix 1: Windeed Records**

**Appendix 2: Lease Agreement**

**Appendix 3: New Lease Agreement**

**Appendix 4: Memo from DCS**

**Appendix 5: Notices that were published**

**Appendix 6: Zoning Certificate**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Piet Smit
<b>POSITION</b>	<i>Manager: Property Management</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	30 October 2020

# APPENDIX 1



# WinDeed Database Deeds Office Property

STELLENBOSCH, 12759, 0 (CAPE TOWN)

## GENERAL INFORMATION

**Date Requested** 2019/09/16 12:40  
**Deeds Office** CAPE TOWN  
**Information Source** WINDEED DATABASE  
**Reference** -



## PROPERTY INFORMATION

**Property Type** ERF  
**Erf Number** 12759  
**Portion Number** 0  
**Township** STELLENBOSCH  
**Local Authority** STELLENBOSCH MUN  
**Registration Division** NOT AVAILABLE  
**Province** WESTERN CAPE  
**Diagram Deed** T4375/2001  
**Extent** 720.0000SQM  
**Previous Description** PTN OF 5339-GP709/94  
**LPI Code** C06700220001275900000

## OWNER INFORMATION

### Owner 1 of 1

**Type** LOCAL AUTHORITY  
**Name** MUN STELLENBOSCH  
**ID / Reg. Number** -  
**Title Deed** T4375/2001  
**Registration Date** 2001/01/23  
**Purchase Price (R)** EXCHANGE \*  
**Purchase Date** -  
**Share** 0.00  
**Microfilm** 2001 0105 2173  
**Multiple Properties** YES  
**Multiple Owners** NO

## ENDORSEMENTS

No documents to display

## HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	T20474/1985	NED GER KERK-WELGELEGEN	210,000	2001 0105 2166

## DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

# APPENDIX 2

REPUBLIEK SUID-AFRIKA  
INKOMSTE  
2.8.90 NR 803 000,4  
REVENUE  
CLUSTER MARKOTTERITH AFRICA  
Posbus 12  
STELLENBOSCH

HUURKONTRAK

OOREENKOMS VAN HUUR AANGEGAAN DEUR EN TUSSEN:

THEUNIS JACOBUS BOTHA

in sy hoedanigheid as Leraar en Gevolmagtigde van die Kerkraad van die  
NEDERDUITSE GEREFORMEERDE KERK STELLENBOSCH-WELGELEGEN  
Gemeente

behoorlik daartoe gemagtig deur 'n Besluit van die Kerkraad geneem op 'n  
vergadering gehou te STELLENBOSCH op die 4de Februarie 1986  
~~1990~~

MW. J. J. J.  
JP

van: Posbus 7036  
Dalsig  
STELLENBOSCH  
Telefoon 5975

(hierna die VERHUURDER genoem)

en

MARICHEN CORENE VLOK  
(Identiteitsnommer 530305 0045 00 7)

Getroud buite gemeenskap van goedere

van: Coronatastraat 31  
Paradyskloof  
STELLENBOSCH  
7600

Telefoon 900077

(hierna die HUURDER genoem)

JP  
MW

Now draw 12 758 and 9

-2-

1. Die VERHUURDER verhuur hiermee en die HUURDER huur hiermee:

Sodanige gedeelte van Erf 5339 STELLENBOSCH geleë op die hoek van Van Rheedestraat en Rhodeslaan, Die Boord, Stellenbosch,

soos deur die VERHUURDER aan HUURDER uitgewys.

2. Die aanvanklike huurtermyn sal in aanvang neem op 23 Maart 1990 en sal eindig op 22 Maart 1991. Na verstryking van die aanvanklike huurtermyn sal die huurkontrak voortduur vir 'n onbepaalde tydperk onderworpe aan 6 (SES) maande wedersydse skriftelike opsegging van huur.
3. Die huurgeld vir die periode 23 Maart 1990 tot en met 22 Maart 1991 sal R100.00 (EEN HONDERD RAND) per maand wees, welke huurgeld maandeliks vooruit voor of op die eerste dag van iedere en elke maand aan die VERHUURDER betaal sal word by die Kerkkantoor te Welgelegen Kerkentrum, Binnekringweg, Stellenbosch of te sodanige ander plek as wat die VERHUURDER die HUURDER van tyd tot tyd skriftelik in kennis mag stel. Die huurgeld vir enige verdere gedeelte van die verdere huurtermyn na verstryking van die aanvanklike huurtermyn sal van tyd tot tyd tussen die VERHUURDER en die HUURDER ooreengekom word.
4. Die uitsluitlike en enigste gebruik waarvoor die verhuurde perseel aangewend mag word, is vir die oprigting en bedryf van 'n Kleuterbewaarskool deur die HUURDER op sy kostes en wel onderworpe aan die volgende voorwaardes:-
  - 4.1 Die afwykende gebruik van Erf 5339 vir doeleindes van 'n Kleuterbewaarskool sal gedig wees so lank dit die Raad van die Munisipaliteit van Stellenbosch behaag;
  - 4.2 Die vereistes soos gestel deur die Hoof Gesondheidsbeampte van die Raad van die Munisipaliteit van Stellenbosch moet deur die HUURDER nagekom word;



-3-

- 4.3 Die VERHUURDER sal aanspreeklik wees vir betaling van die belasting en dienstariewe soos geheg deur die Plaaslike Owerheid ten opsigte van die grond alleen van daardie gedeelte van Erf 5339 wat nie deur die HUURDER in beslag geneem word ingevolge die bepalings van hierdie huurkontrak nie, terwyl die HUURDER aanspreeklik sal wees vir betaling van daardie gedeelte van die belasting en diensgelde soos gehef deur die Plaaslike Owerheid op die gebou opgerig op Erf 5339 asook enige verhoogde diensgelde weens ingebruikneming van toilet fasiliteite asook ten opsigte van 'n pro rata gedeelte van die belasting gehef deur die Plaaslike Owerheid ten opsigte van die grond soos geokkupeer deur die HUURDER ingevolge die bepalings van hierdie huurkontrak. 'n Sertifikaat uitgereik deur die VERHUURDER sal afdoende bewys wees van die gedeelte van die belasting verskuldig deur die HUURDER en sal op aanvraag deur die HUURDER aan die VERHUURDER betaal word;
- 4.4 Slegs een ingang tot die Kleuterbewaarskool en wel vanaf Rhodestraat sal toegelaat word;
- 4.5 Die gebou moet te alle tye op die Suidwestelike gedeelte van Erf 5339 geplaas wees;
- 4.6 Die gebou moet te alle tye van 'n geverfde Everite dakbedekking (Core-of-Spantyle) wees.
5. Die VERHUURDER sal geregtig wees op die gratis gebruik van die gebou opgerig op die verhuurde perseel gedurende Sondae vir Kerklike fasiliteite.
6. Die HUURDER vrywaar hiermee die VERHUURDER teen enige eise vir skade of beserings wat enige iemand mag opdoen as gevolg van ongelukke op die verhuurde perseel.
7. Geen openbare veiling sal op die eiendom gehou word nie.
8. Geen honde, katte, voëls of ander troeteldiere van enige aard mag op die perseel of enige gedeelte daarvan aangehou word sonder die toestemming van die VERHUURDER nie.



Handwritten signature and initials, possibly 'MCS' and 'JF', in the bottom right corner.

-4-

9. Die HUURDER sal verplig wees om by verstryking van die huurkontrak die gemelde voorafvervaardigde gebou op eie koste te verwyder en die verhuurde perseel terug te plaas in die toestand waarin dit was ten tyde van die aanvang van die huurkontrak.
10. Die HUURDER verleen hiermee aan die VERHUURDER die reg om alle verbeterings op die verhuurder perseel soos aangebring deur die HUURDER oor te neem by verstryking van die huurtermyn teen 'n vergoeding ooreengekom te word tussen die HUURDER en die VERHUURDER onderling.
11. Die HUURDER onderneem hiermee om daardie gedeelte van Erf 5339 wat beslaan word deur die gemelde voorafvervaardigde gebou, asook daardie gedeelte wat die gebou omring soos uitgewys deur die VERHUURDER aan die HUURDER, behoorlik te omhein en te alle tye in 'n goeie toestand van onderhoud en netheid te hou.
12. Geen persone of persone sal sonder die skriftelike toestemming van die VERHUURDER toegelaat word om op die verhuurde perseel te oornag nie.
13. Die HUURDER onderneem om op aanvraag aan die Prokeurs CLUVER & MARKOTTER te betaal die seëlbelasting asook die koste van en in verband met die opstel, konsultasies, telefoonoproepe en verlyding van hierdie kontrak.
14. Indien die HUURDER nalaat om die huurgeld of enige gedeelte daarvan stiptelik op die betaaldatum te betaal of by die verbreking van enige voorwaarde van hierdie huurkontrak, sal die VERHUURDER geregtig wees om hierdie ooreenkoms dadelik te kanselleer en besit te neem van die eiendom sonder om afbreuk te doen aan die VERHUURDER se reg om 'n eis in te stel teen die HUURDER vir agterstallige huurgeld of vir vergoeding van enige skade deur die VERHUURDER gely weens die beëindiging van die huurkontrak.

Handwritten signature and initials, possibly 'MCS' and 'JTB', in the bottom right corner.

VERHUIJDER

ALDUS gedoen en geteken te STELLENBOSCH op hierdie                      dag  
van                      1990 in die teenwoordigheid van die ondergetekende getuijers.

1. 

Macdon.

# APPENDIX 3



oppv = 1487 m<sup>2</sup>  
 grondw = R390 000  
 = R262 / m<sup>2</sup>

7/1/2/17 (ASS)

2003-06-09

MEMO AAN

DIREKTEUR: BEPLANNING EN EKONOMIESE  
ONTWIKKELINGSDIENSTE

## VERHURING VAN RAADSEIENDOM AAN KARLIEN EN KANDAS

Die Raad verhuur Erwe 12758 en 12759 aan Karlien en Kandas Pre-primêre Skool vir 'n onbepaalde tyd vir R100,00 per maand.

Hierdie aangeleentheid spruit voort uit die onderverdeling en verkoop van erwe in die Boord. Die eiendom was eers in besit van die NG Kerk Stellenbosch Welgelegen maar is geruil vir ander grond in Paradyskloof.

Terwyl die kerk die grond besit het, is Karlien en Kandas daar gevestig en met die ruiltransaksie het die betrokke 2 erwe die Raad se eiendom geraak.

Ondersoek is gedoen na die verskuiwing van Karlien en Kandas maar tot op hede het dit nog nie 'n werklikheid geword nie.

Ek is van mening dat die verhuring van die erwe vir R100,00 per maand glad nie realisties is nie.

Het jy enige voorstelle in hierdie geval ?

Dankie.

n DIREKTEUR: KORPORATIEWE DIENSTE

TIK4: 9FVERHURING/JJK/JS

12759.

(720 m<sup>2</sup>)  
 767  
 1487

767 m<sup>2</sup>  
 R170 000 - grond  
 265 000 - verhit.

R220 000 - gr.  
 grond = R390 000  
 265 000  
 655 000

Evakl.  
 18/6

Kommunikasie  
 R125.00

12758

Datum / Date: 2003/07/09

AAN / TO: K. Kruger

Departement / Department: Konsultante Dienste

VAN / FROM: P. nd. Mearns

Departement / Department: R+ L.C.D.

ONDERWERP / SUBJECT: Kame 1258 + 12754: Kamei + Kamei - Hame

Kame -  
 Ek stem saam dat die bedrag van R100 p/m nie realisties is nie. Ek stel die nly. voor.

Mensure waardasie : Erf 1258 -- R170000  
 12754 -- R220000  
 R390 000

Totale erfgr. 1487 m<sup>2</sup>

⇒ Wande 1 m<sup>2</sup> = R262 p/m<sup>2</sup>

Bj. wandle is vir jou 2000 gekeer. Ek dink dat 10% p.j. bygesit moet word. Ek oon dus reken dat 'n bedrag van R340 p/maand gema kan word.

Ek vertrou u vind by 'n ontb.

Kame

Ber  
 AM

MEMORANDUM VAN OOREENKOMS

AANGEGAAN DEUR EN TUSSEN

STELLENBOSCH MUNISIPALITEIT

hierin verteenwoordig deur die DIREKTEUR: KORPORATIEWE DIENSTE

(hierna die "EIENAAR" genoem)

EN

KARLIEN EN KANDAS

(in haar hoedanigheid as EIENAAR genoem)

hierin verteenwoordig deur MEV M VLOK

(hierna die "OKKUPEERDER" genoem)

NADemaal die EIENAAR die erwe waarop die KARLIEN EN KANDAS SPEELSKOOL geleë is besit, soos duidelik aangetoon op die aangehegte sketsplan, naamlik Erwe 12758 en 12759.

EN

NADemaal die OKKUPEERDER begerig is om die eiendom, soos aangetoon op dieselfde aangehegte sketsplan, te gebruik, kom die EIENAAR en die OKKUPEERDER soos volg ooreen:

1. Die EIENAAR verskaf en die OKKUPEERDER benut hiermee die eiendom, geleë in Rhodesstraat in die Afdeling en Munisipaliteit Stellenbosch, soos gemerk op die kaart hierby aangeheg as AANHANGSEL 1.

(hierna genoem die "VERHUURDE EIENDOM")

*J. M. Burger*  
*P. Vlok*

- 2.1 Die gebruik van die VERHUURDE EIENDOM tree op 2004-04-01 in werking en loop vir solank dit die EIENAAR behaag.
3. Die OKKUPEERDER onderneem om die VERHUURDE EIENDOM slegs te gebruik vir die doel van speelskool.
- 4.1 Die OKKUPEERDER betaal 'n huurgeld van R340,00 (DRIEHONDERD EN VEERTIG RAND) per maand aan die EIENAAR, welke bedrag jaarliks op 1 Julie met 10% opwaarts aangepas sal word.
- 4.2 Die OKKUPEERDER sal verantwoordelik wees vir heffings ten opsigte van water- en elektrisiteitsverbruik asook die normale heffings ten opsigte van vuilnisverwydering en riolering.
5. Die OKKUPEERDER onderneem om alle strukturele veranderinge aan die binnekant van die gebou wat hy benut en vir sy eie doeleindes nodig ag, op sy eie koste aan te bring, met dien verstande dat alle planne en spesifikasie daarvoor eers deur die EIENAAR goedgekeur moet word.
6. Die EIENAAR is by die beëindiging van hierdie kontrak nie gebonde om enige vergoeding aan die OKKUPEERDER te betaal vir enige verbeterings wat, hetsy met of sonder die EIENAAR se goedkeuring, deur die OKKUPEERDER aan die VERHUURDE EIENDOM aangebring is nie. Alle verbeteringe wat as vaste toebehore aangebring is sal deur die OKKUPEERDER op eie koste verwyder word.
7. Die EIENAAR het deur sy behoorlik gemagtigde verteenwoordigers die reg van toegang tot die VERHUURDE EIENDOM te alle redelike tye met die doel om inspeksies uit te voer.

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

8. Die OKKUPEERDER is verantwoordelik vir alle instandhoudingswerk aan die gebou wat hy gebruik en onderneem om die gebou en VERHUURDE EIENDOM in 'n netjiese en sindelike toestand te hou.
9. Die EIENAAR aanvaar geen verantwoordelikheid vir skade aan enige ameublement, toerusting of ander goedere wat die OKKUPEERDER in die gebou bring of huisves nie.
10. Die OKKUPEERDER vrywaar die EIENAAR teen enige eise van 'n derde party ten opsigte van skade gely, hetsy aan persoon of goedere, wat mag ontstaan as gevolg van hierdie gebruik.
11. Die OKKUPEERDER onderneem om alle wette en verordeninge wat sy onderneming raak, na te kom.
12. Die OKKUPEERDER sal verantwoordelik wees vir die nakoming van alle vereistes en voorskrifte in terme van die Wet op Masjinerie en Beroepsveiligheid, 1983, soos gewysig.
13. Indien die OKKUPEERDER versuim om enige voorwaarde van hierdie ooreenkoms na te kom of indien dit sou blyk dat die onderneming aanstootlik vir die omgewing is of 'n ernstige oorlastig is, het die EIENAAR die reg om hierdie ooreenkoms met kennisgewing van 6 (SES) maande of tot die einde van die betrokke jaar te kanselleer welke ookal die vroegste mag wees.
14. Die OKKUPEERDER mag nie die VERHUURDE EIENDOM of enige gedeelte daarvan onderverhuur sonder die EIENAAR se toestemming nie.

*[Handwritten signatures]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

GETEKEN TE STELLENBOSCH OP HIERDIE 8 DAG VAN Augustus 2004 IN  
DIE AANWESIGHEID VAN DIE ONDERGETEKENDE GETUIES:

AS GETUIES

1.





DIREKTEUR: KORPORATIEWE DIENSTE

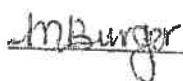
2.

\_\_\_\_\_

GETEKEN TE STELLENBOSCH OP HIERDIE 8 DAG VAN Augustus 2004 IN  
DIE AANWESIGHEID VAN DIE ONDERGETEKENDE GETUIES:

AS GETUIES

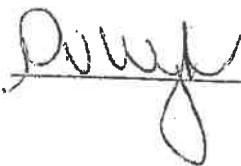
1.

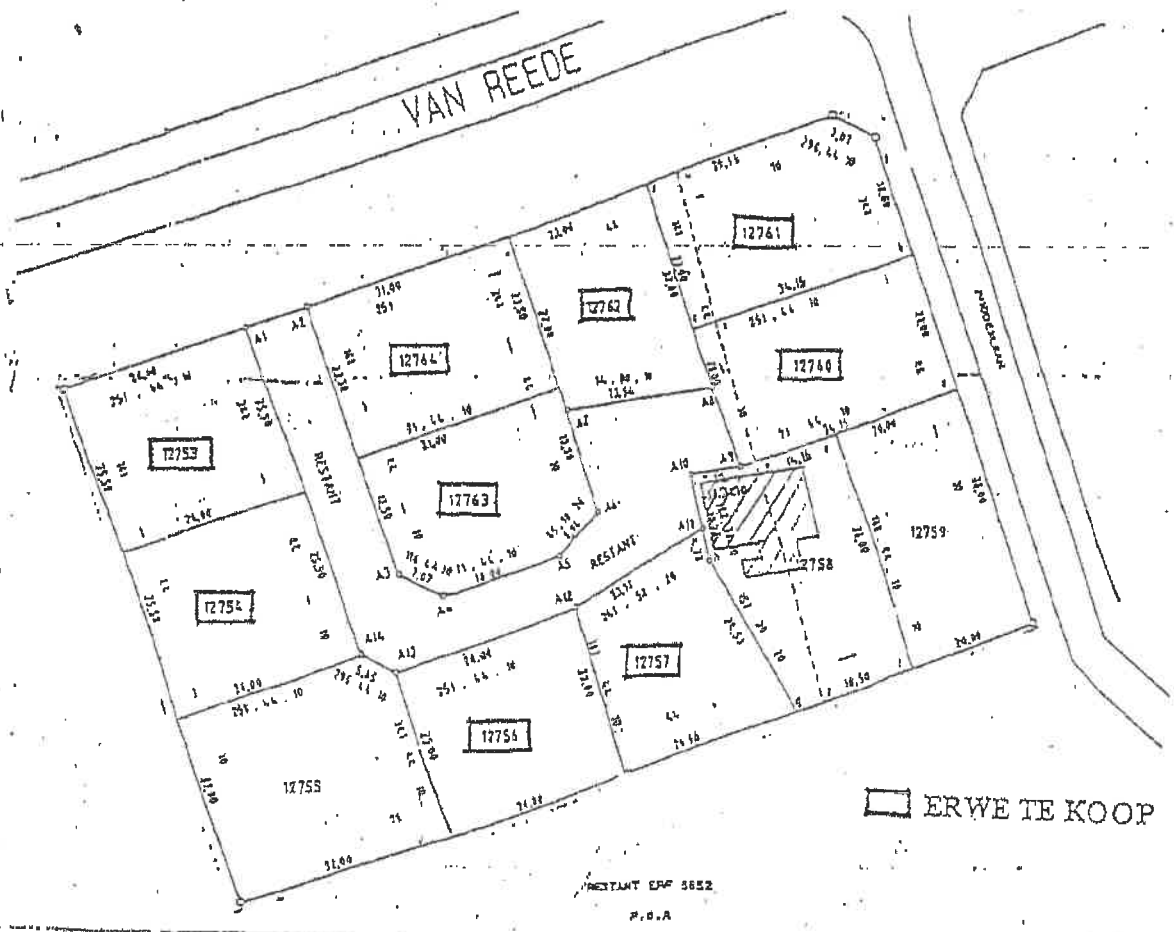




OKKUPEERDER

2.





B

8

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Handwritten signature

Handwritten signature

Handwritten signature

mrs. H

# APPENDIX 4





# Stellenbosch Municipality

## CORPORATE SERVICES DIRECTORATE

### MEMORANDUM

---

**TO :** MANAGER: PROPERTIES AND BUILDIN MAINTENANCE  
**FROM :** DIRECTOR CORPORATE SERVICES  
**DATE :** 11 JULY 2019  
**RE :** KARLIEN EN KANDAS SPEELSKOOL  
**COPIES TO :** MUNICIPAL MANAGER  
**:** RECORDS

---

Attached hereto is a copy of the lease agreement entered into with the crèche. In 2004.

I am informed that this agreement is linked to the buy-back of land in Paradyskloof from the NG Church in the Boord as my understanding is that the crèche is operated from the erven that we received as part of the land swap? Please advise if there is a link as this would then have to be addressed in the item to Mayco – planned for August 2019.

I do not see and end date in the agreement. In that case this agreement should have been notarial registered and I am not even sure if it was legal to make it open ended in terms of the provisions of the Asset Transfer Regulations. I am also informed that the erf is not zoned for the activity of a crèche which need to be corrected – please advise what the zoning is and if there is a need for rezoning should they want to continue with the lease and the use there. The provisions of the amount of the lease is also not in line with the current provisions as a % of the market related rent/value and in case of long term arrangements providing for a new valuation process.

Are they up to date with their rent and has the rent now escalated as it should have?

I am of the opinion that the agreement will have to be reviewed and brought in line with other agreements (not longer than 9 years 11 months) etcetera and approved by council.

Please advise on all the questions?

**ANNALENE DE BEER**  
**DIRECTOR: CORPORATE SERVICES**

# APPENDIX 5

*Enkeldoel 10/5/96.*

14.

14/3/2/1  
→ REF 12758  
12759

**MUNISIPALITEIT  
STELLENBOSCH  
WYSIGING VAN  
SONERINGSKEMA  
HERSONERING  
VAN ERWE 12758  
EN 12759, GELEË  
TE LAETITIA 9 EN  
RHODESLAAN  
NOORD 5, DIE  
BOORD**

Kennis geskied hiermee  
ingevolge artikel  
17(2)(a) van Ordon-  
nansie 15 van 1985 dat  
die Stadsraad van  
voorneme is om erwe  
12758 en 12759 vanaf  
enkelbewoning na  
onderwysinrigtingdoe-  
leindes (beperk tot 'n  
kinderbewaarskool te  
hersoneer.

Verdere besonderhede is  
gedurende kantoorure  
by die kantoor van die  
Hoofstadsbeplanner,  
Departement Beplan-  
ning en Ontwikkeling,  
Stadshuis, Pleinstraat,  
Stellenbosch beskikbaar  
en enige kommentaar  
kan skriftelik, maar nie  
later nie as 1996-05-  
31 by die onderge-  
tekende ingedien word.  
Uitvoerende Hoof/  
Stadsklerk  
Kennisgewing nr 44  
gedateer 1996-05-10.

**STELLENBOSCH MUNICIPALITY  
AMENDMENT TO ZONING SCHEME  
REZONING OF ERVEN 12758 AND  
12759, SITUATE AT 9 LAETITIA AND  
5 RHODES AVENUE NORTH, DIE  
BOORD**

Notice is hereby given in terms of section 17(2)(a)  
of Ordinance no 15 of 1985 that the Town Council  
received an application for the rezoning of erven  
12758 en 12759 from single residential to educa-  
tional institution purposes (limited to a crèche).  
Further particulars are available at the office of the  
Chief Town Planner, Department of Planning and  
Development, Town Hall, Plein Street,  
Stellenbosch during office hours and any com-  
ments may be lodged in writing with the under-  
signed, but not later than 1996-05-31.

Chief Executive/Town Clerk  
Notice no 44 dated 1996-05-10.

# APPENDIX 6



1 September 2009

Our Ref : 12758  
Contact per : C Alexander  
Contact no : (021) 808 8656

## **ZONING CERTIFICATE – ERF 12758, STELLENBOSCH**

It is hereby certified that the zoning of Erf 12758, Stellenbosch in terms of the Zoning Scheme Regulations of Stellenbosch is:

### **Single Residential**

<b>NORMAL DEVELOPMENT</b>	<b>SPECIAL DEVELOPMENT</b>
<b>(2)</b>	<b>(3)</b>
Dwelling house Hothouse	Additional dwelling unit Day-care centre limited to 15 children Guest house Breeding of dogs Use of a minor portion of a dwelling house for social, religious or occupational purposes or for a home-enterprise. Accommodation of additional persons

Department: Planning & Development Services  
ZD/ca

7.2.4	<b>ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE</b>
-------	--

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

20 January 2021

**1. SUBJECT: ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE**

**2. PURPOSE**

The purpose of this item is to consider the enforcement of the fall-back clause in the Exchange of Land Agreement of 12 May 1995 and to determine the value at which such buy back should take place if approved.

**3. DELEGATED AUTHORITY**

For decision by Council.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality and the Dutch Reform Church: Welgelegen concluded an Exchange of Land Agreement in 1995 in terms whereof erf 13246, Stellenbosch (municipal land) was exchanged for two residential erven in Die Boord, being erven 12758 and 12759 (church land) on an equal in value basis. The Agreement, however, has a fall-back clause, indicating that the land must be transferred back to the Municipality should it no longer needed for church purposes. Seeing that the Dutch Reform Church: Welgelegen does not want to use the property for church purposes they have requested that the fall-back clause be enforced, as per the Agreement. Council must agree to the value at which the property is bought back, as per the Agreement.

The item served before Mayco in November 2019 and was referred back. We received an update on the Municipal Value for the property on which the rates are base. That information is attached as **APPENDIX 8**.

It was resubmitted in February 2020, but did not serve on the agenda. It is now resubmitted for consideration. The item served before the Mayco meeting In November 2020, but no decision was taken. It is resubmitted for consideration.

**5. RECOMMENDATION**

For consideration

**6. DISCUSSION / CONTENT**

**6.1 Background**

During 1995 Stellenbosch Municipality and the Dutch Reform Church: Welgelegen concluded an Exchange of Land Agreement, in terms whereof erf 13246, Stellenbosch (municipal owned land at the time) was exchanged for two residential erven (church land) in Die Boord on an equal in value basis. A copy of the Agreement is attached as **APPENDIX 1**.

**6.1.2 Application to enforce buy-back clause**

Hereto attached as **APPENDIX 2** a self-explanatory request from the Dutch Reform Church: Welgelegen, requesting Council to buy back erf 13246.



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

Erven 12758 and 12759 are situated in Rhodes- North Road, Die Boord, as indicated on Fig 1 and 2 below.



**Fig 1: Location and context: Erven 12758 and 12759**



**Fig 2: Extent: Erven 12758 and 12759**

Erf 13246 is located off Wildebosch Road, Paradyskloof, as indicated on Fig 3 and 4, below.





Fig 3: Location and context: erf 13246



Fig 4: Extent Erf 13246

### 6.2.2 Property description and Ownership

Erf 13246, measuring 9000m<sup>2</sup> in extent, is registered in the name of the Dutch Reform Church: Welgelegen, by virtue of Title Deed T4376/2001. Although erf 13246 was rezoned to Religious Purposes, this rezoning has lapsed. The zoning has therefor reverted back to Agricultural Use. See Windeed record attached as **APPENDIX 3**.

Erven 12758 and 12759 measuring 767m<sup>2</sup> and 720m<sup>2</sup> in extent respectively, are registered in the name of Stellenbosch Municipality by virtue of Title Deeds T4375/2001.



See Windeed records attached as **APPENDIX 4** and **5** respectively. The properties are zone single residential but is used for an early childhood development centre in term of a Lease Agreement (undetermined period).

When Council acquires land no need exists in Law to follow a public participation process.

#### **6.2.3 Contractual situation**

In terms of clause 1 of the Exchange of Land Agreement (Ruilooreenkoms) the parties agreed that the properties which were the subject of the exchange, are equal in value.

In terms of clause 13, should erf 13246 not be used for religious purposes by the church, it will be transported back to the Municipality at an amount to be agreed upon by the parties.

#### **6.2.4 Valuation**

Hereto attached as **APPENDIX 6** and **7** respectively, valuations obtained from Pendo Property Valuers and DDP, valuing the property at R5 100 000.00 and R4 500 000, respectively. The weighted average is R4 800 000.00.

#### **6.2.5 Options available to Council**

In terms of clause 13 of the Exchange of Land Agreement, should erf 13246 not be used for religious purposes by the church, it must be transferred back to the Municipality at an amount to be agreed upon between the parties.

#### **6.3 Financial Implications**

Should Council resolve to buy-back erf 13246, the initial financial cost will be determined by the amount that Council resolve to pay for the property plus transfer costs, should the parties reach agreement.

#### **6.4 Staff Implications**

No additional staff implications.

#### **6.5 Previous / Relevant Council Resolutions**

Council has approved the initial Exchange of Land, during 1995, but no detail could be found. The item also served as a Mayoral Committee meeting held on 2019-05-21, where it was decided to refer the matter back to allow the Administration to obtain additional information.

#### **6.6 Risk Implications**

Risks are addressed in the item.

#### **6.7 Comments from Senior Management**

##### **6.7.1 Director: Infrastructure Services**

No comments received

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

None received

##### **6.7.3 Chief Financial Officer**

See Appendix 8.

**6.7.4 Director: Community and Protection Services**

None received

**6.7.5 Municipal Manager**

Notes the recommendations

**ANNEXURES:****Appendix 1: Copy of Agreement****Appendix 2: Request from Dutch Reform Church****Appendix 3: Windeed report****Appendix 4 and 5: Windeed records****Appendix 6: Valuation report Pendo****Appendix 7: Valuation report DDP****Appendix 8: Input from the CFO****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><i><a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a></i></b>
<b>REPORT DATE</b>	<b><i>2020 – 11- 09</i></b>

# APPENDIX 1

Cluver Markotter  
Pleinstraat 4, Stellenbosch

## RUILOOREENKOMS

### AANGEGAAN DEUR EN TUSSEN:

GERHARDUS MATTHYS STRYDOM in sy hoedanigheid as Uitvoerende Hoof / Stadsklerk  
van die MUNISIPALITEIT VAN STELLENBOSCH, behoorlik gemagtig daartoe

Adres: Die Munisipaliteit  
Pleinstraat  
STELLENBOSCH  
7600

(hierna die STADSRAAD genoem)

en

GYS DE KLERK namens die Kerkraad van die  
NEDERDUITSE GEREFORMEERDE GEMEENTE STELLENBOSCH WELGELEGEN  
TE STELLENBOSCH  
behoorlik gemagtig daartoe

Adres: N G Kerk Stellenbosch Welgelegen  
Buitekringweg  
Dalsig  
STELLENBOSCH  
7600

(hierna die KERK genoem)

### NADEMAAL:

1. Die STADSRAAD die geregistreerde eienaar is van 'n eiendom bekend as:

GEDEELTE A van die Plaas Nr. 369/G geleë in die Munisipaliteit en Afdeling van  
Stellenbosch

GROOT Ongeveer 9 000 (NEGE DUISEND) vierkante meter

Soos aangedui deur die figuur a b c d op die Sketsplan, waarvan 'n afskrif hierby  
aangeheg word, gemerk Aanhangel "A".

(hierinlater na verwys as die EERSTE EIENDOM)



12/5/10/95

- 4.3 Die partye geensins aanspreeklik sal wees teenoor mekaar vir enige waarborg of voorstelling wat nie in hierdie skriftelike kontrak vervat is nie.

## 5. REGISTRASIE VAN TRANSPORT

Transport van die eiendomme wat hiermee verruil word, sal so gou moontlik na verkryging van die nodige goedkeuring van die Landmeter-Generaal en ontvangs van die goedgekeurde landmetersdiagramme deur mnre Cluver Markotter gepasseer word.

## 6. TITEL- EN ANDER VOORWAARDES

Die verkoping geskied onderhewig aan die bepalinge en voorwaardes vervat in die bestaande titelaktes en kaarte van die eiendomme en die partye is nie gebonde aan of aanspreeklik met betrekking tot enige voorstellings gemaak, anders as wat in hierdie ooreenkoms vervat is nie.

## 7. TRANSPORTKOSTES

Die partye sal in gelyke dele aanspreeklik wees om op aanvraag aan mnre Cluver Markotter te betaal alle koste wat noodsaaklikerwys aangegaan word om uitvoering aan hierdie ooreenkoms te gee, wat sal insluit alle landmeterskoste, die koste vir die opstel van hierdie ooreenkoms en alle konsultasie in hierdie verband, asook die vergoeding vir die opstel en registrasie van die transportaktes soos voorgeskryf kragtens Regulasie 85 van die Registrasie van Akteswet Nr. 47 van 1937.

## 8. BAKENS EN GRENSE

Die KERK is nie verplig om die bakens en grense van die eiendom uit te wys nie en indien enige sodanige uitwysing plaasvind, geskied dit onderhewig aan die bepalinge van klousules 4.3 en 6 hierbo en op koste van die STADSRAAD. Die bakens en grense van die EERSTE EIENDOM sal nog deur 'n landmeter uitgewys word.

## 9. DOMICILIUM CITANDI ET EXECUTANDI

Die partye kies hiermee die adresse soos vervat in die aanhef tot hierdie ooreenkoms as hul onderskeie domicilia citandi et executandi vir alle doeleindes van hierdie ooreenkoms.

## 10. JURISDIKSIE

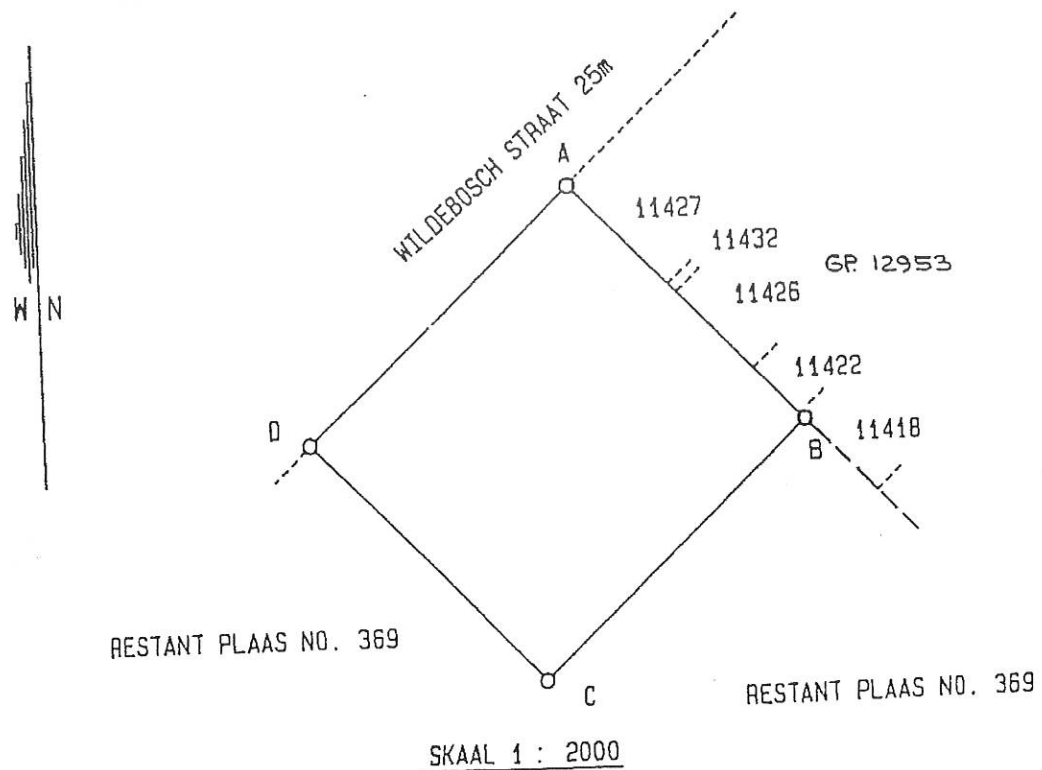
Die partye stem hiermee toe tot die jurisdiksie van die Landdroshof oor enige geding wat voortspruit uit hierdie ooreenkoms met dien verstande dat die partye die reg voorbehou om in die Hooggeregshof aksie teen mekaar in te stel, in welke geval die party wat sodanige aksie aanhangig maak, ook geregtig sal wees op koste op Hooggeregshofskaal.

Friedlaender, Burger &amp; Volkmann Landmeters

SYE Meter		RIGTINGS- HOEKE	KOORDINATE Stelsel Lo 19°				L.G. No.	
		Konstante :	Y		X			
			0,00		+ 3700000,00	1732/1998		
AB	90,02	316 28 30	A	+	13118,01	+	59761,23	<i>R.A.F.</i>  n Landmeter-generaal  1998.04.22
BC	100,00	46 30 20	B	+	13056,02	+	59826,50	
CD	90,02	136 30 30	C	+	13128,57	+	59895,33	
DA	99,95	226 30 20	D	+	13190,52	+	59830,02	
	400	VERDUN	Δ	+	17185,33	+	56805,07	
	404	PARADYS	Δ	+	10120,28	+	59264,21	

## BESKRYWING VAN BAKENS

A ---- Spoorstaafseksie 15mm ~~van~~ ysterpen  
 Alle ander bakens is 12mm ysterpenne



Die figuur ABCD  
 stel voor 9000 vierkante meter

grond, synde

## ERF 13246 STELLENBOSCH

gelee in die Stellenbosch Plaaslike Oorgangsraad  
 Administratiewe Distrik van  
 Opgemeet in November 1997  
 deur my

Provinsie Wes Kaap

D P Burger

Pr Landmeter PLS0080

Hierdie kaart is geheg aan  
 No.  
 Gedateer  
 t.g.v.

Die oorspronklike kaart is  
 No. 593/1884  
 Geheg aan Stel F 5-35  
 (Plaas 369)

Leer No. Stel.369  
 M.S. No. E731/1998  
 Komp. BH-8DC/X51(1509)

Registrateur van Aktes

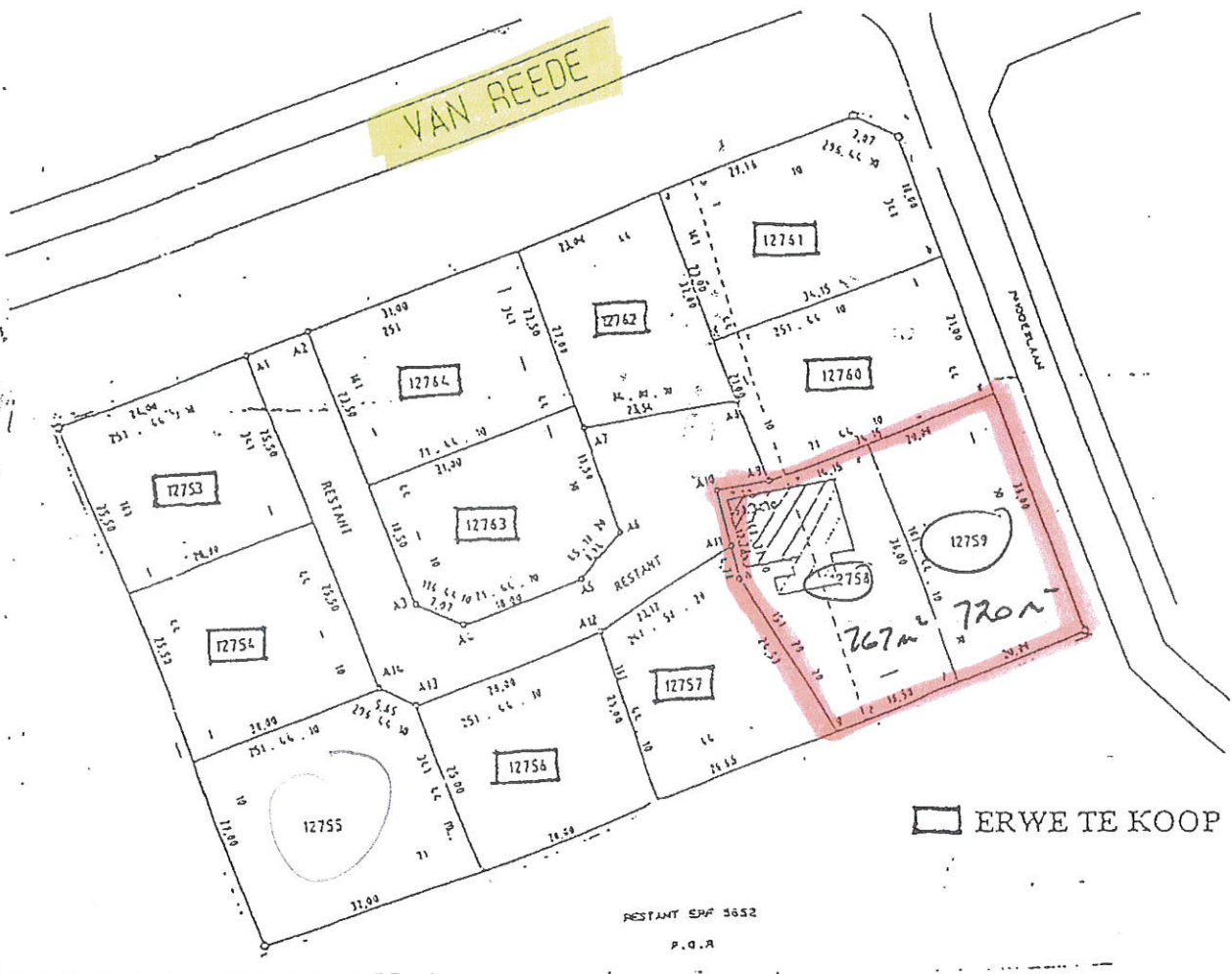
VRYGESTEL VAN DIE BEPALINGS  
 VAN WET 74 VAN 1970

ARTIKEL 2 (a)

VRYGESTEL VAN DIE BEPALINGS  
 VAN WET 74 VAN 1970



# DIE BOORD ERWE



B

Handwritten signatures and initials at the bottom of the page.

Bylae C



117

OPGESTEL DEUR MY	.....
TRANSPORTBESORGER	.....
A L DE WAAL	.....

Opgestel deur my

TRANSPORTBESORGER

A L DE WAAL

*[Handwritten signature]*

### Transportakte

CLUVER MARKOTTER ING.  
PROKUREURS  
STELLENBOSCH

T. 004376 * 2001
------------------

HIERBY WORD BEKEND GEMAAK

DAT MELIZE VAN DER MERWE

Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik daartoe gemagtig deur 'n volmag geteken te STELLENBOSCH op die 7de dag van April 2000 en aan haar verleen deur

MUNISIPALITEIT STELLENBOSCH

**ERF 13246 STELLENBOSCH in die Munisipaliteit en Afdeling Stellenbosch,  
Provinsie Wes-Kaap**

**GROOT: 9 000 (NEGE DUISEND) vierkante meter**

**SOOS AANGEDUI op Diagram L.G. Nr 1732/1998 en GEHOU kragtens Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 op 19 Junie 1884 (Stellenbosch Eiendomsbriewe Volume 5 No 35)**

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 op 19 Junie 1884 (Stellenbosch Eiendomsbriewe Volume 5 No 35).
- B. ONDERHEWIG aan voorwaardes nommers 2 en 4 vervat in Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 (Stellenbosch Eiendomsbriewe Volume 5 No 35) wat soos volg lees:

"II That all roads and thoroughfares described in the diagram above referred to shall remain free and uninterrupted unless the same be closed or altered by competent authority.

IV That the Land thus granted shall be further subject to all such Duties and Regulations as are either already or shall in future be established with regard to such Lands."

- C. NIE ONDERHEWIG, weens tydverloop, aan voorwaardes vervat in Akte van Toekenning gedateer 19 Junie 1884 (Stellenbosch Eiendomsbriewe Volume 5 No 35), wat as volg lees:-

"III That certain ten Leases, entered into between the Commissioners aforesaid of the one part and certain coloured Lessees viz. (Jan de Ronde); (Willem February); on the 5<sup>th</sup> June 1883 and (Petrus Klerck); (Thomas Bart and Abraham Willemse); (Joseph Stephanus September); (Hendrik Klerck); (Frederick J Adonis); (Jephia Willemse); (Jan Boomgaard); and (Cupido Vlaggendorp) of the other part, on the 22<sup>nd</sup> May 1883, shall be extended for a period of twenty (20) years from the 15<sup>th</sup> May 1883; and certain two leases entered into between the Commissioners aforesaid of the one part and certain

A

DERHALWE doen die Komparant q.q., afstand van al die regte en titel wat die bogenoemde

### TRANSPORTGEWER

voorheen op genoemde eiendom gehad het en gevolglik ook erken dat die TRANSPORTGEWER geheel en al van die besit daarvan onthef is en niks meer daarop geregtig is nie, en dat, kraglens hierdie Akte bogenoemde

### TRANSPORTNEMER

die se Administrateurs of Gemagtigdes

tans en voortaan daarop geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat.

TEN BEWYSE waarvan ek, die genoemde Registrateur van Aktes, tesame met die Komparant, q.q. hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en geteken op die Kantoor van die Registrateur van Aktes in Kaapstad, Provinsie van die Kaap die Goeie Hoop, op die 22<sup>ste</sup> dag van die maand Januarie in die jaar Tweeëduisend en Een (2001).

Januarie

q.q.

in my teenwoordigheid,

Registrateur van Aktes

# APPENDIX 2



Buitekringweg 6  
Dalsig, 7600  
☎ 021•886•5975  
☎ 086•606•9959  
✉ skriba@stelwel.co.za  
www.stelwel.co.za

4 Oktober 2018

Die Bestuurder: Eiendomsbestuur

Stellenbosch Munisipaliteit

Posbus 17

STELLENBOSCH

7600

Geagte Meneer

#### NG GEMEENTE STELLENBOSCH-WELGELEGEN: PARADYSKLOOF EIENDOM (ERF 13246)

Die Kerkraad van die NG Gemeente Stellenbosch-Welgelegen het op sy vergadering van 28 Augustus 2018 besluit om aansoek te doen by die Stadsraad dat die *Terugvalsreg* klousule in werking gestel word ooreenkomstig die destydse ruiltransaksie ooreenkoms.

#### 1. AGTERGROND

Die NG Gemeente se eiendom nl. Erf 13246 Pardyskloof, is destyds deur die NG Gemeente Stellenbosch-Welgelegen bekom d.m.v 'n ruiltransaksie vir twee enkelwone erwe in die Boord nl. Erwe 12758 en 12759 (sien Liggingsplan onder **Bylae A**). Die ruilooreenkoms het 'n paar belangrike beginsels bevat wat relevant is vir die oorweging van die bostaande versoek nl. (uittreksels uit *Ruilooreenkoms* aangeheg onder **Bylae B**).

1.1. Waarde van die eiendom (Par. 1)

"Die partye bevestig hiermee dat die eiendom wat hiermee verruil word, na hul mening gelyk in waarde is".

1.2. Terugvalsreg (Par. 13)

"Indien die KERK nie meer die EERSTE EIENDOM vir kerkdoeleindes benodig nie, sal dit aan die STADSRAAD teruggetranspoteer word teen 'n vergoedingsbedrag soos deur die partye ooreengekom". (Sien ook Par. F van die Transportakte aangeheg onder Bylae C).

1.3. Gebruik/sonering (Par 14.2)

"Hierdie ruilooreenkoms sal verder onderhewig wees aan die hersonering van die EERSTE EIENDOM na Bededoeleindes".

2. HUIDIGE STATUS

Die eiendom is wel destyds gehersoneer na Bededoeleindes, maar aangesien die sonering slegs vir 2 jaar geldig was en die Kerk dit nie uitgeoefen het nie, het die sonering teruggeval na Landboudoeleindes. Tans word dit verhuur aan Blaauwklippen Plaas.

Die eiendom is ook nie ingesluit by die stedelike ontwikkelingsgrens (urban edge) van Stellenbosch nie. Na ons mening is dit 'n fout of oorsig van die Munisipaliteit aangesien die ruilooreenkoms bepaal dat dit vir Bededoeleindes (dus stedelik) gebruik moet word.

3. BEROEP OP TERUGVALSREG

Die Kerk het besluit dat die eiendom nie meer in toekoms vir Bededoeleindes gebruik sal / wil word nie en dat die Stadsraad versoek word om die eiendom terug te transporteer teen 'n vergoeding aan die Kerk soos ooreengekom deur die partye.



Die motivering vir die versoek aan die Stadsraad is omrede die NG Gemeente se lidmaatgetalle grootliks gestabiliseer het en dat die huidige fasiliteite van die Kerk voldoende ruimte bied vir al sy bedieninge en aktiwiteite.

Die behoefte vir die uitbreiding van die Gemeente d.m.v 'n nuwe kergebou op die Paradyskloof eiendom soos destyds voorsien was, het dus nou verval.

Die basis vir die destydse ruilooreenkoms was dié van “gelyke waarde”. Die huidige waarde van die twee gedienste enkelwoon erwe in Die Boord is dus die **enigste basis** vir 'n ooreenkoms. Dit behoort by wyse van 'n waardasie(s) as begin basis gedoen te word en dan by wyse van **ooreenkoms** deur beide partye.

Die ooreenkoms bepaal egter dat dit “teruggetransporteer **sal** word, indien die Kerk dit nie meer nodig nie”. Na ons mening het die kerk derhalwe geen ander keuse anders as om hulle te beroep op die Terugvalsreg klousule nie.

#### 4. AANSOEK

Ons versoek die Stadsraad derhalwe hiermee om die Terugvalsreg klousule toe te pas op die beginsels soos onder Par. 3 hierbo uiteengesit.

Met waardering.



Ds Monty Sahd

Voorsitter: NG Gemeente Stellenbosch-Welgelegen

Geroep Gewillig Gestuur

Bylae A



ERF 13246



ERF 12758  
& 12759





# **APPENDIX 3**

Printed: 2019/03/29 07:36

## WinDeed Database Deeds Office Property

**windeed**  
A LexisNexis® Product

STELLENBOSCH, 13246, 0 (CAPE TOWN)

**GENERAL INFORMATION**

Date Requested 2019/03/29 07:35  
Deeds Office CAPE TOWN  
Information Source WINDEED DATABASE  
Reference -

**PROPERTY INFORMATION**

Property Type ERF  
Erf Number 13246  
Portion Number 0  
Township STELLENBOSCH  
Local Authority STELLENBOSCH MUN  
Registration Division STELLENBOSCH RD  
Province WESTERN CAPE  
Diagram Deed T4376/2001  
Extent 9000.0000SQM  
Previous Description -  
LPI Code C06700220001324600000

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

Type CHURCH  
Name NED GER KERK-WELGELEGEN-STELLENBOSCH  
ID / Reg. Number -  
Title Deed T4376/2001  
Registration Date 2001/01/23  
Purchase Price (R) EXCHANGE  
Purchase Date -  
Share 0.00  
Microfilm 2001 0105 2202  
Multiple Properties NO  
Multiple Owners NO

**ENDORSEMENTS (1)**

#	Document	Institution	Amount (R)	Microfilm
1	SUBDIVISION FROM	REG DIV STELLENBOSCH RD ,NAME FARM 369 ,NO 369 ,PRTN 0	UNKNOWN	0000000*

**HISTORIC DOCUMENTS**

No documents to display

**DISCLAIMER**

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

# APPENDIX 4

## WinDeed Database Deeds Office Property

**windeed**  
A LexisNexis® Product

STELLENBOSCH, 12758, 0 (CAPE TOWN)

**GENERAL INFORMATION**

Date Requested 2019/03/29 07:37  
Deeds Office CAPE TOWN  
Information Source WINDEED DATABASE  
Reference -

**PROPERTY INFORMATION**

Property Type ERF  
Erf Number 12758  
Portion Number 0  
Township STELLENBOSCH  
Local Authority STELLENBOSCH MUN  
Registration Division NOT AVAILABLE  
Province WESTERN CAPE  
Diagram Deed T4375/2001  
Extent 767.0000SQM  
Previous Description PTN OF 5339-GP709/94  
LPI Code C06700220001275800000

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

Type LOCAL AUTHORITY  
Name MUN STELLENBOSCH  
ID / Reg. Number -  
Title Deed T4375/2001  
Registration Date 2001/01/23  
Purchase Price (R) EXCHANGE \*  
Purchase Date -  
Share 0.00  
Microfilm 2001 0105 2173  
Multiple Properties YES  
Multiple Owners NO

**ENDORSEMENTS**

No documents to display

**HISTORIC DOCUMENTS (1)**

#	Document	Owner	Amount (R)	Microfilm
1	T20474/1985	NED GER KERK-WELGELEGEN	210,000	2001 0105 2166

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# APPENDIX 5



## WinDeed Database Deeds Office Property

**windeed**  
A LexisNexis® Product

STELLENBOSCH, 12759, 0 (CAPE TOWN)

**GENERAL INFORMATION**

Date Requested 2019/03/29 07:38  
Deeds Office CAPE TOWN  
Information Source WINDEED DATABASE  
Reference -

**PROPERTY INFORMATION**

Property Type ERF  
Erf Number 12759  
Portion Number 0  
Township STELLENBOSCH  
Local Authority STELLENBOSCH MUN  
Registration Division NOT AVAILABLE  
Province WESTERN CAPE  
Diagram Deed T4375/2001  
Extent 720.0000SQM  
Previous Description PTN OF 5339-GP709/94  
LPI Code C06700220001275900000

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

Type LOCAL AUTHORITY  
Name MUN STELLENBOSCH  
ID / Reg. Number -  
Title Deed T4375/2001  
Registration Date 2001/01/23  
Purchase Price (R) EXCHANGE \*  
Purchase Date -  
Share 0.00  
Microfilm 2001 0105 2173  
Multiple Properties YES  
Multiple Owners NO

**ENDORSEMENTS**

No documents to display

**HISTORIC DOCUMENTS (1)**

#	Document	Owner	Amount (R)	Microfilm
1	T20474/1985	NED GER KERK-WELGELEGEN	210,000	2001 0105 2166

**DISCLAIMER**

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# APPENDIX 6





## VALUATION REPORT

DETERMINATION OF THE MARKET VALUE OF:

**ERF 13246 STELLENBOSCH**

**WESTERN CAPE**

Client:

**STELLENBOSCH MUNICIPALITY**

10 October 2019

Compiled by:

**Johan Klopper**

Professional Valuer

Member of the SA Institute of Valuers

BCom Law (University of Stellenbosch), NDip: Property Valuation (UNISA)



10 October 2019

Mr. Piet Smit  
 Stellenbosch Municipality  
 Property Management  
 Plein Street  
 Stellenbosch  
 7600

## VALUATION CERTIFICATE

I, the undersigned, Johan Klopper, Professional Valuer registered in terms of the Property Valuer's Profession Act, 2000 (Act No 47 of 2000) do hereby certify that I have inspected and valued the following immovable property namely:

**ERF 13246 STELLENBOSCH,  
 STELLENBOSCH REGISTRATION DIVISION, in the WESTERN CAPE**

I consider the market value of the abovementioned property to be as follows:

<b>R 5 100 000</b>	<b>Five Million One Hundred Thousand Rand</b> (Excluding VAT)
--------------------	--

As at: **7 October 2019**

Signed at Stellenbosch this 10<sup>th</sup> day of October 2019.

A handwritten signature in dark ink, appearing to read 'J. Klopper', is written over a horizontal line.

**J. Klopper**  
 Professional Valuer  
 Registration Number: 6372/0

# VALUATION REPORT

## 1. Instructions & Purpose of Valuation

Instructions were received from the Stellenbosch Municipality to determine the fair market value of Erf 13246 Stellenbosch, located in the jurisdiction of the Stellenbosch Municipality, Western Cape (hereinafter referred to as the subject property), as at the effective date mentioned in paragraph 3. The purpose of the valuation is to inform the Stellenbosch Municipality of the market value in light of negotiations with the Dutch Reform Church regarding a possible buy-back of the subject property.

## 2. Date of Inspection

7 October 2019

## 3. Effective Date of Valuation

7 October 2019

## 4. Definition of Market Value

The market value can be defined as the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arms' length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

*(International Definition – International Valuation Standards Council)*

## 5. Valuation Methodology

The most appropriate valuation method to determine the market value of the subject property would be the **Comparable Sales Method**: This approach is based on the principle of comparability and substitution. The assumption is that if similar assets in a similar market place have been sold at a particular value, then the comparable asset will also sell at a similar price.

Factors taken into consideration in determining the market value of the subject property include location, size of property, usage and rights of use, potential use, condition, cost, physical position and comparable properties.

## 6. Restrictive Conditions

Information regarding the subject property and comparable properties was received from local authorities and third parties. This information was received in good faith and it is assumed that the supplied information is correct, but the accuracy thereof is not guaranteed.

We did not undertake a structural survey of each building, nor did we arrange for tests or inspections to be carried out on any of the service installations. This valuation is based on the assumption that the buildings and assets are in a reasonable state of repair and condition, unless expressly stated otherwise in this report.

In this report, the market value and all other values referred to exclude VAT (unless clearly indicated). While taxation can have a considerable influence on the value of the property, we did not take into account the tax consequences that could arise due to past or intended future actions of the present owner.

We did not take into account any possible contamination of the subject property as a result of an environmental incident, nor did we examine the cost of any remedial measures involved.

The property is valued wholly owned, with no account being taken of monies due in respect of mortgage bonds, liens, loans or other charges.

Neither all nor any part of this report shall be conveyed to the public or anybody other than the addressee or their principles through advertising, public relations, news sales or any other media without the written consent of the author.

The valuer was specifically instructed to value the subject property as agricultural land, without account to be taken of possible encumbrances due to the initial exchange agreement or current lease agreements and improvements (i.e. vineyards) made by the lessee.

This valuation was performed for market value purposes in light of negotiations with the Dutch Reform Church regarding a possible buy-back of the subject property, and should not be used for any other purpose.

## 7. Title Deed Information

<b>Description:</b>	ERF 13246 STELLENBOSCH, STELLENBOSCH REGISTRATION DIVISION, WESTERN CAPE
<b>Extent:</b>	0.9000 Ha
<b>Title Deed number:</b>	Held by T4376/2001 (Refer to <b>Annexure A</b> )
<b>Registered owner:</b>	DUTCH REFORMED CHURCH – WELGELEGEN – STELLENBOSCH
<b>Purchase date:</b>	n/a
<b>Registration date:</b>	2001/01/23
<b>Purchase price:</b>	Exchange
<b>Mortgage bonds:</b>	None Noted
<b>Endorsements / Conditions:</b>	None noted that materially affect the market value of the subject property.
<b>S.G. Diagram:</b>	S.G. No's. 1732/1998 (Refer to <b>Annexure B</b> )
<b>LPI Code:</b>	C06700220001324600000

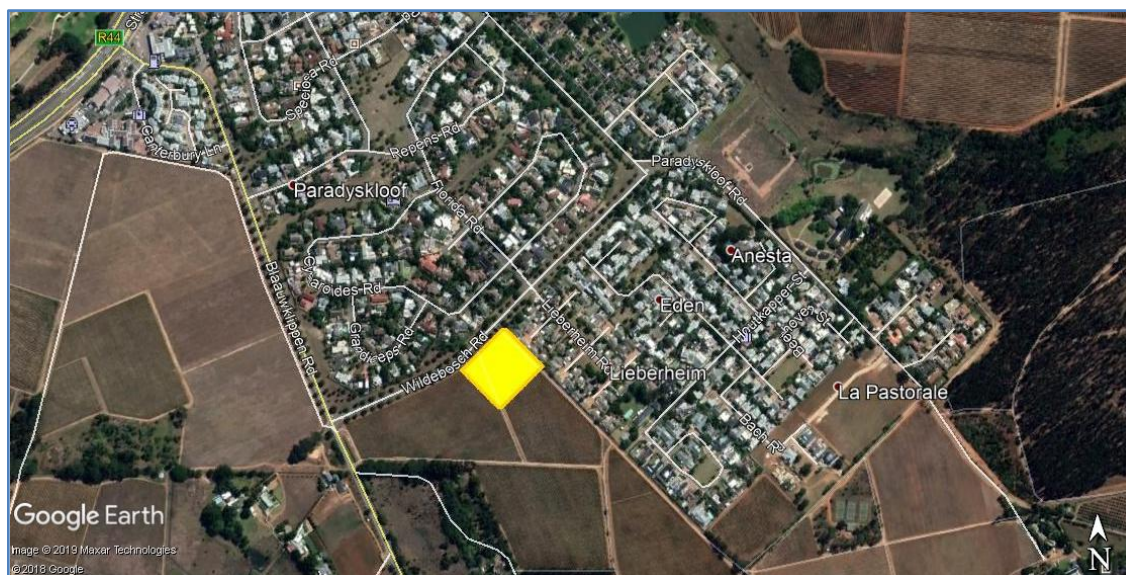
## 8. Local Government Information

<b>Local Authority</b>	Stellenbosch Municipality
<b>Zoning / Usage</b>	Agriculture
<b>Municipal Valuation (GV2017)</b>	R 2 300 000

## 9. Physical Characteristics

### 9.1 Location

The subject property is located along Wildebosch Road in the Paradyskloof residential node on the southern periphery of Stellenbosch. This is a sought-after residential node affording spectacular views towards the Stellenbosch Mountains. It is located directly adjacent to the Lieberheim access controlled estate. See Aerial Photograph below indicating the location of the subject property.

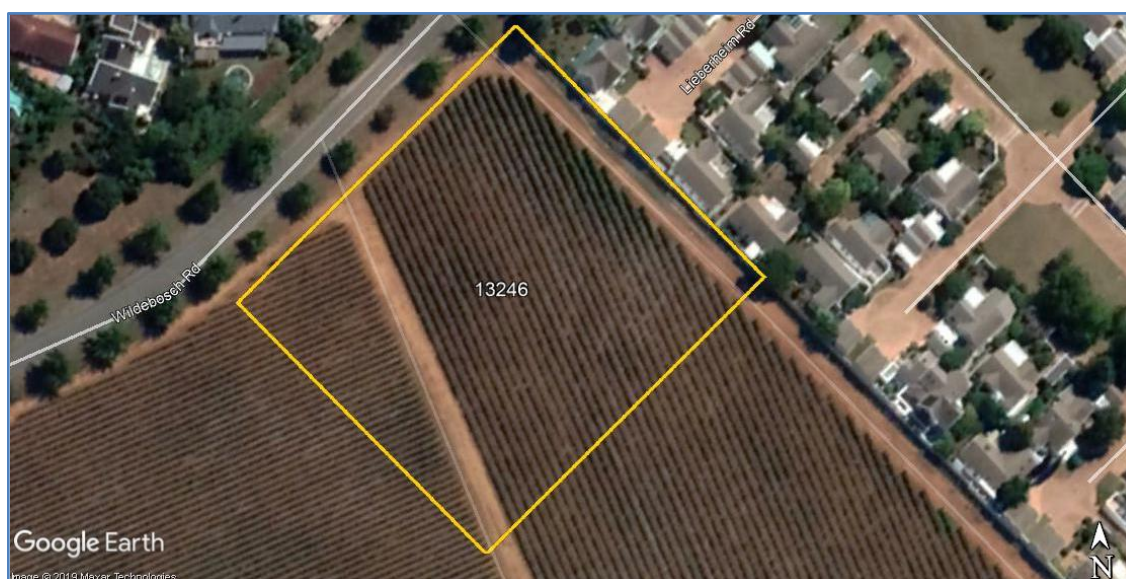


### 9.2 Services

Enquiries at the Stellenbosch Municipality Engineering Department confirmed that bulk municipal services appear to be available, but there are no connections to the subject property.

### 9.3 Site

The subject property represents a square shaped tract of land of 0.9 hectares, sloping down slightly in a northerly direction. It offers trellised vineyards under drip irrigation. Refer to aerial photograph below and **Annexure C** for photographs of the subject property.



## 10. Highest and Best Use

Highest and Best Use is defined under the International Valuation Standards (IVSC) as “The most probable use of an asset which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the asset being valued”.

The subject property represents a 0.9 hectare tract of agricultural land located in a residential node. The immediate vicinity is characterised by medium density residential erven in a number of residential estates, low density residential erven in the Paradyskloof neighbourhood, as well as a number of small holdings along Paradyskloof Road and Blaauwklippen Road.

The subject property would be in high demand as a small holding due to the aesthetic appeal of the surroundings and concomitant lifestyle appeal, while developers would also show interest in the tract of land for future development purposes.

Based on the current agricultural zoning the subject property will therefore be valued accordingly, bearing in mind the demand for this type of property in this node.

## 11. Market Information


### 11.1 Comparable Sales

We liaised with the Cape Town Deeds Office to determine the recent sales and transfers in the direct vicinity of the subject property. Comparisons were then made in terms of size and quality of improvements, as well as size, utilisation and potential of the land and date of sale, after which the necessary adjustments were made.


The following transactions of properties sold in relative close proximity to the subject property give an indication of land values of agricultural units in the area and serve as good comparisons in determining the current market value of the subject property:

NO	DESCRIPTION	SALES DATE	SALES PRICE (EX VAT)	TITLE DEED NO	SIZE (HA)	R/HA
1	Erf 16574 Stellenbosch	2019/03/27	R 1 000 000	T34872/2019	0.6989	R 1 430 820
2	Erf 15679 Stellenbosch	2018/02/05	R 5 990 000	T13715/2018	0.0901	R 66 481 687
3	Erf 17382 Stellenbosch	2018/01/26	R 7 871 805	T40181/2017	1.1584	R 6 795 412
4	Erf 15680 Stellenbosch	2017/11/27	R 5 460 000	T7333/2018	0.1099	R 49 681 529
5	Erf 15750 Stellenbosch	2017/02/23	R 12 000 000	T22036/2017	0.6675	R 17 977 528
6	Erf 8075 Stellenbosch	2017/02/06	R 2 440 000	T11530/2017	0.1080	R 22 592 593
7	Erf 16659 Stellenbosch	2017/01/25	R 15 000 000	T40181/2017	3.2290	R 4 645 401
8	Portion 245 of Farm 510 Stellenbosch RD	2016/07/19	R 2 200 000	T63970/2016	0.6179	R 3 560 447
9	Portion 698 of Farm 510 Stellenbosch RD	2016/03/31	R 3 500 000	T31680/2016	1.3576	R 2 578 079
10	Erf 1468 Franschhoek	2016/02/18	R 4 000 000	T28502/2016	0.8153	R 4 906 170




SALE 1: Erf 16576 Stellenbosch, Stellenbosch RD	
Land size	0.6989 Ha
Purchase Date	2019/03/27
Purchase Price	R 1 000 000 ( R 1 430 820 / Ha )
Comments	This vacant small holding with vineyards is located adjacent to the Welgevonden Estate. It compares well with the subject property in terms of size and utility but the location of the subject property is considered superior, which suggests an upward adjustment would be justified for the land rate to be applied to the subject property.
 <p>Google Earth Image © 2019 Maxar Technologies © 2019 AfrimGIS (Pty) Ltd.</p>	

SALE 2: Erf 15679 Stellenbosch, Stellenbosch RD	
Land size	00901 Ha
Purchase Date	2018/02/05
Purchase Price	R 5 990 000 ( R 66 481 687 / Ha )
Comments	This vacant residential stand is located in the new La Pastorale extension in the immediate vicinity of the subject property. The site offers spectacular views over the adjoining mountain ranges. The high rate is indicative of the premium paid for secured prime residential site in this node.
 <p>Google Earth Image © 2019 Maxar Technologies</p>	


SALE 3: Erf 17382 Stellenbosch, Stellenbosch RD	
Land size	1.1584 Ha
Purchase Date	2018/01/26
Purchase Price	R 7 871 805 ( R 6 795 412 / Ha )
Comments	This tract of development land is located in the Nuutgevonden node on the north-western periphery of Stellenbosch. At the date of sale development approvals were in place for 67 development opportunities, including 5 single residential erven and 62 sectional title flats. The development rights in place at the date of sale suggests that a downward adjustment would be justified to the land rate to be applied to the subject property.
	


SALE 4: Erf 15680 Stellenbosch, Stellenbosch RD	
Land size	0.1099 Ha
Purchase Date	2017/11/27
Purchase Price	R 5 460 000 ( R 49 681 529 / Ha )
Comments	This vacant residential stand is located in the new La Pastorale extension in the immediate vicinity of the subject property. The site offers spectacular views over the adjoining mountain ranges. The high rate is indicative of the premium paid for secured prime residential site in this node.
	



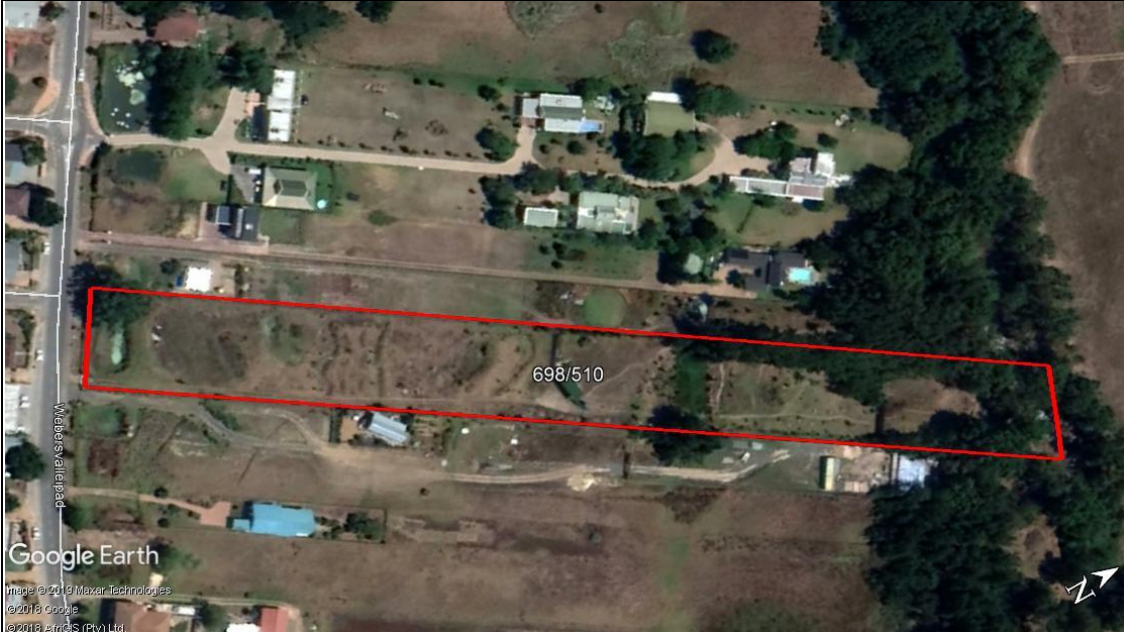
SALE 5: Erf 15750 Stellenbosch, Stellenbosch RD	
Land size	0.6675 Ha
Purchase Date	2017/02/23
Purchase Price	R 12 000 000 ( R 17 977 528 / Ha )
Comments	This vacant tract of residential land is located in the sought-after De Bosch Estate, adjacent to the Die Boord residential node. The sale is indicative of the premium paid for large tracts of residential land in the direct vicinity of Stellenbosch, but the location within a secured estate is considered superior to the subject property which suggests that a significant downward adjustment in the land rate applied to the subject property would be justified.
	


SALE 6: Erf 8075 Stellenbosch, Stellenbosch RD	
Land size	0.1080 Ha
Purchase Date	2017/02/06
Purchase Price	R 2 440 000 ( R 22 592 593 / Ha )
Comments	This vacant residential stand is located in Paradyskloof, in close proximity to the subject property. The sale is considered indicative of vacant residential land rates in the immediate vicinity. A downward adjustment of the land rate would be justified for the subject property due to the significant size difference.
	

SALE 7: Erf 16659 Stellenbosch	
Land size	3.2290 Ha
Purchase Date	2017/01/25
Purchase Price	R 15 000 000 ( R 4 645 401 / Ha )
Comments	This tract of development land is located in the Nuutgevonden node on the north-western periphery of Stellenbosch. At the date of sale development approvals were in place for 71 single residential erven. The tract of land is bigger than the subject property, and the location is deemed inferior.
	

SALE 8: Portion 245 of the farm Blaauw Klip no. 510, Stellenbosch RD	
Land size	0.6179 Ha
Purchase Date	2016/07/19
Purchase Price	R 2 200 000 ( R 3 560 447 / Ha )
Comments	This vacant small holding represents a long narrow tract of land located in the Jamestown node on the southern periphery of Stellenbosch, in relative close proximity to the subject property. The location and shape of the subject property is considered superior which suggests that, apart from an upward adjustment for the efflux of time, a higher land rate would be applicable to the subject property.
	



SALE 9: Portion 698 of the farm Blaauw Klip no. 510, Stellenbosch RD	
Land size	1.3576 Ha
Purchase Date	2016/03/31
Purchase Price	R 3 500 000 ( R 2 578 079 / Ha )
Comments	This vacant small holding represents a long narrow tract of land located in the Jamestown node on the southern periphery of Stellenbosch, in relative close proximity to the subject property. The location and shape of the subject property is considered superior which suggests that, apart from an upward adjustment for the efflux of time, a higher land rate would be applicable to the subject property.
	

SALE 10: Erf 1468 Franschhoek	
Land size	0.8153 Ha
Purchase Date	2016/02/18
Purchase Price	R 4 000 000 ( R 4 906 170 / Ha )
Comments	This similar sized tract of agricultural land is located adjacent to Franschhoek. The location is considered similar to the subject property which suggests that this sale serves as a good indication of the market value of the subject property. An upward adjustment for the efflux of time would however be justified.
	

### 11.2 Conclusion on comparable sales

Sales 1, 8 and 9 represent small holdings located in the Welgevonden and Jamestown nodes respectively. These sales are considered indicative of similar sized small holdings, but the location of the subject property is deemed superior which suggests an upward adjustment would be justified for the subject property. Sale 10 represents a similar sized tract of agricultural land located in a comparable node. This sale serves as a good indication of the rate to be applied to the subject property, with an upward adjustment justified for the efflux of time.

Sales 2, 4 and 5 represent smaller tracts of residential land located in prime residential estates. These properties are not considered directly comparable, but were included to illustrate the premium paid for prime residential land with concomitant lifestyle appeal. These sales ranged between R 5 460 000 and R 12 000 000 which is considered indicative of the opportunity value of a prime lifestyle opportunity in this node. It must however be borne in mind that these properties are located in secured villages. Sale 6, a vacant residential stand located in the immediate vicinity of the subject property, was included to illustrate the higher prices paid for small holdings (Sales 8 and 9) *vis a vis* vacant residential land in the same area.

Sales 3 and 7 represent development sites, with development rights in place at the date of sale. The location of these properties is considered inferior, but the sales were included for comparison with larger tracts of land in demand due to the lifestyle appeal.

## 12. Valuation of Subject Property

After analysis of the listed sales and the necessary adjustments were made, with specific note taken of the location and land size, the valuer determined the market value of the subject property as at 7 October 2019 to be the sum of **R 5 100 000**. This relates to a rate of R 5 666 666 per hectare which is considered in keeping with the market, bearing in mind the available market information.

## 13. Declaration

I, Johan Klopper a registered Professional Valuer, declare that I have inspected the above property and that I have conducted this valuation assignment to the best of my knowledge and skills. I have no present or contemplated interest in this property, and accordingly certify that this valuation was undertaken on a completely independent basis.

As a result of my inspection, research and evaluation it is my opinion that the fair market value of ERF 13246 STELLENBOSCH, STELLENBOSCH REGISTRATION DIVISION, WESTERN CAPE, on 7 October 2019, amounts to:

**R 5 100 000 (FIVE MILLION ONE HUNDRED THOUSAND RAND)**

Signed at STELLENBOSCH on this the 10<sup>th</sup> day of October 2019.



J. Klopper  
Professional Valuer (Reg. No. 6372/0)  
Member of the SA Institute of Valuers  
BCom (Law); NDip (Property Valuation)


**ANNEXURES:**

- A. TITLE DEED INFORMATION
- B. S.G. DIAGRAM
- C. PHOTOGRAPHS OF THE SUBJECT PROPERTY

## ANNEXURES:

## A. TITLE DEED INFORMATION

Printed: 2019/10/07 13:56


  
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## Deeds Office Property

STELLENBOSCH, 13246, 0 (CAPE TOWN)

**GENERAL INFORMATION**

Deeds Office	CAPE TOWN
Date Requested	2019/10/07 13:56
Information Source	DEEDS OFFICE
Reference	-



**PROPERTY INFORMATION**

Property Type	ERF
Erf Number	13246
Portion Number	0
Township	STELLENBOSCH
Local Authority	STELLENBOSCH MUN
Registration Division	STELLENBOSCH RD
Province	WESTERN CAPE
Diagram Deed	T4376/2001
Extent	9000.0000SQM
Previous Description	-
LPI Code	C06700220001324600000

**OWNER INFORMATION**

**Owner 1 of 1**

Company Type	CHURCH
Name	NED GER KERK-WELGELEGEN-STELLENBOSCH
Registration Number	
Title Deed	T4376/2001
Registration Date	2001/01/23
Purchase Price (R)	EXCHANGE
Purchase Date	-
Share	
Microfilm Reference	2001 0105 2202
Multiple Properties	NO
Multiple Owners	NO

**ENDORSEMENTS (1)**

#	Document	Institution	Amount (R)	Microfilm
1	SUBDIVISION FROM	REG DIV STELLENBOSCH RD ,NAME FARM 369 ,NO 369 ,PRTN 0	UNKNOWN	

**HISTORIC DOCUMENTS**

No documents to display

**DISCLAIMER**

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## B. S.G. DIAGRAM

Friedlaender, Burger & Volkmann Landmeters									
SYE Meter		RIGTINGS- HOEKE		KООORDINATE Stelsel Lo 19°				L.G. No.	
		Konstante :		Y		X			
						0, 00	+ 3700000, 00	1732/1998	
AB	90, 02	316 28 30	A	+	13118, 01	+	59761, 23	Goedgekeur	
BC	100, 00	46 30 20	B	+	13056, 02	+	59826, 50	<i>Rat</i>	
CD	90, 02	136 30 30	C	+	13128, 57	+	59895, 33	Landmeter-generaal	
DA	99, 95	226 30 20	D	+	13190, 52	+	59830, 02	1998. 04. 22	
	400	VERDUN	Δ	+	17185, 33	+	56805, 07		
	404	PARADYS	Δ	+	10120, 28	+	59264, 21		

**BESKRYWING VAN BAKENS**

A --- ~~Spoorstaafekkie~~ 15mm ~~aan p~~ ysterpen  
 Alle ander bakens is 12mm ysterpenne

Die figuur ABCD  
 stel voor 9000 vierkante meter

**ERF 13246 STELLENBOSCH**

gelee in die Stellenbosch Plaaslike Oorgangsraad  
 Administratiewe Distrik van  
 Opgemeet in November 1997  
 deur my

Provinsie Wes Kaap  
*D P Burger*  
 D P Burger Pr Landmeter PLS0080

Hierdie kaart is geheg aan No. 593/1884 Gedateer <i>T4376/2001</i> t.g.v. Registrateur van Aktes	Die oorspronklike kaart is No. 593/1884 Geheg aan Stel F 5-35 (Plaas 369)	Leer No. Stel. 369 M.S. No. E731/1998 Komp. BH-8DC/X51(1509)
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MUNISIPALITEIT STELLENBOSCH

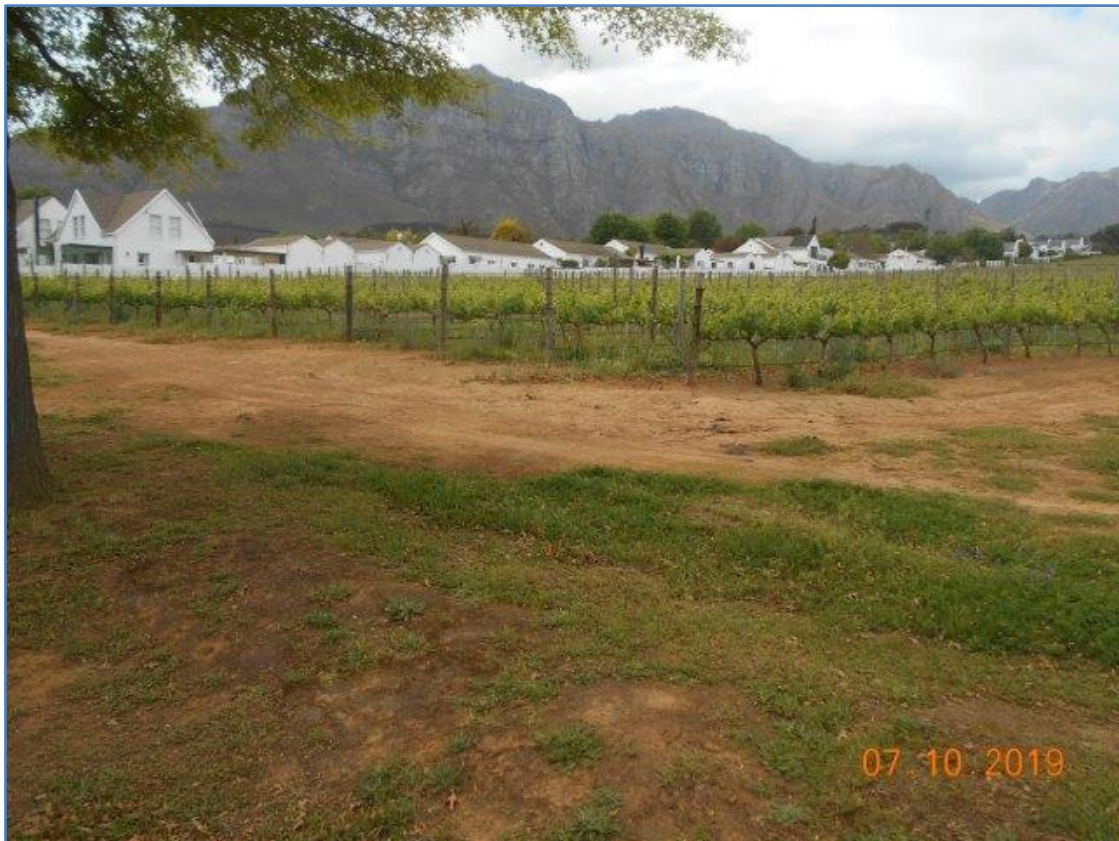
Hierdie onderverdeling is vrygestel van die  
bepalings van Hoofstuk III kragtens artikel  
23(1) van Ordonnansie 15 van 1985.

1997/11/25  
.....  
Datum

  
.....  
n Stadsklerk

Rede: Vervreemding van Raadsgrond

C. PHOTOGRAPHS OF THE SUBJECT PROPERTY



End of report

# APPENDIX 7

# Valuation Report

**Erf 13246 STELLENBOSCH  
STELLENBOSCH REGISTRATION DIVISION  
PROVINCE OF THE WESTERN CAPE**

**REFERENCE NO: AGR1072**

**PURCHASE ORDER: 35715**

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## 1. CONTACT DETAILS

Name	Mr. Piet Smit
Title	Property Management
Organisation	Stellenbosch Municipality
Address	PO Box 17 Stellenbosch 7600
Phone	+27 (21) 808 8189
Fax	+27 (21) 808 8688
Mobile	Unknown
Email	piet.smit@ Stellenbosch.gov.za
Website	<a href="https://www.stellenbosch.gov.za">https://www.stellenbosch.gov.za</a>

## 2. SUMMARY OF KEY FACTS

Subject Property	Erf 13246 Stellenbosch, Stellenbosch Registration Division, Province of Western Cape.
Physical Address	Wildebosch Road, Paradyskloof.
Registered Owner	Nederduitse Gereformeerde Kerk Welgelegen – Stellenbosch
Date Of Inspection	8 October 2019
Effective Date Of Valuation	01 November 2019
Method Of Valuation	Comparable Sales Approach
Zoning	Agricultural
Property Type	Agricultural land planted with wine grapes
Gross Leasable Area	N/A
Net Rentable Area	N/A
Quality Of Accommodation Offered	N/A
Net Operating Income (NOI)	N/A
Capitalisation Rate	N/A
Market Value	R4 500 000.00

### 3. INTRODUCTION

#### 3.1. INSTRUCTION

Stellenbosch Municipality as represented by Mr. Piet Smit, instructed DDP Valuation and Advisory Services (Pty) Ltd to determine the fair market value for the subject property as described in this report. Discussions held with Stellenbosch Municipality confirmed that the property should be valued in terms of its current zoning.

#### 3.2. PURPOSE OF VALUATION

The purpose of this valuation report is to determine a current market value for the subject as at the date of valuation. The subject property is zoned Agricultural zoning and will be valued accordingly.

#### 3.3. METHODS OF VALUATION

The method of valuation employed to determine the market value of the subject property is the Comparable Sales Approach.

The value indicated is established by comparing the subject property with similar properties, called comparable sales. Comparable sales are recent property transactions of properties that were sold in accordance with the definition of market value. Comparable sales are analysed and measured against the subject property in various elements of comparison that might influence and ultimately determine the value of the subject property.

#### 3.4. DEFINITION OF OPEN MARKET VALUE

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

#### 3.5. DATE OF INSPECTION

01 November 2019

#### 3.6. EFFECTIVE DATE OF VALUATION

01 November 2019

#### 3.7. INFORMATION SOURCES

Deeds Office – Cape Town  
Chief Surveyor General – Western Cape  
Lightstone;  
Municipality of Stellenbosch;  
Property professionals and Estate Agents  
Own records.



**4. TITLE DEED INFORMATION**

**4.1. DEED DESCRIPTION OF the SUBJECT Property**

Erf 13246 Stellenbosch, Stellenbosch Registration Division,  
Province of the Western Cape.

**4.2. LPI CODE**

C067002200013254600000

**4.3. REGISTERED OWNER**

Nederduitse Gereformeerde Kerk - Welgelegen - Stellenbosch.

**4.4. EXTENT OF the SUBJECT property**

9 000 m<sup>2</sup> (0.9 hectares)

**4.5. HISTORICAL PURCHASE PRICE**

Not Applicable (Exchange)

**4.6. DATE OF PURCHASE**

Not Applicable

**4.7. TITLE DEED NUMBER**

T4376/2001

**4.8. DATE OF TRANSFER**

23 January 2001.

**4.9. ENDORSEMENTS**

Not applicable

**4.10. SERVITUDES**

None indicated on SG Diagram SG No.: 1732/1998.

**4.11. OTHER CONDITIONS**

The property is subject to:

That all roads and thoroughfares described in the diagram shall remain free and uninterrupted unless the same be closed or altered by competent authority;

That the land thus granted shall be further subject to all such Duties and Regulations as are either already or shall in future be established with regard to such Lands;

The property is entitled to:

A servitude road 4.0m wide over Portion 13 and Portion 14 of Farm no. 369.  
Both these farm portions no longer exist as per the Cape Town Deeds Registry.

The property is subject to the stipulations of clause 13 of the exchange agreement between the herein mentioned Transferor and Transferee, dated 12 May 1995, which determines that if the Transferee no longer requires the herein mentioned property for the purposes of building a church, that it be transferred back to the Transferor at compensation to be determined by the parties.

Furthermore, it should be mentioned that an open channel with gabions for storm water run-off has been constructed alongside the eastern boundary of the subject property. Although it was difficult to establish whether this storm water channel or part thereof is located on the subject property or not, it would be assumed that a stormwater servitude be registered over the subject property.

## 5. ZONING INFORMATION

### 5.1. Name of local authority

Stellenbosch Municipality

### 5.2. Zoning

PERMISSIBLE	ACTUAL
Agricultural	Agricultural / Smallholding

### 5.3. Comments

The property was previously rezoned to Institutional Use some time ago, however this zoning has lapsed, as it was not implemented. The current zoning is therefore Agricultural.

#### **Agricultural Zoning and Rural Zone (AR)**

##### Primary Uses:

Agriculture, dwelling, forestry, natural environment, occasional use (one event/year), private road, polytunnel, second dwelling, employee housing (one unit).

##### Additional Use Rights;

Bed and breakfast establishment, employee housing (exceeding one unit), guest house, home day care centre, home occupation practice, polytunnel, rooftop base telecommunication station, tourist dwelling units and tourist facility (existing buildings).

##### Consent Uses:

Abattoir, additional dwelling units, airfield, airstrip, camping site, Day care centre, freestanding base telecommunication station, helicopter landing pad, intensive feed farming, kennel, plant nursery, renewable energy structure, service trade, tourist accommodation establishment, tourist facility, any additional use exceeding the threshold set out in the zoning chapter.



## 6. LOCAL AUTHORITY VALUATION

TOTAL VALUE R2 300 000.00

DATE 01 JULY 2017

COMMENT Rating category: Agriculture

As per the General Valuation Roll 2018/2019 the subject property enjoys an Agricultural zoning.

## 7. LOCATION AND SITUATION

### 7.1. LOCATION

The subject property is situated along the southern side of Wildebosch Road in the Paradyskloof residential area where it is situated on the urban fringe but still within the urban edge.

The subject property is easily accessible from the R44 ( $\pm 1$ km) via either Paradyskloof Road or Blaauwklippen Road, into Wildebosch Road. Paradyskloof is located approximately 2km from Techno Park and approximately 4km from the Central Business District of Stellenbosch.

The immediate surroundings of the subject property comprise a variety of upmarket group housing and freehold residential properties with some commercial activity that has developed mostly alongside the R44 national road and which includes a retail component with a Spar as the anchor, hotel, health & fitness facility, petrol filling station and restaurants. A new state of the art Mediclinic hospital that has recently been completed is situated less than one kilometre down the road (R44) from Paradyskloof.

The shortage of land suitable for housing in and around Stellenbosch together with factors such as climate change and the resultant drought, difficult agricultural conditions, the stagnation of the national economy etc. have created incentives for farm and smallholding owners in and around Stellenbosch to convert their agricultural land into land suitable for housing, especially, high-income residential and retirement estates. (Refer to Figure 4 for some proposed estate developments in Stellenbosch).

An idea was tabled of an eastern bypass from Jamestown through Paradyskloof, Brandwacht / Dalsig area to intersect with Van Riebeeck Street opposite Marais Street. This road would have provided an “eastern bypass” to link to the Helshoogte Road. However, this route is no longer as building plans were approved years ago to construct buildings for Boland College across this route. It was then discovered that a route from the R44, from opposite the Techno Avenue intersection, through Blaauwklippen farm along Wildebosch Road, through Paradyskloof and Brandwacht and to the east of Dalsig, across Wellgevalen and Coetzenburg to tie in opposite Marais Street is a proclaimed Provincial main road. It thus appears that this proclaimed main road was supposed to be the “eastern bypass” mentioned above (Sources iCE Group Stellenbosch, dated 23 April 2017)



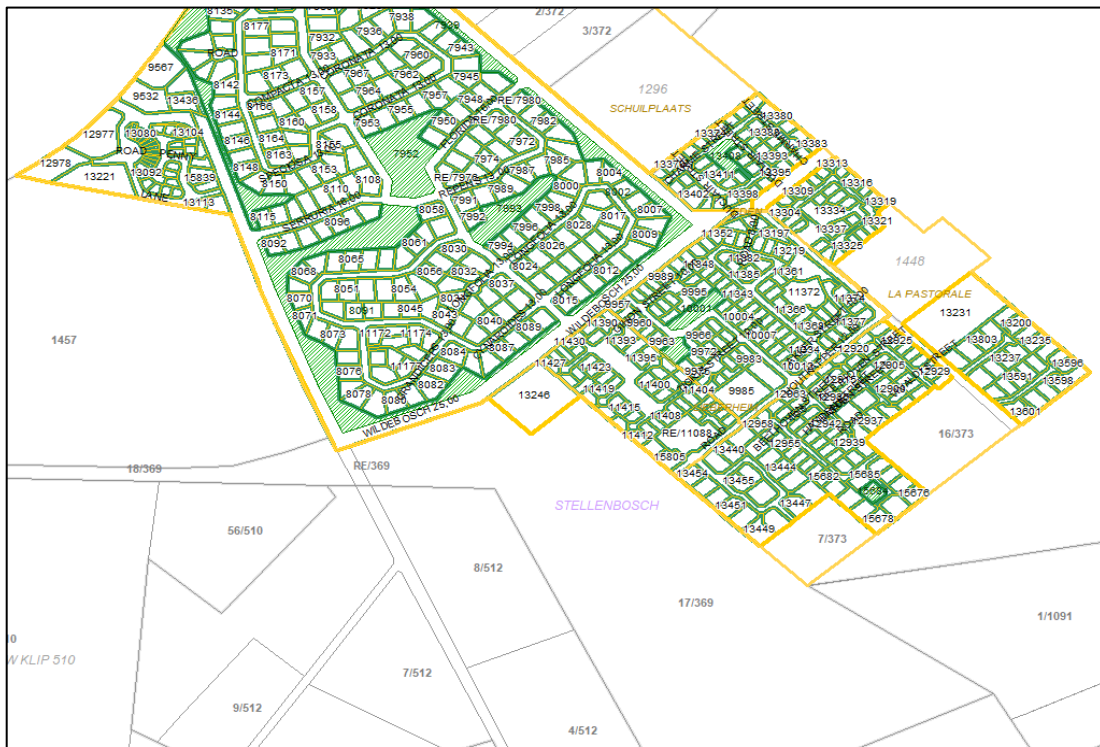


Figure 1: Location of the subject property in relation to other Residential Properties.  
Sourced from Planet GIS 2017



Figure 2 Aerial view of the subject property  
Sourced from Google Earth 2019



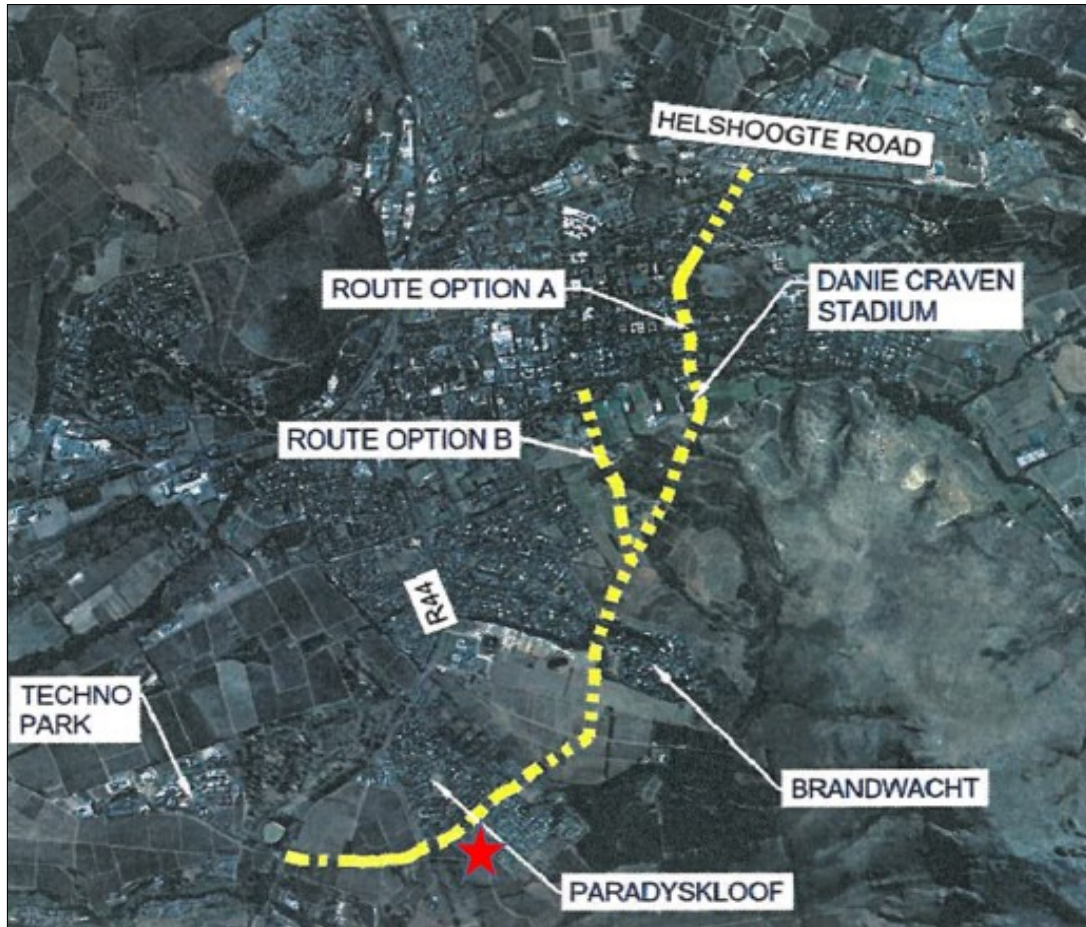


Figure 3: Eastern Link Road, image given on 13 September 2018 of the draft roads.

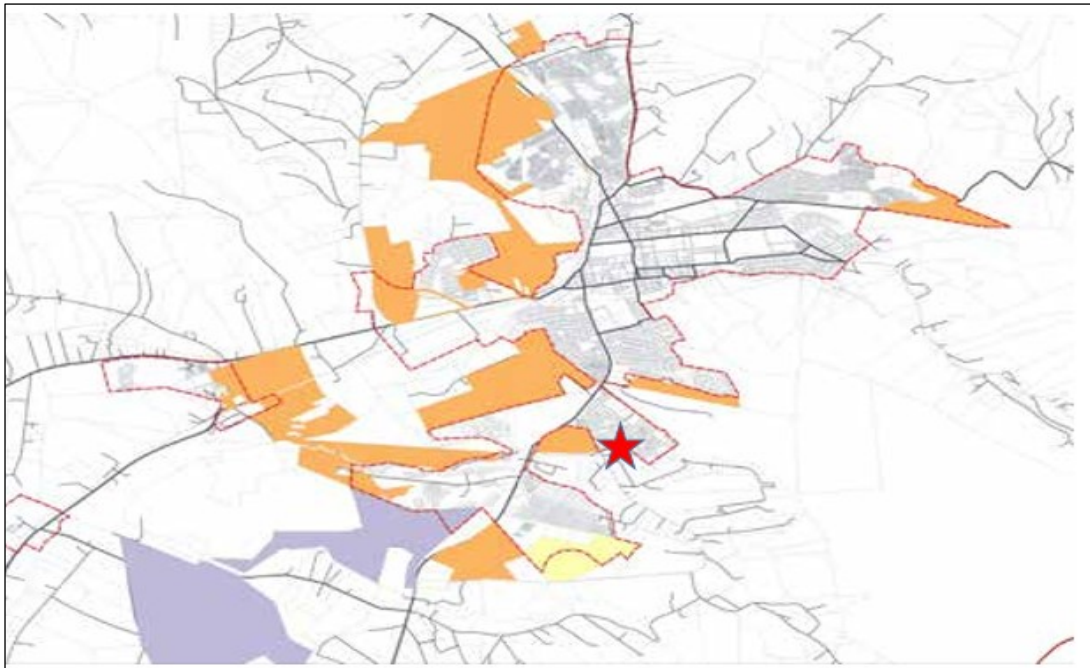


Figure 4: Proposed estate developments in Stellenbosch



## 7.2. NATURE OF SURROUNDING NEIGHBOURHOOD

The surrounding neighbourhood predominantly offers a variety of residential accommodation, consisting a combination of upmarket freehold dwellings, group housing units and retirement units in security estates. A small commercial node has developed mostly alongside the R44 national road and includes a retail component with a Spar as the anchor, hotel, health & fitness facility, petrol filling station and restaurants. The subject property also borders a portion (26.67ha) of farmland on the western and southern boundaries that is owned by Blaauwklippen Agricultural Estates Pty Ltd and planted with vineyards (0.76ha Petit Verdot 2007)

## 7.3. REGION/CLIMATE/RAINFALL

Stellenbosch normally receives about 570mm of rain per year and because it receives most of its rainfall during winter it has a Mediterranean climate. Stellenbosch receives the lowest rainfall (10mm) in February and the highest (96mm) in June. The monthly distribution of average daily maximum temperatures for Stellenbosch range from 16.2°C in July to 26.1°C in February. The region is the coldest during July when the mercury drops to 7.2°C on average during the night.

## 7.4. TOPOGRAPHY

The subject property that offers a more or less square shape has a north western orientation and enjoys a very moderate slope from south east to north west.

## 7.5. SOILS

Yellowish and brownish clayey soils derived from Malmesbury Group shales. The soils contain prismatic diagnostic horizons and Glenrosa and Mispah form are predominant. Land types are mainly Db, FB and Da.



## 7.6. Natural grazing

No Natural vegetation is present on the subject property.

## 8. HIGHEST AND BEST USE

### 8.1. DEFINITION

A term meaning the reasonable, probable and permissible use that will support the highest present value, as of the effective date of valuation.

Although currently being utilised for the cultivation of wine grapes, the highest and best use of the subject property, in our opinion, is considered not ideal for the cultivation of wine grapes as it is simply too small to be economically viable should it be farmed as a stand-alone small farming unit. Taking into consideration its location together with the relatively small size, it could rather be considered more suitable to be utilised or developed as a lifestyle opportunity.

Alternatively, should rezoning to a Multi-Unit Residential Zone be allowed, the highest and best use would most definitely be for future development purposes.

Numerous unsuccessful attempts have been made to set up an appointment with the Town Planning Department of Stellenbosch Municipality (Mr Robert Fooy and Ms Bernabe De La Bat) in order to discuss the probability of having the subject property rezoned for a potential high-density housing development. Should such a rezoning be allowed, it could mean that a potential investor or developer would be willing to pay a substantial premium for the development potential of the land, depending on the maximum density (units per hectare) allowed by the Local Authority.

However, without any confirmation of such rezoning probability, we have elected not to take any such potential into account and to value the property in terms of its existing Agricultural zoning.

## 9. DESCRIPTION OF IMPROVEMENTS

### 9.1. SITE LAYOUT

The property is more or less rectangular in shape, planted with 0.76ha of grape wines (Petit Verdot - 2007) and offers no structural improvements.



## 9.2. FENCING AND CAMPS:

The subject property offers no fencing or camps.



## 9.3. WATER SOURCES:

Although the vineyards are currently being irrigated, we were unable to establish whether the subject property has a registered water use right for agricultural irrigation purposes. We were also unable to establish whether there are any equipped boreholes on the subject property.

## 9.4. ROAD NETWORK

Vehicular access onto the subject property is from the north-eastern corner, which is also the highest point of the property. From there a gravel road runs towards Wildebosch Road. Along the boundary wall of Lieberheim residential buildings.

## 9.5. OTHER

The property offers no Eskom electricity supply point. Cell-phone reception is available.

# 10. LAND USE

## 10.1. Layout of the subject property

The subject property is planted with 0.76ha of grape wines (Petit Verdot - 2007) that is managed by Blaauwklippen. The average production figures for the last three years calculate to 4.05 ton per hectare. Mr J G van Heerden, Financial Manager of Blaauwklippen confirmed that the agreement between the Dutch Reformed Church and Blaauwklippen has already expired with no renewal option in place. At present the agreement between the two parties is being re-negotiated on an annual basis and the annual rental figure of R21 550.00 (excl. VAT) is being paid upfront in June/July each year.

In view of the fact that there is no written agreement in place between the two parties involved, we have assumed for the purpose of this valuation report that no form of compensation whatsoever would be payable should Blaauwklippen no longer be allowed to benefit from the vineyards on the property.

## **11. MARKET COMMENTARY**

In determining the market value for the subject property, a number of wide ranging factors had to be considered. This includes factors that range from market conditions, legislation, political stability and various factors that might influence the market value of the subject property. Other factors such as location, site extent, proximity and accessibility to amenities, zoning as well as general value-bearing characteristics of the subject property were also considered.

A have selected a total of eight comparable sales transactions that have occurred in and around Stellenbosch during the period December 2017 to July 2019. These transactions are regarded as suitable comparables and have therefore been used as a basis to determine a realistic market value for the subject property. These eight comparables comprise a combination of larger agricultural zoned properties used for agricultural purposes, smaller agricultural zoned properties that are used for residential purposes as well as much smaller residential zoned properties that are used purely for residential purposes.

### **SALES COMPARABLES:**

The most accurate method to determine the market value is through evidence produced by actual market transactions. The following sales transactions have been used as comparable transactions in this valuation report:

### Comparable Sale One



<b>Deed Description</b>	Portion 3 of farm Idas Valley Proper no.164, Stellenbosch RD
<b>Type of property</b>	Vacant land (7.9829ha)
<b>Additional Comments</b>	
<p>Selling price: R15 000 000.00 (R1 879 016/ha)  Selling date: 08 July 2019</p> <p>This comparable comprises an irregular-shaped portion of vacant land, measuring 7.9829ha in extent. Property offered dry lands and small portion of wine grapes at the date of sale. The comparable is located in Rustenburg lifestyle area, approximately 6.7km north of the subject property. This comparable is zoned Agricultural (AG) and in our opinion enjoys an inferior location compared to the subject property. This comparable was purchased by the owner (Eurafruit Investments Pty Ltd) of the adjoining property.</p>	



### Comparable Sale Two



<b>Deed Description</b>	Portion 104 of the farm 1089, Stellenbosch RD
<b>Type of property</b>	Vacant land (0.5867ha)
<b>Additional Comments</b>	
Selling price: R2 200 000 (R3 749 787/ha) Selling date: 18 March 2019	
<p>This comparable comprises an irregular-shaped portion of vacant land, measuring 0.5867 in extent. Property was overgrown with natural vegetation at the date of sale. This comparable is zoned agriculture, however forms part of a small, upmarket, low-density security estate that is located approximately 3.0km north of Sir Lowry's Pass, on the southern slopes of the Hottentots-Holland mountain range. The comparable is located approximately 16.00km south east of the subject property as the crow flies, near Knorhoek Road, Sir Lowry's Pass.</p>	

### Comparable Sale Three



<b>Deed Description</b>	Portion 11 of the farm Edgbaston no.104, Stellenbosch RD
<b>Type of property</b>	Vacant land (0.2963ha)
<b>Additional Comments</b>	
<p>Selling price: R3 100 000 (R10 462 369/ha)</p> <p>Selling date: 18 January 2019</p> <p>This comparable comprises a rectangular-shaped portion of vacant land, measuring 0.2963ha in extent. This comparable is zoned agriculture, however forms part of a small, upmarket, low-density security estate that is located alongside the R44, opposite Morgenhof Wine Estate and <math>\pm 3.5</math>km outside Stellenbosch. The comparable is located approximately 8.0km north of the subject property as the crow flies.</p>	



### Comparable Sale Four



<b>Deed Description</b>	Erf 5343, 84 A Lovell Avenue, Die Boord, Stellenbosch
<b>Type of property</b>	Vacant land (1 281 m <sup>2</sup> )
<b>Additional Comments</b>	
Selling price: R3 534 000 (R2 759/m <sup>2</sup> ) Selling date: 27 January 2018	
<p>This comparable comprises an irregular-shaped portion of vacant land, measuring 1281 m<sup>2</sup> in extent. Property comprised vacant land on date of transaction, suitable for residential purposes. The comparable is located in Die Boord, approximately 1.6km north west of the subject property. This comparable is zoned Multi-Unit Residential Zone and enjoys a similar location compared to the subject property. This site has since been developed with five duplex residential units, resulting in a selling rate of R706 800 per opportunity.</p>	

### Comparable Sale Five



<b>Deed Description</b>	Erf 15841, 7 Park Road, Krigeville, Stellenbosch RD
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<b>Type of property</b>	Vacant land (975m <sup>2</sup> )
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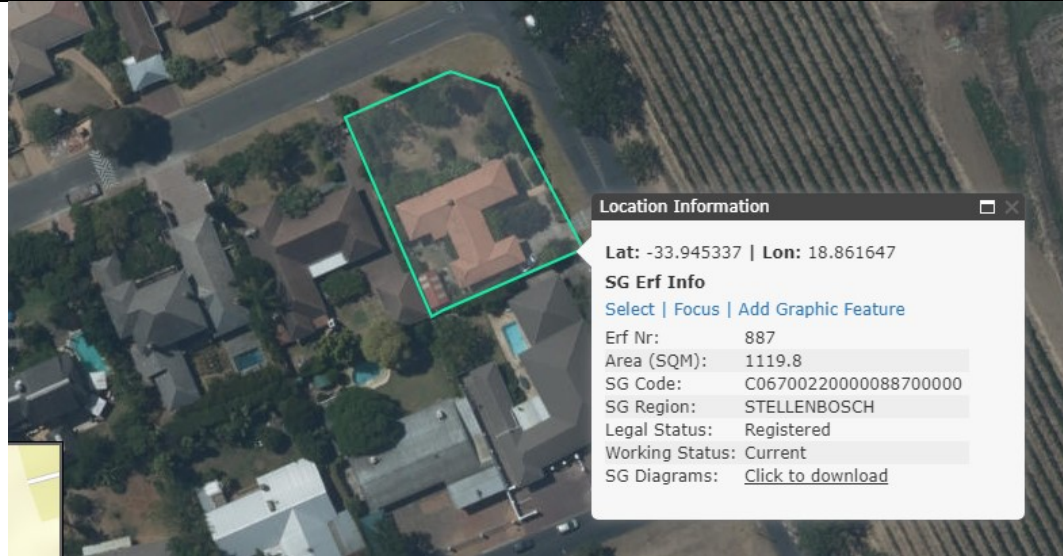
### Additional Comments

Selling price: R3 800 000 (R3 897/m<sup>2</sup>)

Selling date: 27 July 2018

This comparable comprises a panhandle shaped portion of vacant land, measuring 975m<sup>2</sup> in extent. The comparable is located approximately 2.2km north east of the subject property and lies within the urban edge of Stellenbosch. This comparable is zoned Conventional Residential Zone and enjoys a superior location compared to the subject property.

### Comparable Sale Six



<b>Deed Description</b>	Erf 887 Stellenbosch (7 Park Road, Krigerville)
<b>Type of property</b>	Vacant land (1 119m <sup>2</sup> )
<b>Additional Comments</b>	
<p>Selling price: R4 800 000 (R4 290/m<sup>2</sup>)  Selling date: 19 March 2019</p> <p>This comparable comprises a rectangular-shaped corner stand, measuring 1 119m<sup>2</sup> in extent. The comparable is located approximately 2.2km north east of the subject property and lies within the urban edge of Stellenbosch. This comparable is zoned Conventional Residential Zone and enjoys a superior location compared to the subject property. The old dwelling has recently been demolished.</p>	



### Comparable Sale Seven



<b>Deed Description</b>	Erf 1545 Stellenbosch (31 Jonkershoek Road)
<b>Type of property</b>	Vacant land (1 357 m <sup>2</sup> )
<b>Additional Comments</b>	
<p>Selling price: R12 500 000 (R9 212/m<sup>2</sup>)  Selling date: 18 December 2017</p> <p>This comparable comprises rectangular-shaped portion of vacant land, measuring 1357 m<sup>2</sup> in extent. The comparable is located approximately 4.2km north-east as the crow flies from the subject property. The stand is zoned conventional residential zone and enjoys a far superior location compared to the subject property.</p>	

### Comparable Sale Eight



<b>Deed Description</b>	Erven 1497 & 1505 Stellenbosch (20 Thibault Street).
<b>Type of property</b>	Vacant land (4 124 m <sup>2</sup> )
<b>Additional Comments</b>	
<p>Selling price: R23 510 000 (R5 700/m<sup>2</sup>)  Selling date: 15 October 2018</p> <p>This comparable comprises a square-shaped portion of vacant land, measuring a total of 4 124 m<sup>2</sup> in extent. The sale was improved with residential home at the date of sale but was demolished shortly afterwards. The comparable is located approximately 6km north east of the subject property in Mostertsdrift. The comparable enjoys a superior location compared to the subject property. Selling price equates to a rate of R5 700 78/ m<sup>2</sup>.</p>	



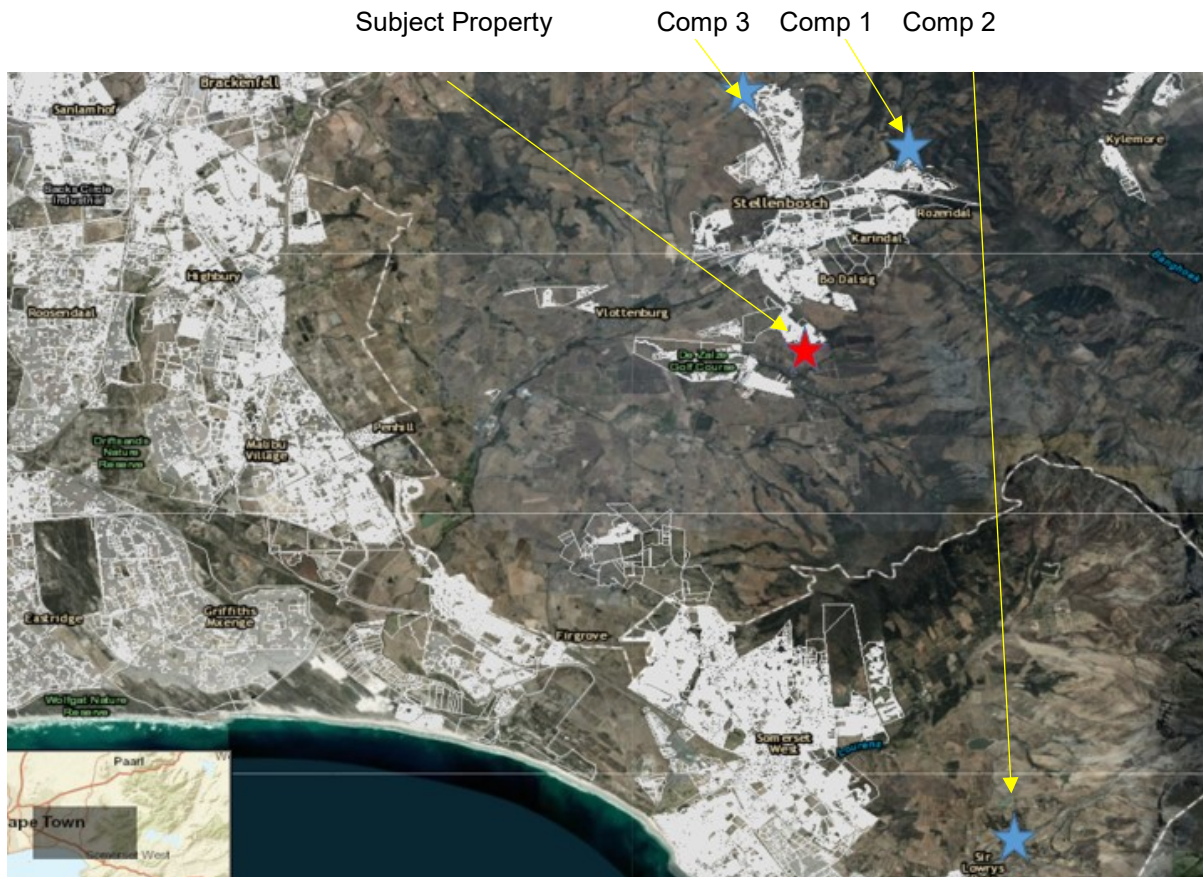


Figure 12: Locality of the agricultural zoned comparable sales in relation to the subject property.

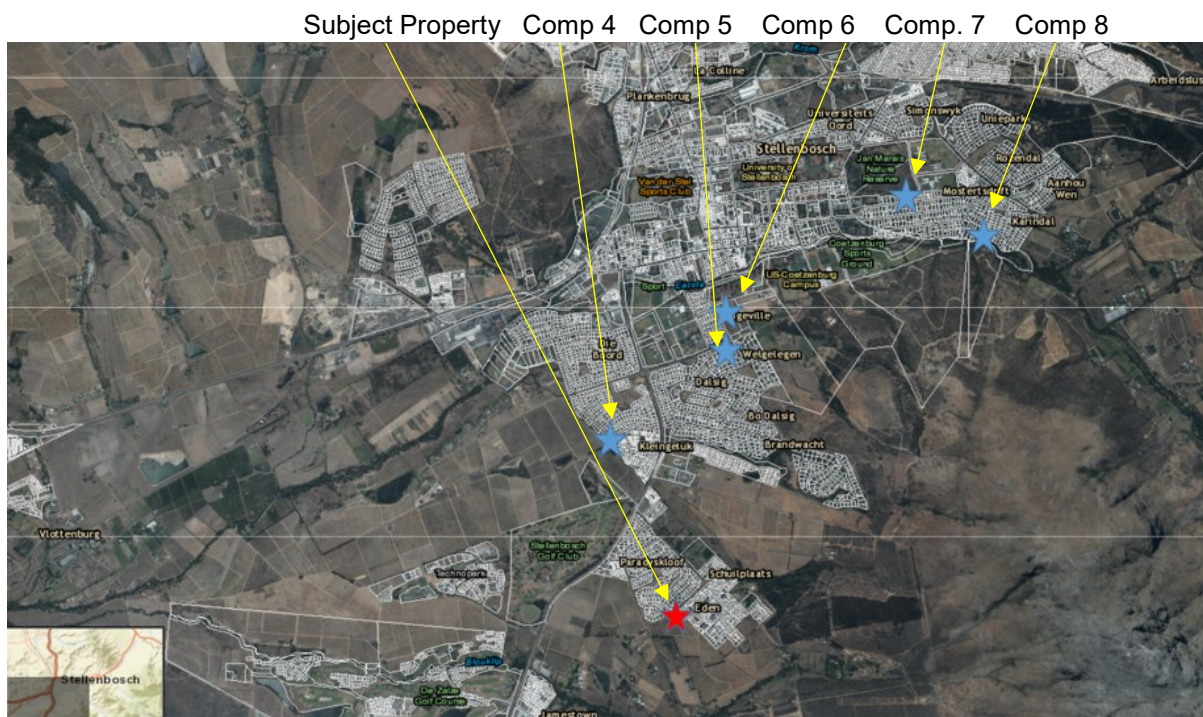


Figure 13: Locality of the residential zoned comparable sales in relation to the subject property.

## 12. VALUATION CALCULATION

### 12.1. VALUATION OF THE LAND COMPONENT:

By analysing all the comparable transactions, we have concluded that Comparable sale 1 is not necessarily considered as the best comparable due to the larger extent of the property and the agricultural nature of the immediate surroundings. Comparables sales 2 and 3 are smaller in extent compared to the subject property, however considered more comparable to the subject property in terms of the highest and best use of the subject property i.e. a lifestyle opportunity. Comparable sales 4 to 8 comprise of upmarket residential zoned stands that are fully serviced and that fall within the urban edge of Stellenbosch. These comparable sales are far smaller compared to the subject property and range between 975m<sup>2</sup> and 4 124 m<sup>2</sup> in extent.

Furthermore, portion 9 of the farm Edgbaston no.104 (1.16ha) was listed earlier this year for R3 250 000 (R2 801 724/ha) as vacant agricultural land. This property forms part of the same small estate where Comparable 3 is situated. However, this property has since been rezoned to offer 45 development opportunities. This listing is currently at R10 950 000, which equates to a rate of R243 333 / opportunity.

In addition to the above comparable transactions, we have also analysed the following agricultural / lifestyle holdings that are currently listed and available on the open market:

1. 4.77ha of vacant land situated within the Slaley Security Estate, approximately 5km outside Stellenbosch on the R44. Property offers vineyards and an olive grove and enjoys good security. Property is being advertised for R10 000 000.00 (R2 096/ha);
2. 1.13ha of vacant land situated on the outskirts of Kylemore, approximately 6km outside Stellenbosch. Level, grassed area equipped with a borehole. Property is being advertised for R10 000 000.00 (R8 850 000/ha);
3. 10.00ha planted with young vineyards and improved with a 3-bedroomed managers dwelling. Situated in the sought-after Golden Triangle and approximately 4km outside Stellenbosch. Property is being advertised for R17 000 000.00 (R1 700 000/ha);
4. 2.00ha farm situated within the urban edge of the town of Johannesdal, approximately 10km from Stellenbosch. Opportunity to rezone and subdivide or to be used as lifestyle holding. Property is being advertised for R8 000 000.00 (R4 000 000/ha);
5. 1.85ha smallholding located just off the R44 along the Stellenrust Road and approximately 6km outside Stellenbosch. Improved with two rather neglected managers' houses totalling approximately 200m<sup>2</sup> with beautiful valley views. Property comprises level, arable land and considered perfect to be developed as a lifestyle holding. Property offers borehole water and municipal water, sewerage and electricity. Property is being advertised for R7 500 000.00 (R4 047 000/ha). Property falls outside the urban edge of Stellenbosch;
6. 1.22ha smallholding located just off the R44 along the Stellenrust Road and approximately 6km outside Stellenbosch. Comprises level, arable land and considered perfect for a lifestyle holding. Improved with 6 x plastic rainwater tanks but with no structural improvements. Property is being advertised for R5



500 000.00 (R4 510 000/ha). Property falls outside the urban edge of Stellenbosch.

The above listed properties also serve as a good indication of what the market is not willing to pay for similar, smaller type agricultural properties with lifestyle potential. We can safely assume that these properties should most likely sell for less than what they are being advertised for and with that in mind, together with all the other value-bearing characteristics offered by the subject property, we are of the opinion that a market value of say R4.5 million is considered realistic and achievable in the present market.

In view of the information presented in this report, a valuation of **R4 500 000.00 (Four Million Five Hundred Thousand Rand Only)** is considered to be a realistic reflection of the subject property's market value as at the date of valuation.

### 13. CONDITIONS AND RECOMMENDATIONS

No allowance has been made for Value Added Tax (VAT) or transfer fees nor for duties which may be payable in the event of the sale of the subject property.

For the purpose of this valuation and in terms of the current Agricultural zoning of the subject property, we have elected not to take any re-development potential into account. Should any information become available, whereby the subject property is entitled to be rezoned for any type of high-density residential development in future, we reserve our right to revise our valuation accordingly.

In view of the fact that there is no longer an agreement in place between the two parties (Blaauwklippen Agricultural estates Pty Ltd and the Dutch Reformed Church), we have assumed for the purpose of this valuation report that no form of compensation whatsoever would be payable should Blaauwklippen no longer be allowed to benefit from the vineyards on the subject property.

## DECLARATION

Having inspected the above-mentioned property and after taking due consideration of all the relevant factors, I **Carla Beyers** in my capacity as a **Candidate Valuer**, and as assisted by **Jaco Voges** in his capacity as a **Professional Valuer** consider the above valuation to be a true reflection and a fair assessment of the subject property's market value, as at the date of valuation.



Carla Beyers  
**Candidate Valuer**  
SACPVP Reg. No: 7897



Jaco Voges  
**Professional Valuer (South Africa)**  
SACPVP Reg. No 3838/6

DATE: 01 November 2019

## APPENDIX A: BRIEF/ INSTRUCTION

13 September 2019

Our Reference: Cindy Oosthuizen / Jaco Voges

Supply Chain Management Office  
**Stellenbosch Municipality**

Email: [Scm.Intern4@stellenbosch.gov.za](mailto:Scm.Intern4@stellenbosch.gov.za)

### **FEE PROPOSAL FOR THE REQUEST OF QUOTATIONS: APPOINTMENT OF VALUERS FOR 3 PROPERTIES: ERF 13246 STELLENBOSCH**

DDP Valuers (Pty) Ltd would like to thank you for allowing us the opportunity to submit a quotation.

Our valuation report will be completed in accordance with both international and local standards, namely, the International Valuation Standards Council (IVSC), International Accounting Standards (IAS) and the rules and guidelines laid down by the South African Council for the Property Valuers Profession in accordance with the Valuers Act 2000.

#### **TIME FRAME:**

Given the nature of the valuation project and in line with your request, we will require a minimum of seven (7) working days, from date of appointment to complete the valuation report.

## APPENDIX B: TITLE DEED

117

ACCUSED R.....  
DUTY R.....  
SUM 95.00  
FILE R.....

Opgestel deur my  
TRANSPORTBESORGER  
A L DE WAAI

Transportakte

CLUVER MARKOTTER ING.  
PROKUREURS  
STELLENBOSCH

HIERBY WORD BEKEND GEMAAK

DAT MELIZE VAN DER MERWE  
Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik  
daartoe gemagtig deur 'n volmag geteken te STELLENBOSCH op die 7de dag  
van April 2000 en aan hom verleen deur

MUNISIPALITEIT STELLENBOSCH

T 004376 \* 2001

2

A

EN die Komparant het verklaar dat sy voorsegde prinsipaal werklik en wetlik op  
 12 Mei 1995 geruil het van

**NEDERDUITSE    GEREFORMEERDE    GEMEENTE    WELGELEGEN    TE**  
**STELLENBOSCH**

die volgende eiendomme, naamlik:

1. **ERF 12759 (Gedeelte van Erf 5339) STELLENBOSCH in die Munisipaliteit en  
 Afdeling Stellenbosch, Provinsie Wes-Kaap**

**GROOT: 720 (SEWE HONDERD EN TWINTIG) vierkante meter**

**en**

2. **ERF 12758 (Gedeelte van Erf 5339) STELLENBOSCH in die Munisipaliteit en  
 Afdeling Stellenbosch, Provinsie Wes-Kaap**

**GROOT: 767 ( SEWE HONDERD SEWE EN SESTIG) vierkante meter**

**ALBEI EIENDOMME GEHOU kragtens Transportakte Nr T20474/1985**

EN dat hy die Komparant in sy hoedanigheid voormeld in ruil, hiermee in volkome en  
 vrye eiendom seeder en transporteer aan en ten gunste van

**NEDERDUITSE    GEREFORMEERDE    GEMEENTE    WELGELEGEN    TE**  
**STELLENBOSCH**

die se Administrateurs of Gemagtigdes

ERF 13246 STELLENBOSCH in die Munisipaliteit en Afdeling Stellenbosch,  
 Provinsie Wes-Kaap

GROOT: 9 000 (NEGE DUISEND) vierkante meter

SOOS AANGEDUI op Diagram L.G. Nr 1732/1998 en GEHOU kragtens Akte van  
 Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nummer 14  
 van 1878 op 19 Junie 1884 (Stellenbosch Eiendomsbriewe Volume 5 No 35)

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Akte van Toekenning  
 uitgereik kragtens die bepalings van Artikel XIII van Wet Nummer 14 van 1878 op  
 19 Junie 1884 (Stellenbosch Eiendomsbriewe Volume 5 No 35).

B. ONDERHEWIG aan voorwaardes nommers 2 en 4 vervat in Akte van Toekenning  
 uitgereik kragtens die bepalings van Artikel XIII van Wet Nummer 14 van 1878  
 (Stellenbosch Eiendomsbriewe Volume 5 No 35) wat soos volg lees:

"II That all roads and thoroughfares described in the diagram above referred to  
 shall remain free and uninterrupted unless the same be closed or altered by  
 competent authority.

IV That the Land thus granted shall be further subject to all such Duties and  
 Regulations as are either already or shall in future be established with regard to  
 such Lands."

C. NIE ONDERHEWIG, weens tydverloop, aan voorwaardes vervat in Akte van  
 Toekenning gedateer 19 Junie 1884 (Stellenbosch Eiendomsbriewe Volume 5 No  
 35), wat as volg lees:-

"III That certain ten Leases, entered into between the Commissioners aforesaid of  
 the one part and certain coloured Lessees viz. (Jan de Ronde); (Willem  
 February); on the 5<sup>th</sup> June 1883 and (Petrus Klerck); (Thomas Bart and  
 Abraham Willemse); (Joseph Stephanus September); (Hendrik Klerck);  
 (Frederick J Adonis); (Jephta Willemse); (Jan Boomgaard); and (Cupido  
 Vlaggendorp) of the other part, on the 22<sup>nd</sup> May 1883, shall be extended for a  
 period of twenty (20) years from the 15<sup>th</sup> May 1883; and certain two leases  
 entered into between the Commissioners aforesaid of the one part and certain



4

coloured Lessees, viz. Joseph Waald and Johannes Gordon, of the other part on the 22<sup>nd</sup> May 1883 shall be extended for a period of ten(10) years from the 15<sup>th</sup> May 1883 on the terms and conditions set forth in the twelve (12) agreements of Leases referred to."

A

- D. **GEREGTIG** op die bepalings van 'n endossement gedateer 24 November 1992 op Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 (Stellenbosch Eiendomsbriewe Volume 5 No 35), welke endossement as volg lees:

**"Restant**

Kragtens Akte van Transport nr. T75383/1992 is die binnegemelde restant geregig op 'n sertwituutpad 4 m wyd oor Gedeelte 13 van die Plaas nr. 369, gehou deur T75383/1992 soos voorgestel deur die lyn F G H J op diagram LG nr. 2895/92."

- E. **GEREGTIG** op die bepalings van 'n endossement gedateer 8 April 1993 op Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 (Stellenbosch Eiendomsbriewe Volume 5 No 35), welke endossement as volg lees:

**"Restant**

Kragtens Akte nr. T30895/1993 gedateer hede is die binnegemelde restant geregig op 'n sertwituutpad 4 m wyd oor Gedeelte 14 van die Plaas nr. 369, groot 1,8653 Ha en gehou onder bogemelde transportakte, soos voorgestel deur die lyn F G H J K op diagram LG nr. 2896/92."

- F. **ONDERHEWIG** aan die bepalings van klousule 13 van die ruilooreenkoms tussen die hieringemelde Transportgewer en -nemer gedateer 12 Mei 1995 wat bepaal dat indien die Transportnemer nie meer die hieringemelde eiendom vir kerkdoeleindes benodig nie, dit aan die Transportgewer teruggetranspoteer sal word teen 'n vergoedingsbedrag soos deur die partye ooreengekóm.



5

DERHALWE doen die Komparant q.q., afstand van al die regte en titel wat die bogenoemde

TRANSPORTGEWER

voorheen op genoemde eiendom gehad het en gevolglik ook erken dat die TRANSPORTGEWER geheel en al van die besit daarvan onthef is en nie meer daarop geregtig is nie, en dat, kragtens hierdie Akte bogenoemde

TRANSPORTNEMER

die se Administrateurs of Gemagtigdes

tans en voortaan daarop geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat.

TEN BEWYSE waarvan ek, die genoemde Registrateur van Aktes, tesame met die Komparant, q.q. hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en geteken op die Kantoor van die Registrateur van Aktes in Kaapstad, Provinsie van die Kaap die Goeie Hoop.

op die 22<sup>ste</sup> dag van die maand  
in die jaar Tweeëduisend en Een (2001).

q.q.

In my teenwoordigheid,

Registrateur van Aktes

**Property detail:**

Deeds registry	CAPE TOWN
Property type	ERF
Township	STELLENBOSCH
Erf number	13246
Portion	0
Province	WESTERN CAPE
Registration division/Administrative district	STELLENBOSCH RD
Local authority	STELLENBOSCH MUN
Previous description	-
Diagram deed number	T4376/2001
Extent	9000.0000 SQM
LPI Code	C06700220001324600000

**Title Deeds detail:**

Document	Registration date	Purchase date	Amount	Microfilm reference	Document copy?
T4376/2001	20010123	-	EXCHANGE	2001 0105 2202	<a href="#">Yes</a>

**Owners detail:**

Document	Full name	Identity Number	Share	Person Enquiry?
T4376/2001	NED GER KERK-WELGELEGEN-STELLENBOSCH	-	-	<a href="#">Yes</a>

**Endorsements / Encumbrances:**

Endorsement / Encumbrance	Holder	Amount	Microfilm reference	Document copy?
SUBDIVISION FROM	REG DIV STELLENBOSCH RD ,NAME FARM 369 ,NO 369 ,PRTN 0	-	-	Not available

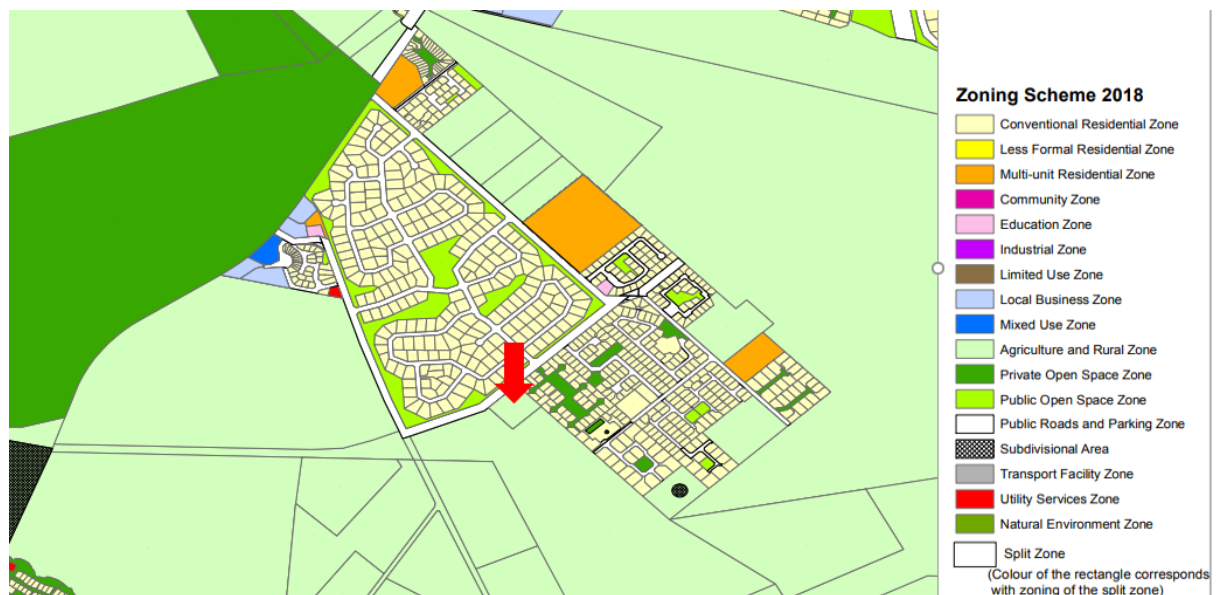
## APPENDIX C: ZONING AND LOCAL AUTHORITY VALUATION

### 201. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> <li>• Agricultural building (<math>\leq 2000\text{m}^2</math>)</li> <li>• Agriculture</li> <li>• Dwelling house</li> <li>• Forestry</li> <li>• Natural environment</li> <li>• Occasional use (one event/year)</li> <li>• Private road</li> <li>• Polytunnel (<math>\leq 2000\text{m}^2</math>)</li> <li>• Second dwelling</li> <li>• Employee housing (one unit)</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural building (<math>&gt; 2000\text{m}^2</math>)</li> <li>• Agricultural industry (<math>&lt; 2000\text{m}^2</math>)</li> <li>• Bed and breakfast establishment</li> <li>• Employee housing (exceeding one unit)</li> <li>• Guest house</li> <li>• Home day care centre</li> <li>• Home occupation practice</li> <li>• Polytunnel (<math>\geq 2001\text{m}^2</math> and <math>\leq 5000\text{m}^2</math>)</li> <li>• Rooftop base telecommunication station</li> <li>• Tourist dwelling units</li> <li>• Tourist facility (existing buildings)</li> </ul>	<ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Additional dwelling units (max 4)</li> <li>• Airfield</li> <li>• Airstrip</li> <li>• Agricultural industry (<math>\geq 2000\text{m}^2</math>)</li> <li>• Camping site</li> <li>• Day care centre</li> <li>• Freestanding base telecommunication station</li> <li>• Helicopter landing pad</li> <li>• Intensive feed farming</li> <li>• Kennel</li> <li>• Market</li> <li>• Occasional use (<math>&gt; \text{one event/year}</math>)</li> <li>• Plant nursery</li> <li>• Polytunnel (<math>&gt; 5000\text{m}^2</math>)</li> <li>• Renewable energy structure</li> <li>• Service trade</li> <li>• Tourist accommodation establishment</li> <li>• Tourist facility (new buildings or exceeding threshold)</li> <li>• Any additional use exceeding the threshold set out in this chapter</li> </ul>

(2) One or more of the abovementioned primary uses are permitted on a land unit at the same time.



**Municipal Valuation**

Municipal Valuation: R 2 300 000

Rating Period: 2017/2018

Usage Category: AGRICULTURE

Year of Valuation: 2017

Estimated Monthly Rates: R 216

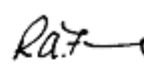
Usage: AGRICULTURE



**APPENDIX D: LOCALITY MAP**

## APPENDIX E: SURVEYOR GENERAL DIAGRAM

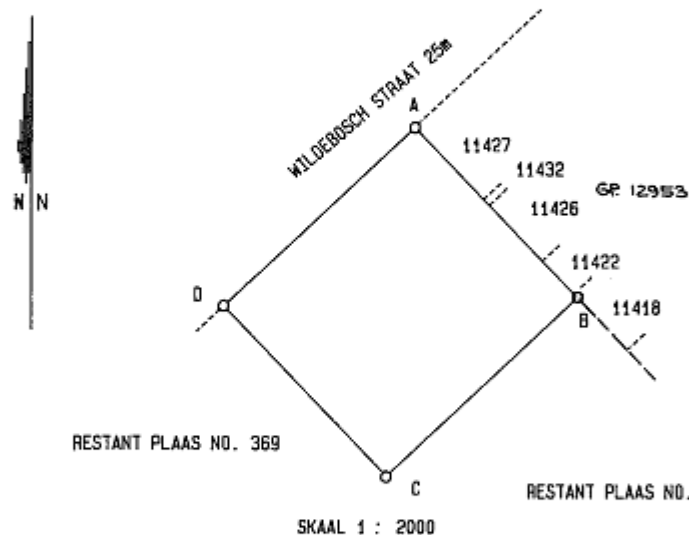
Friedlaender, Burger &amp; Volkmann Landmeters

SYE Meter		RIGTINGS- HOEKE	KOOORDINATE			L.G. No.
		Y	Stelsel	Lo 19°	X	
		Konstante :	0, 00		+ 3700000, 00	1732/1998
AB	90, 02	316 28 30	A +	13118, 01	+ 59761, 23	Goedgekeur
BC	100, 00	46 30 20	B +	13056, 02	+ 59826, 50	
CD	90, 02	136 30 30	C +	13128, 57	+ 59895, 33	
DA	99, 95	226 30 20	D +	13190, 52	+ 59830, 02	
	400	VERDUN	A +	17185, 33	+ 56805, 07	
	404	PARADYS	A +	10120, 28	+ 59264, 21	Landmeter-generaal

1998. 04. 22

## BESKRYWING VAN BAKENS

A ---- Speerstaafseksie 15mm ysterpen  
 Alle ander bakens is 12mm ysterpenne



Die figuur ABCD  
 stel voor 9000 vierkante meter

grond, synde

ERF 13246 STELLENBOSCH

gelee in die Stellenbosch Plaaslike Oorgangsraad  
 Administratiewe Distrik van  
 Opgemeet in November 1997  
 deur my

Provinsie Wes Kaap

D P Burger Pr Landmeter PL50080

Hierdie kaart is geheg aan  
 No.  
 Gedateer t.g.v. T4376/2001

Die oorspronklike kaart is  
 No. 593/1884  
 Geheg aan Stel F 5-35  
 (Plaas 369)

Leer No. Stel.369  
 M.S. No. E731/1998  
 Komp. BH-8DC/X51(1509)

Registrateur van Aktes

/3246

MUNISIPALITEIT STELLENBOSCH

Hierdie onderverdeling is vrygestel van die  
bepalings van Hoofstuk III kragtens artikel  
23(1) van Ordonnansie 15 van 1985.

1997/11/25  
Datum

  
n Stadsklerk

Rede: Vervreemding van Raadsgrond

---



APPENDIX F: VALUATION PRINTOUT

VALUATION CERTIFICATE

I, the undersigned, Jaco Voges, *Professional Valuer* registered in terms of the *Valuer's Profession Act, 2000* do hereby certify that I have valued the following immovable property namely:

Erf 13246, Stellenbosch RD, Western Cape

I consider the fair and reasonable compensation for the acquisition of the said portion to be as indicated below:

1. **MARKET VALUE:**

R4 500 000.00	R4 500 000.00	Four Million Five Hundred Thousand Rand Only (Excl. VAT)
---------------	---------------	---



Carla Beyers  
**Candidate Valuer**  
 SACPVP Reg. No: 7897



Jaco Voges  
**Professional Valuer**  
 SACPVP Reg. No: 3838/6

**APPENDIX G: WATER USE CERTIFICATE**

No documents were available. The subject property is currently cultivated with wine grapes under drip irrigation.

## APPENDIX H: PHOTOGRAPHS



**Wine Grapes, October 2019.**



**Soil, October 2019.**



**Wine Grapes 2, October 2019.**



**Gravel Road, October 2019.**



**Wine Grapes 3, October 2019.**



**Wine Grapes 4, October 2019.**

## **CAVEATS**

### **1. FULL DISCLOSURE**

This valuation has been prepared on the basis that full disclosure of all information and factors that could affect the valuation ('all relevant factors') have been made to us. We accept no liability or responsibility whatsoever for the valuation if it should transpire that a full disclosure of all relevant factors was not made.

### **2. THIRD PARTY INVOLVEMENT**

Where reliance was placed on information supplied by third parties in undertaking the evaluation, we have assumed such information to be substantially correct. We accept no liability or responsibility whatsoever for the valuation if it should transpire that the information supplied was substantially incorrect.

### **3. VALUATION STANDARD**

This valuation has been prepared in accordance with the International Valuation Standards Committee requirements as adopted by the South African Council for the Property Valuers Profession and the South African Institute of Valuers.

### **4. FREEHOLD PROPERTY**

In the case of freehold properties we have inspected the relevant Title Deed documents when available. Whenever perusal of the Title Deed caused concern, we made specific reference to this in the Valuation Report. Where the Title Deeds were not available we have assumed that good title can be shown and that the property is not subject to any unusual or especially onerous restrictions, encumbrances or outgoing.

### **5. MORTGAGE BONDS, LOANS OR OTHER CHARGES**

The property has been valued as if wholly owned with no allowance made for any outstanding monies due in respect of mortgage bonds, loans or other charges. No deductions have been made in our valuation for the cost of acquisition, such as legal or transfer fees, or the costs involved in the disposal of the assets.

### **6. CALCULATION OF AREAS**

Where the client (or his/her representative) has provided all surface areas quoted within the Valuation Report, we assume such surface areas have been calculated in accordance with the SAPOA standard method of measurement. Where a valuer on site measures the surface areas, the SAPOA standard method of measurement shall be employed.

### **7. PLANS**

All plans included in the Valuation Report are supplied for the purpose of identification and orientation only and are not necessarily to scale.



## **8. PROPERTY BOUNDARIES**

The farm or property boundaries, as indicated to the Valuer by the instructing client or his appointed agent, or the boundaries as indicated by plans supplied by the client, are assumed to be the legal extent of the property. Any variation of these boundaries by extension or omission, and the resultant inclusion or omission of any improvements because of this or these variations, cannot therefore be regarded as the responsibility of the Valuer. We accept no liability or responsibility whatsoever for the valuation should it transpire that any boundaries were incorrectly pointed out.

## **9. OUTGOINGS**

It is assumed, except where otherwise stated, that the property is subject to the normal property owner's outgoings and that there are no onerous restrictions or unusual covenants of which we have no knowledge. In preparing our valuation, we have formed our opinion of outgoings, having had reference to the various schedules of outgoings supplied by the client or a representative thereof.

## **10. STRUCTURAL CONDITION**

The property has been valued in its existing state. In the event of its ownership or use changing in such a manner that the local authority will require the upgrading of the premises to comply with fire protection and other regulations, it may be necessary to reduce the valuation by the amount covering the cost of such compliance. We have had regard to the apparent state and condition of the property but have not carried out a structural survey, nor inspected those areas, which were covered, unexposed or inaccessible, neither have we arranged for the testing of electrical, heating or other services. The valuation assumes that the services and structures are in a satisfactory state of repair and condition, unless otherwise stated in our report. The valuation further assumes that the improvements have been erected in accordance with the relevant Building and Town Planning Regulations as well as the Local Authority by-laws. We have not inspected woodwork or other parts of the structure, and we are therefore unable to report that such parts of the property are free from rot, beetle or other defects. We have assumed that no deleterious or hazardous materials or techniques were used in the construction of the property nor have since been incorporated.

## **11. CONTAMINATION**

Our valuation assumes that a formal environmental assessment is not provided and further that the property is not environmentally impaired nor contaminated, unless otherwise stated in our report.

## **12. VACANT LAND**

No soil or substratum tests on the property have been undertaken and it is assumed that the property is suitable for the intended purpose, without having to provide excessive reinforcement to any structure built thereon.

**13. STATUTORY NOTICE AND UNLAWFUL USE**

We have assumed that the property and its value are unaffected by any statutory notice, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

**14. INDIVIDUAL PROPERTIES**

The values reported are for the individual properties. No allowance is made for any premium, which may be applicable for an assembled portfolio of properties, nor is a discount allowed for any flooding of the market, which might exist if all, or a majority of the properties were offered for sale simultaneously.

**15. CONFIDENTIALITY**

This valuation is produced exclusively for the client and for the specific purposes to which it refers. It may be disclosed to other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

**16. NON-PUBLICATION**

Neither the whole nor any part of this valuation report or certificate, nor any reference thereto, may be included in any published document, circular or statement, nor published in any way without the written approval of the Valuer, as to the form or context in which it may appear and acknowledgement that the Valuer are professional valuers.

**17. INDEPENDENT VALUERS CLAUSE**

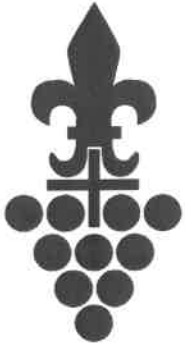
Neither the Valuer, nor any employee, have any present or contemplated interest in this or any other properties or any other interests, which could affect the statements or values, contained in this valuation report. The valuation enclosed herewith was therefore undertaken on a completely independent basis by a valuer employed the Valuer, a company which specializes in valuation and which does not trade in these assets.

**18. VALUE ADDED TAX**

All figures quoted are exclusive of Value Added Tax.

# APPENDIX 8





**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

2020/11/03

**TO/AAN:** Ned Geref Kerk Stellenbosch Welgelegen  
Buitekringweg 6  
Dalsig  
STELLENBOSCH  
7600

**COPY OF NOTICE**

... **GENERAL VALUATION 2021 - 2025 ALGEMENE WAARDASIE** ...

ERF/ERF: **SB13246**  
SITUATED AT/GELEë TE: **Wildebosch**

AREA/GROOTTE (m²): **9000**

ENTITY/ENTITEIT	CATEGORY/KATEGORIE	Tariff/Tarief	VALUATION/WAARDASIE
			Current Total/Huidige Totaal: R 2 300 000
<b>Primary</b>	<b>Agricultural</b>	<b>AGR</b>	<b>New Total/Nuwe Totaal: R 2 700 000</b>

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), hereinafter referred to as the "Act", that the Valuation Roll for the financial years 2021-07-01 to 2025-06-30 is open for public inspection at the various Municipal offices or at the council's website [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) from 2020-11-05 to 2021-01-15.

An invitation is hereby made in terms of Section 49(1)(a)(ii) of the Act that any owner of property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the Valuation roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act an objection must be in relation to a specific individual property and not against the Valuation Roll as such. The prescribed forms for the lodging of an objection is obtainable from the website [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) or at the following Municipal offices:

Municipal Offices: Plein Street, Stellenbosch :: Hugonote Road, Franschhoek :: Main Road, Pniel

Kennis geskied hiermee kragtens die bepalings van Artikel 49(1)(a)(i) van die Plaaslike Owerhede: Munisipale Eiendomsbelasting Wet, 2004 (Wet 6 van 2004) hierna verwys as die "Wet" dat die Waardasierol vir die boekjare 2021-07-01 tot 2025-06-30 ter insae lê vir openbare inspeksie by die onderskeie Munisipale kantore sowel as die raad se webwerf by [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) vanaf 2020-11-05 tot 2021-01-15.

Geliewe kennis te neem dat enige eienaar van vaste eiendom of enige ander persoon kragtens die bepalings van Artikel 49(1)(a)(ii) van die Wet 'n beswaar binne bovermelde tydperk kan indien by die Munisipale Bestuurder ten opsigte van enige aangeleentheid of uitsluitel rakende die Waardasierol.

U aandag word spesifiek gevestig op die bepalings van Artikel 50(2) van die Wet wat bepaal dat 'n beswaar na 'n spesifieke eiendom moet verwys en nie na die Waardasierol sodanig nie. Die voorgeskrewe beswaarvoms is verkrygbaar vanaf die webwerf [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) of by die onderskeie Munisipale kantore:

Munisipale Kantore: Pleinstraat, Stellenbosch :: Hugonotestraat, Franschhoek :: Hoofstraat, Pniel

Period to lodge an objection / Periode vir die indien van 'n beswaar:  
Office hours for enquiries / Kantoorure vir navrae: 08h00-16h00

2020-11-05 to/tot 2021-01-15  
Elleniece Standaar Tel: 021 808 8515  
Marinda Blaauw Tel: 021 808 8662

The completed forms must be returned to / Die voltooië vorms moet gestuur word aan  
[valuations@stellenbosch.gov.za](mailto:valuations@stellenbosch.gov.za) or/of Fax to mail : 086 451 5011

Alternatively send forms to / Alternatiewelik stuur vorms na : Valuation Section , P O Box 17, STELLENBOSCH, 7599  
Waardsie Afdeling , Posbus 17, STELLENBOSCH, 7599

G METTLER  
MUNICIPAL MANAGER  
MUNISIPALE BESTUURDER

7.2.5	<b>APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH</b>
-------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 January 2021

**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:-

- a) Provide feedback on the public participation process envisaged in in paragraph 9.2.2.1 of the Policy on the Management of Council-owned property, and
- b) Make a final determination on the request for a long term lease agreement.

**3. DELEGATED AUTHORITY**

The Executive Mayor in consultation with the Executive Mayoral Committee has delegated powers to decide on lease agreements less than 10 years. Council however has to deal with properties worth more than R5 million even if the proposed agreement is less than 10 years. .

**4. EXECUTIVE SUMMARY**

After following the public participation process prescribed by Regulation 35 of the Asset Transfer Regulation, Council decided on 2010-08-29 *inter alia*, to in principle approve a Lease Agreement with the Flying Club for a period of 9 years and 11 months without following a public competitive process, subject thereto that Council's intention to enter into the agreement be advertised for public comment/inputs/alternative proposals.

The notice was published on 2 October 2020 and the closure for inputs was 23 October 2020.

Only one (1) input was received from the Western Cape Education Department which must now be considered by Council, before making a final determination regarding the proposed long term Lease Agreement (see 6.1.4 below).

The valuation reports are attached as appendices 4 and 5.

A further letter was received from the Western Cape Education department, of which the contents speaks for itself, dated 23 November 2020 and is attached as **APPENDIX 6**.

**5. RECOMMENDATIONS**

- (a) that Council considers the inputs received from the Western Cape Education Department; and
- (b) that Council makes a final determination on the request for a long term lease in the light of the valuation reports attached.

**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 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 a renewal and/or extension of the term. The intention to enter into a long term lease agreement was advertised as is required in terms of regulation 35 and Council resolved to in principle approve a lease agreement of 9 years and 11 months on 24 August 2020.

**6.1.2 Further consideration by Council**

Following the above resolution, a public notice was published in the Eikestad news on 18<sup>th</sup> June 2020, soliciting inputs/comments on the Information Statement, as provided for in Regulation 35 of the Asset Transfer Regulation.

On 2010-08-24 Council considered the inputs/comments received. Having considered the matter, Council decided as follows:

**RESOLVED** (majority vote)

(a) that Council takes note of the public participation that was followed in terms of the Asset Transfer Regulations;

(b) that Council considered the inputs that were received during the public participation process in terms of Section 35 of the Asset Transfer Regulations;

(c) that Council confirms 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;

(d) that Council, in principle, approves a term Lease Agreement on the basis of a private treaty agreement as provided for in Regulation 34(1) (b) of the Asset Transfer Regulations, read with paragraph 9.2.2.1 (1) of the Policy on the Management of Council owned property for a period of 9 years and 11 months;

(e) that the lease agreement is subject to the Lessee reaching agreement with Working on Fire and Provincial Department of Education in regard to their needs and may enter sub-lease agreements with both entities as well as other entities linked to providing services to the airfield;

(f) that a new market-related lease amount be determined, based on an independent valuation being obtained with escalation of CPI per year for the duration of the agreement;

(g) that Council approves the option of a renewal of the lease agreement for a further period equal to the lease agreement now proposed; and

(h) that Council's in principle approval be advertised for comments/inputs/alternative proposals, and that any inputs in regard thereto be placed before council before a final decision is made.

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

**6.1.3 Public Notice**

Following the above Council-resolution a public notice was published in die Burger of 02 October 2020, soliciting public inputs/comments/alternative proposals within 21 days from date of publication, i.e. on/or before 23 October 2020 on the fact that Council intended to enter into a lease agreement for a period of 9 years and 11 months.

A copy of the public notice is attached as **APPENDIX 2**.

**6.1.4 Inputs/comments received**

At the closing date and time only one (1) input was received, that of the Western Cape Educations Department, a copy of which is attached as **APPENDIX 3**.

**6.1.5 Appointment of valuers**

Following the above Council resolution 2(two) independent Valuers were appointed to advise Council on a market related rental. The valuations is attached as **APPENDIX 4 AND 5**.

**6.2 DISCUSSION**

Council must now make a final determination on the proposed lease of 9 years and 11 months that was approved in principle with the Stellenbosch Flying Club. Council should decide to approve of the proposed long term lease agreement.

**6.3 Legal requirements**

The recommendations contained in the item comply with Council's policy and relevant legislation.

**6.4 Financial Implications**

The rental must be determined. Council already indicated that it must be market-related. Valuations were obtained from 2 different companies and are attached as **APPENDICES 4 AND 5**.

**6.5 Staff Implications**

This report has no additional staff implications to the Municipality;

**6.6 Previous / Relevant Council Resolutions**

See paragraph 6.1.2 above

**6.7 Risk Implications**

Risks are addressed in the item

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

Supports the recommendations

**ANNEXURES:****Appendix 1: Agenda Item****Appendix 2: Public Notice****Appendix 3: Comment received: From Western Cape Education Department****Appendix 4: Valuation report****Appendix 5. 2<sup>nd</sup> Valuation report****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>	<b><a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b>2021 – 01 - 03</b>

# APPENDIX 1



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Collaborator No: (To be filled in by administration)  
IDP KPA Ref No: **GOOD GOVERNANCE**  
Meeting Date: **12and 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**

The purpose of this report is 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 to make a decision in 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 see fit given the nature of the activities on the site **Appendix 6**.

The 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 could decide the intention to enter into the long-term lease must be advertised for public inputs thus the Information statement that was published. The views of Provincial and national Treasury should also be solicited. Letters were 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



Council must now consider the written inputs received after the information statement was published and 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.

## **5. RECOMMENDATIONS**

- 5.1** that Council takes note of the written inputs and consider the written inputs received after publication of the information statement;
- 5.2** that Council, consider the application for a new long-term lease to the Flying Club;
- 5.3** that, Council determine the period of the lease agreement on a private treaty basis, i.e. without following a public tender process as well as 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 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 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. agenda. 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;*

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

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**.

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

- ## Locality and context

3

## **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.

## **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 provided 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, its 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 it 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 fit 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)

- 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 Immoveable 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 Immoveable 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;

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.

**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.

**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>	<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>	<b><a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b>2020-08- 06</b>

## MINUTES

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

2020-08-24

37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.2.1**RESOLVED** (majority vote)

- (a) that Council takes note of the public participation that was followed in terms of the Asset Transfer Regulations;
- (b) that Council considered the inputs that were received during the public participation process in terms of Section 35 of the Asset Transfer Regulations;
- (c) that Council confirms 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;
- (d) that Council, in principle, approves a term Lease Agreement on the basis of a private treaty agreement as provided for in Regulation 34(1) (b) of the Asset Transfer Regulations, read with paragraph 9.2.2.1 (1) of the Policy on the Management of Council owned property for a period of 9 years and 11 months;
- (e) that the lease agreement is subject to the Lessee reaching agreement with Working on Fire and Provincial Department of Education in regard to their needs and may enter sub-lease agreements with both entities as well as other entities linked to providing services to the airfield;
- (f) that a new market-related lease amount be determined, based on an independent valuation being obtained with escalation of CPI per year for the duration of the agreement;
- (g) that Council approves the option of a renewal of the lease agreement for a further period equal to the lease agreement now proposed; and
- (h) that Council's in principle approval be advertised for comments/inputs/alternative proposals, and that any inputs in regard thereto be placed before council before a final decision is made.

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

*Cllr F Adams; FT Bangani-Menziwa (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*

**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>2020-08-06</b>

# APPENDIX 2

# KENNISGEWINGS



## HANTAM MUNISIPALITEIT HANTAM MUNICIPALITY



Herewith Hantam Municipality would like to inform prospective bidders that the following tender is being advertised:

### 1. NC065/T19/2020: CALVINIA NORTHERN WELLFIELD PIPELINES

The full advertisement can be found on the website of Hantam Municipality at [www.hantam.gov.za](http://www.hantam.gov.za) and on the e-portal website [www.etenders.gov.za](http://www.etenders.gov.za).

Mr. J. I. Swartz  
MUNICIPAL MANAGER

3797070400020



## STELLENBOSCH STELLENBOSCH • PIET • FRANSCHOEK MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

### LOCAL AUTHORITY NOTICE

#### PROPOSED LONG-TERM LEASE AGREEMENT WITH STELLENBOSCH FLYING CLUB: PORTION 1 OF FARM 502, STELLENBOSCH

##### 1. BACKGROUND

During 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renewal) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021.

The Stellenbosch Flying Club has recently requested that a new long term Lease Agreement be concluded, as the existing contract does not allow for an automatic renewal and/or extension of the term.

##### 2. COUNCIL RESOLUTION

After following the public participation process prescribed by Regulation 35 of the Asset Transfer Regulation Council, considered the application on 2010-08-24.

Having considered the matter, Council decided, inter alia, to, in principle, approves a long term Lease Agreement, with the Flying Club on a private treaty basis, i.e. without following a public competitive process, as provided for in paragraph 9.2.2.1 of the Policy on the Management of Council-owned property, subject thereto that Council's intention so to act be advertised for public comments/input/alternative proposals.

##### 3. FURTHER INFORMATION

Further information, such as the agenda item that served before Council, is available at the office of the Manager: Property Management during office hours.

Email: [piet.smith@stellenbosch.gov.za](mailto:piet.smith@stellenbosch.gov.za)  
Physical address: 3rd Floor, Oude Bloemhof (Abso) Building, corner of Ryneveld and Plein Streets, Stellenbosch.  
Postal Address: P O Box 17, Stellenbosch 7599  
Cell phone: 084 504 5065  
Landline: 021 808 8189

##### 4. 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 proposed 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 21 days after the date of publication of this notice, at close of business at the address or e-mail listed above.

##### 5. 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.

GERALDINE METTLER  
MUNICIPAL MANAGER: STELLENBOSCH MUNICIPALITY

3797070400020



## MATZIKAMA MUNICIPALITY

### TENDER NOTICE

Notice is hereby given that the following tenders are advertised on the Matzika Municipality website at [www.matzikamun.co.za](http://www.matzikamun.co.za) and on the municipal notice boards at all offices in Matzika Municipality Area:

#### T16/2020/2021: UPGRADE OF WATER & SEWER INFRASTRUCTURE IN PAPENDORP

Any specification enquiries can be directed to Mr. Carel Davids at tel: 021 914 0300 or e-mail: [carel@lyners.co.za](mailto:carel@lyners.co.za)

Compulsory Clarification meeting: 13 October 2020 at 11:00 Ebenhaezers Community Hall  
Closing Date: 27 October 2020 at 12:00

#### T29/2020/2021: APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A VALUE ADDED TAX REVIEW FOR MATZIKAMA MUNICIPALITY

Any specification enquiries can be directed to Lizaan King at e-mail: [lizaan@matzikama.gov.za](mailto:lizaan@matzikama.gov.za)

Closing Date: 20 October 2020 at 12:00

Prospective tenderers can also contact: Andrea Lott at 027 201 3477 or email [andrea@matzikama.gov.za](mailto:andrea@matzikama.gov.za) and Erico Christiaan at 027 201 3366 or email [ern2@matzikama.gov.za](mailto:ern2@matzikama.gov.za) to view an electronic version of the detailed advertisement.

Al Hendricks  
Municipal Manager  
Notice: K49/2020

Municipal Offices  
37 Church Street / PO Box 86  
Vredendal 8160

[www.matzikamun.co.za](http://www.matzikamun.co.za) 140164

[www.thecommunitycompany.co.za](http://www.thecommunitycompany.co.za)



## KENNISGEWING VAN TENDERKANSSELLASIE

Kennis geskied hiermee dat die volgende tender gekanselleer is:

### TENDERKANSSELLASIE: T44/19/20

Tenderbeskrywing: Malmesbury RSEP: Lewering en Aanplant van Gras en Bome  
Rede vir kansellasië: Verandering in projekomvang van wêreld begrotingsbeperkings.

### TENDERUITNODIGINGS

#### TENDERKANSSELLASIE: T26/20/21

#### NUWE BELIGTING VIR SPORTGRONDE IN DARLING EN CHATSWORTH

Swartland Munisipaliteit vra hiermee tenders aan vir die lewering en installering van nuwe beligting by die Gabriel Pharoah-sportgronde in Darling en die Chatsworth-sportgronde naby Malmesbury.

Tenderaars moet oor 'n CIBD-registrasie in 'n EP-klas vir konstruksiewerk beskik, met 'n graderingstoekenning gelykstaande aan of hoër as die gradering wat bereken word op grond van die tenderaanbod van 'n waarde soos bepaal deur Regulasie 25(1B) of 25(7A) van die Konstruksiebedryf-ontwikkelingsregulasies, 2004 (soos gewysig). Die geskatte waarde van die kontrak is tussen R3 miljoen en R6 miljoen.

Tegniese navrae rakende hierdie tender kan aan mnr Theo Potgieter by tel. 021 914 0300, faks 021 914 0437 of e-pos [theo@lyners.co.za](mailto:theo@lyners.co.za) gerig word.

'n Verpligte opklaringsvergadering met verteenwoordigers van die Werkgewer sal op Woensdag, 14 Oktober 2020 vanaf 11:00 (registrasie sluit om 11:05) by die Swartland Munisipale Kantore, PEP Gebou op die hoek van Hill- en Piet Retiefstraat in Malmesbury plaasvind, waarna die konstruksieterrrein besoek sal word.

'n Gestipuleerde minimum drumpel vir plaaslike vervaardiging en inhoud is van toepassing vir die lewering van elektriese kables en elektrisiteitsmeters. Bylaag MBD 6.2 moet voltooi word deur tenderaars wat op die lewering van elektriese kables, elektrisiteitsmeters, PVC-pyp en staalprodukte kwoteer.

Volledig voltooide tenders in 'n verskeide kovert gemerk: "T26/20/21: NUWE BELIGTING VIR SPORTGRONDE IN DARLING EN CHATSWORTH", met die naam en adres van die tenderaar, moet voor 12:00 op Vrydag, 23 Oktober 2020 in die tenderbus, Munisipale Kantore, Kerkstraat, Malmesbury ingedien word, waarna tenders in die openbaar oopgemaak sal word.

#### TENDERKANSSELLASIE: T27/20/21

#### MALMESBURY RSEP: LEWERING EN AANPLANT VAN GRAS EN BOME

Swartland Munisipaliteit vra hiermee tenders aan vir die lewering en aanplant van gras en bome in Malmesbury.

Tenderaars moet oor 'n CIBD-registrasie in 'n SH- of CE-klas vir konstruksiewerk beskik, met 'n graderingstoekenning gelykstaande aan of hoër as die gradering wat bereken word op grond van die tenderaanbod van 'n waarde soos bepaal deur Regulasie 25(1B) of 25(7A) van die Konstruksiebedryf-ontwikkelingsregulasies, 2004 (soos gewysig). Die geskatte waarde van die kontrak is tussen R500 000 en R1 miljoen.

Navrae wat met die uitreik van hierdie dokumente verband hou, kan aan mnr Wihan Swart by Lyners Raadgewende Ingenieurs by tel. 021 672 0622, faks 021 672 0619 of e-pos [wihan@lyners.co.za](mailto:wihan@lyners.co.za) gerig word.

'n Verpligte opklaringsvergadering met verteenwoordigers van die Werkgewer sal op Woensdag, 14 Oktober 2020 om 10:00 (registrasie sluit om 10:05) by die Swartland Munisipale Kantore, PEP Gebou op die hoek van Hill- en Piet Retiefstraat in Malmesbury plaasvind, waarna die konstruksieterrrein besoek sal word.

Volledig voltooide tenders in 'n verskeide kovert gemerk: "T27/20/21: MALMESBURY RSEP: LEWERING EN AANPLANT VAN GRAS EN BOME", met die naam en adres van die tenderaar, moet voor 12:00 op Vrydag, 23 Oktober 2020 in die tenderbus, Munisipale Kantore, Kerkstraat, Malmesbury ingedien word, waarna tenders in die openbaar oopgemaak sal word.

Voorkeur sal gegee word aan tenderaars wat aan die kriteria voldoen wat in die Tenderdata gespesifiseer is, Slegs tenderaars wat aan die nakomingskriteria in die Tenderdata voldoen, sal toegelaat word om tenders in te dien.

Tenderdokumente kan vanaf 09:00 op Maandag, 5 Oktober 2020 by die kantore van die Direkteur: Siviele Ingenieurswese Swartland Munisipaliteit, Piet Retiefstraat 6, Malmesbury afgehaal word. 'n Nie-verhaalbare bedrag van R300,00 in kontant of per bankgewaarborgde tjek in die naam van die Swartland Munisipaliteit, is betaalbaar by die afhaal van die tenderdokumente.

'n Verteenwoordiger van die Munisipaliteit sal op versoek beskikbaar wees om hulp te verleen met die voorbereiding van die tendervoorleggings, met uitsondering van die bepaling van die tenderprys. Tenderaars word versoek om mnr Johan Venter by tel. 022 487 9400 voor die tendersluitingsdatum te skakel oor navrae rakende die voltooiing van die skedule of inligting oor die tender.

Tenders sal geëvalueer word ingevolge die Raad se Voorkeurvrykrygsbeleid en die spesifikasies wat saam met die tenderdokument uitgereik word. Die kontrak sal ingevolge die 80/20-voorkeurpuntstelsel geëvalueer word. Die Voorkeurvrykrygsbeleid is gedurende normale kantoorure ter insae by die munisipale kantore.

Die Swartland Munisipaliteit onderskryf en ondersteun die Regering se Swart Ekonomiese Bemagtigingsprogram en is daartoe verbind om die ongelykheid van die verlate reg te stel. Tenderaars wat vir die voordele van die Wet op Bredegebaseerde Swart Ekonomiese Bemagtiging (B-BBEE) wil kwalifiseer, moet Bylaag MBD 6.1 (deel van die tenderdokument) volledig voltooi. Voorkeurpunte MOET ook in paragraaf 6.1 geëis word. Tenderaars word versoek om oorspronklike en geldige B-BBEE-statusvlak verifiëringsertifikaat of gewaarmerkte afskrifte daarvan in te dien, ten einde hul B-BBEE-graderingselke te substansieer. Die Munisipaliteit behou die reg voor om bewyse van bemagtiging aan te vra en te verseker dat die skop van werksgeleenthede teen gepaste vergoeding wel aan historiese-benadeelde individue beskikbaar gestel word.

Laat tenders sal nie aanvaar word nie en die Munisipaliteit word nie daartoe verbind om die laagste, 'n gedeelte van 'n tender of 'n tender in geheel te aanvaar nie. Die Munisipaliteit behou die reg voor om enige deel van die projek weg te laat. Geen tender sal per telefoon, faksimilie of e-pos aanvaar word nie. Tenders mag slegs op die uitgereikte tenderdokumentasie ingedien word. Voorskrifte vir die verskeëling, adressering, aflewering, oopmaak en beoordeling van tenders word in die Tenderdata uiteengesit.

Swartland Munisipaliteit  
Privaat Sak X52  
Malmesbury  
02 Oktober 2019

JJ Scholtz  
Munisipale Bestuurder

[www.thecommunitycompany.co.za](http://www.thecommunitycompany.co.za) 140590

[www.ayazandibanga.co.za](http://www.ayazandibanga.co.za)



# APPENDIX 3



**Western Cape  
Government**

Education

Directorate: Physical Resource Planning  
& Property Management

[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)  
tel: +27 21 467 9261 fax: 021 467 2565

Reference: 20200915-8070  
Enquiries: Gerrit Coetzee (0844224334)

Ms G Mettler  
Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
Stellenbosch  
7600

Dear Ms Mettler

**APPLICATION FOR THE LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH AND PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB (SFC)**

The above-mentioned applications as well as the council decision of 24 August 2020 refers. At the meeting of 24 August council, in principle, approved a term lease agreement on the basis of a private treaty agreement for a period of 9 years and 11 months. Based on the council decision, the lease agreement will be subject to the Lessee reaching agreement with Working on Fire and Provincial Department of Education in regard to their needs and may enter sub-lease agreements with both entities and well as other entities linked to providing services to the airfield.

Council's in principal approval was further advertised for comment/inputs/alternative proposals. This letter is submitted as the Western Cape Education Department's (WCED) further comment/input with regard to the proposal. In an effort not to repeat the comments submitted 20 April 2020, please find these comments attached which remain relevant for this final decision.

The WCED, having an interest in the decisions that are being made, would like to submit this further comment for clarity in terms of our proposal to establish an Aeronautical School at the Stellenbosch Airfield. The WCED appreciate the in-principal decision taken by council to approve a term lease agreement with the Stellenbosch Flying Club (SFC) and the condition proposed that the lease agreement be subject to the Lessee reaching agreement with the WCED in regard to our needs.

It is important to note that the WCED have continued engagement with the SFC, although no final agreements have been made between the parties. The WCED will continue these engagements in an effort to ensure that all the needs of the WCED are met with the understanding that the SFC will accommodate the WCED's proposed Aeronautical School within the confines of the relevant aeronautical requirements and legislation regarding safety. The WCED have stated on numerous occasions that the safety of learners and staff remains paramount in our decisions regarding this school.

Lower Parliament Street, Cape Town, 8001  
tel: +27 21 467 2000 fax: +27 21 467 2996  
Safe Schools: 0800 45 46 47

Private Bag X9114, Cape Town, 8000  
Employment and salary enquiries: 0861 92 33 22  
[www.westerncape.gov.za](http://www.westerncape.gov.za)

Despite this undertaking by the WCED, it remains our intention to find practical ways of accommodating the proposed Aeronautical school on the leasehold area of the SFC, as a first phase of development. As mentioned in previous correspondence, the establishment of the school is planned in phases, with only the first phase (maximum 60 students) being accommodated at the Airfield. All necessary precautions and measures must be taken to ensure adherence to requirements for the management of safety and security of this registered aerodrome. The SFC has indicated that they are willing to assist the WCED with regard to the establishment of the school and the associated agreements in terms of services that will need to be entered into with various parties.

However, accommodating the school on the premises of the SFC remains a challenge to the club. This emphasises the importance for council to make a decision regarding availing a site adjacent to the airfield to the WCED for the establishment of the proposed Aeronautical School. Although the SFC seems willing to assist, it might not be practical for them to assist with accommodation, forcing the WCED to find alternative accommodation for phase 1 of the project. Further negotiations between the WCED and the SFC will ultimately determine the location of phase 1 of the project.

The WCED remains committed to the establishment of a high school within the province that specialises in Aeronautical Sciences and increase the technical skills base in the Western Cape, specifically Aviation and Aircraft practitioner skills. Once again, the WCED would like to emphasise the decision to locate the school in Stellenbosch is part of a targeted spatial intervention plan to respond to the education needs of communities in the district. Stellenbosch was decided upon, not only because of the availability of training facilities at the airfield, but also the proximity to the Stellenbosch University, their Engineering faculty and the academic/innovative ethos of the town.

However, the WCED will need the assistance of the Stellenbosch Municipality, the SFC and the broader community of Stellenbosch to make this dream a reality. The opportunities and benefits associated with the successful establishment of such a school in Stellenbosch could prove to be of huge value to the municipality and broader community. It would be a real pity if the establishment of this school cannot be realised in Stellenbosch. Your continued assistance in this regard is appreciated.

I trust that you will take the above-mentioned into account when considering the applications surrounding the SFC lease and sub-lease. Should council require any further information, the WCED is more than willing to present our proposal in person to council. We await your positive feedback in this regard. Please do not hesitate to contact Gerrit Coetzee on 0844224334 should you require further information.

Regards



**GERRIT COETZEE**  
**DIRECTOR: PHYSICAL RESOURCES PLANNING & PROPERTY MANAGEMENT**  
**DATE: 2020/09/15**

Copy to:

Piet Smit ([Piet.Smit@ Stellenbosch.gov.za](mailto:Piet.Smit@ Stellenbosch.gov.za))  
Annalene De Beer ([Annalene.DeBeer@ Stellenbosch.gov.za](mailto:Annalene.DeBeer@ Stellenbosch.gov.za))



Western Cape  
Government

Education

Directorate: Physical Resource Planning  
& Property Management

[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)  
tel: +27 21 467 9261 fax: 021 467 2565

Reference:

Enquiries: Gerrit Coetzee (0844224334)

Ms G Mettler  
Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
Stellenbosch  
7600

Dear Ms Mettler

**APPLICATION FOR THE LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH; AND**

**PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB**

The above-mentioned applications refer as well as the council decision of 26 February 2020 setting out the process for the long-term lease of the Stellenbosch Flying Club (SFC) and the subsequent decision to subject the application to a public participation process. The Western Cape Education Department (WCED), having an interest in the decisions that are being made, would like to submit the following comments for clarity in terms of our proposal to establish an Aeronautical School at the Stellenbosch Airfield.

In a letter dated 07 November 2019, the WCED requested Stellenbosch Municipality to grant permission to the SFC to sub-lease a portion of their leased property (a hanger) to the WCED for the establishment of an Aeronautical school. The decision to sub-lease is however not subject to a public participation process, but council indicated that the decision to sub-lease will only be made once the public participation process for the long-term lease agreement between the Stellenbosch Municipality and the SFC has been concluded and a decision is made in this regard by council.

Upon hearing the news that Stellenbosch Municipality is considering both applications (long-term lease and sub-lease) at the same time, the SFC submitted a letter dated 20 January 2020, with the intention of making their position in this regard known. The SFC does not object to the proposed high school but renders its *"firm support for this venture and intention to find a workable solution while maintaining an open mind to the complex constraints posed by our location."* Despite this support, the letter does highlight several reasons and concerns why the school cannot practically function on the airfield. Noise-pollution, increase traffic and the stringent requirements for the management of the safety and security of registered aerodromes are concerns raised by the SFC.

In light of these concerns the WCED would like to highlight the following to the Stellenbosch Municipality as comments related to the applications under consideration by council:

- The WCED have continued engagement with the SFC, following their letter to council. With the SFC planning the Stellenbosch Air Show and the Covid 19 lock-down, it has not been possible for the WCED and SFC to meet regarding these matters. These engagements will continue after the lock-down has ended.
- It is important to emphasise the intention of the WCED, that is for the establishment of a high school within the province that specialises in Aeronautical Sciences. The intention is to increase the technical skills base in the Western Cape, specifically Aviation and Aircraft practitioner skills.
- Not all students attending the school, will necessarily become pilots and follow the pathway of training for a pilot. Many of the students will follow career paths into aviation engineering and mechanics and will thus limit the impact in terms of actual flight training.
- The decision to locate the school in Stellenbosch is part of a targeted spatial intervention plan to respond to the education needs of communities in the district. Stellenbosch was decided upon, not only because of the availability of training facilities at the airfield, but also the proximity to the Stellenbosch University, their Engineering faculty and the academic/innovative ethos of the town.
- The school is planned in a phased approach. The first phase constitutes a multi-year pilot as 3 consecutive cohort intakes of up to a maximum of 20 Grade 10 learners are planned for the years 2020, 2021 and 2022. Each of those cohorts are to be progressed to Grade 12 examinations and the curriculum design will be tested and finalised during this phase. The school would not have more than 60 learners enrolled in total in any academic year during the first phase (considering maximum class sizes for Grade 10, 11 and 12).
- The second phase, should an evaluation of the pilot project recommend it does so, would be to expand to a fully-fledged technical education public high school, i.e. a school of specialisation under the authority of the minister for Education in the Western Cape that covers Grades 8 to 12, on a property that would ideally, but not necessarily, be located in close proximity to Aeronautical training facilities and that has suitable space for conducting practical exercises.
- The WCED would ideally like to secure the use of a hanger at the SFC and secure the use of aviation training facilities preferably through lease agreements or the acquisition of such facilities. The context for the requirement of a hanger at the SFC is primarily to find an adequate location for instruction and administration facilities, provided the appropriate authorisation could be obtained.
- Although the SFC does mention the clear and stringent requirements for the management of the safety and security of registered aerodromes as stipulated by the South African Civil Aviation Authority, it remains the intention of the WCED to

find practical ways of accommodating the proposed Aeronautical school on the leasehold area of the SFC, as a first phase of development. As explained above, the establishment of the school is planned in phases, with only the first phase (maximum 60 students) being accommodated at the Airfield. All necessary precautions and measures will be taken to ensure adherence to requirements for the management of safety and security of this registered aerodrome.

- As mentioned earlier, a key design principle for the curriculum for this school, is to minimise the proportion of learners of any cohort that would pursue Private Pilots training, as another school in the Province already caters for this. For this new school, the prospect of being co-located with drone training and other aeronautical research and development establishments is more exciting and a bigger drawcard. The intended development of the curriculum is focused on technical education, in which students will need to complete both rigorous vocational and academic programs, that provide excellent preparation for aviation-related careers as well as higher education.
- The target operating model of this new type of public school is intentionally that it will function as a "Collaboration school" – a first-of-its-kind, innovative new model being pioneered in the Western Cape and that was introduced legally as part of a reform to enhance school accountability and governance. A "Collaboration School" means an institutional mechanism that contractually partners schools with an external school operating partner committed to increasing the quality of the teaching and learning at that school in order to substantially improve the school's education outcomes. The operating partner for the target Aeronautical Sciences school, whether in Stellenbosch or elsewhere in the Province, has not been finalised as yet, but will require a background in Aviation and related experiences.
- The premise for the Collaboration School also includes a contributory governance role for "Donors", a group of private foundations that have indicated their intention to fund and work together with Government for the purpose of supporting the Collaboration School Pilot programme to develop a sustainable model for improved education outcomes for more learners.
- The design of the school and governance model will consider the situational context of this unique school of specialisation. Given its premise as a public school, it will first and foremost be managed and governed in accordance with the provisions of the applicable legal and regulatory frameworks governing education delivery.
- It is also important to point out that accommodating the school within the environment of the airfield will be temporary in nature. In fact, accommodating the school on the airfield would only be an option if compliance with applicable environmental and aviation authority regulations could be met and a full risk assessment was done that considers the safety of all stakeholders, particularly that of our young learners. Therefor, it should be noted clearly that there is no intent to locate a fully-fledged high school at the SFC or even on adjacent land, unless this



land was zoned for educational purposes and all conditions could be fulfilled. A long-term lease would not be required by the WCED; the sub-lease request to the SFC is for a pre-determined term only, while the project is in its initial phase (3 year contract).

The WCED would appreciate any **municipal support with regard to establishing a workable agreement with the SFC**, to the extent that the municipality include the successful agreement between the SFC and the WCED as a condition of approval in the renewal of the lease agreement of the SFC with Stellenbosch Municipality. It remains imperative that the SFC and the WCED find agreeable terms with regards to access to their facilities and services; otherwise the proposed aeronautic school remains a non-starter.

I trust that you will take the above-mentioned into account when considering the applications surrounding the SFC lease and sub-lease. Should council require any further information, the WCED is more than willing to present our proposal in person to council. We await your positive feedback in this regard. Please do not hesitate to contact Gerrit Coetzee on 0844224334 should you require further information.

Regards

A handwritten signature in black ink, appearing to read 'Gerrit Coetzee', with a large, sweeping flourish extending from the end of the signature.

**GERRIT COETZEE**

**DIRECTOR: PHYSICAL RESOURCES PLANNING & PROPERTY MANAGEMENT**

**DATE: 2020/04/20**

# APPENDIX 4

# RENTAL VALUATION REPORT

PORTION OF FARM 502/L  
STELLENBOSCH RD

(STELLENBOSCH FLYING CLUB)



**HCB Property Valuations**

14 Church- & Long Street  
Moorreesburg  
7310

**Tel:** 022 433 2035 **Cell:** 083 663 2140

**Email:** [admin@hcb.co.za](mailto:admin@hcb.co.za)

<b>LIMITATIONS AND RESTRICTIONS</b>
-------------------------------------

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.



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Signature

<b>LIMITATIONS AND RESTRICTIONS</b>
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This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.



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Signature

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## 1. **INTRODUCTION**

I, Coenraad Botha, registered as a Professional Valuer in terms of the Property Valuers Profession Act 47 of 2000, do hereby certify that I have inspected and identified the subject property referred to in this report and have obtained all the necessary information to determine the market value thereof.

➤ *See Annexure 1 for Valuer Certificate*

### 1.1 **Instruction**

An instruction was received from Stellenbosch Municipality to attend to the valuation of the property being more commonly known as Leased Area L of Farm 502, Stellenbosch RD (Flying Club). The purpose of the valuation is to determine the open market rental of the property as on 1 November 2020.

➤ *See Annexure 2 for Instruction*

### 1.2 **Date of Valuation**

The date of valuation as instructed by the client is 1 November 2020.

### 1.3 **Date of Inspection**

The property was inspected by HCB during the GV 2020 process. We are therefore familiar with subject property and the surrounding area.

## 2. **TITLE DEED DESCRIPTION**

### 2.1 **Title Deed**

There is no Title Deed information available for this leased section as this is an unregistered portion of Stellenbosch RD 502 portion L.

### 2.2 **Description**

The property can be described as "Portion of Farm 502, leased area L Stellenbosch RD, Western Cape". Hereafter in the report we will refer to this erf as "subject property".

### 2.3 **Owner**

Farm 502 is registered in the name of Stellenbosch Municipality.

**2.4 Extent**

Information received from the client is that the area for rental valuation is 28,2ha.

**2.5 Purchase Price**

Not relevant to this report, because it will not have an impact on Market Value.

**2.6 Surveyor General Information**

CSG information is available for Stellenbosch RD 502/RE of which subject property is a portion of. Therefor no CSG information is included in this valuation report. Please refer to image below indication the portion of subject property in red.

**2.7 Title Deed Conditions**

We could not find any special conditions on subject property that may affect the market value.

### **3. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION**

#### **3.1 Local Authority**

This property falls under the jurisdiction of the Stellenbosch Municipality, situated in the Western Cape.

#### **3.2 Municipal Valuation**

Municipal valuation was done on subject property during the GV 2020 process, however we are of the opinion that this will not have an impact on current market rental.

### **4. PHYSICAL DESCRIPTION**

#### **4.1 Land**

Subject property is flat and ground conditions is good, therefore our findings that the topography will not affect market value.

➤ *See Annexure 3 for Locality Map / Aerial Photo / Photo of Subject Property*

#### **4.2 Improvements**

There are several improvements on the subject property, but for the purpose of this valuation it will not be included, as our instruction is to determine market rental for the land portion only.

### **5. MARKET ANALYSIS**

Rent is a system of payment for the temporary use of something owned by someone else; the payments for such use are typically referred to as “rent”. In the open market, rent is a product; it does not occur naturally, as in, ‘this is the rent for the premises’. To value rent, all the terms and conditions of the tenancy must be known, stated in advance or defined. However, because the rent at a new letting is often agreed before the lease is drafted and/or approved; it is possible for a completed lease to contain terms and conditions that could produce a different rent to what was agreed.

### **6. METHOD OF VALUATION**

The Comparable Rental Method of valuation is considered to be the most suitable method to employ in order to establish the market rental of the subject property. In applying the Comparable Rental Method, it is necessary to investigate the sales of similar type properties that have been rented as well as returns/yield as required by the holders of such land.

The above information is compared to the subject property, which involves judgments as to the degree of similarity with regard to value factors such as location, shape of erf and use to which the subject property can be put.

## **7. ESTABLISHMENT OF COMPARABLE RENTALS**

### **7.1 Highest and Best use**

Definition: *“The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which result in the highest value of the property being valued”.*

Therefore, it could be argued that the highest and best use of a property is, which is physically possible, appropriately justified, legal permissible, financial feasible and which result in the best value of the property to be valued.


In regards to subject property, it is current uses as a Flying Club. In order for the subject property to be developed a rezoning application may be required and building plan approval.

### **7.2 Valuation Method**

The market was surveyed for current ground leases, rates of return and leasing practices of both firms and public agencies in order to derive the net operating income attributable to the land. No comparable vacant land leases could be established in the area.

The market was surveyed for comparable sales and the following sales was noted.

#### **Property 1**

	Farm No:	468 Ptn 9
	Suburb:	Stellenbosch RD
	Extent:	9.2727ha
	Date of Sale:	11/03/2019
	Sales Price:	R6,400,000-00
	Rand/ha	±R690,000-00/ha

**Property 2**

	Farm No:	468 Ptn 24
	Suburb:	Stellenbosch RD
	Extent:	35.4925ha
	Date of Sale:	23/02/2019
	Sales Price:	R39,000,000-00
	Rand/ha	±R1,100,000/ha

**Property 3**

	Farm No:	510 Ptn 6
	Suburb:	Stellenbosch RD
	Extent:	19.8142ha
	Date of Sale:	31/08/2018
	Sales Price:	R19,000,000-00
	Rand/ha	±R960,000-00/ha

**Property 4**

	Farm No:	491 Ptn 2
	Suburb:	Stellenbosch RD
	Extent:	105.9642ha
	Date of Sale:	04/09/2017
	Sales Price:	R30,000,000-00
	Rand/ha	±R283,000-00/ha

**7.3 Application of Comparables**

Investigation of these sales it was derived at that Vacant Agricultural sell for between R285,000-00/ha to R1,100,000-00/ha.

After adjustments for time, use, shape, layout and location was done it is my opinion that a per hectare tariff of R650,000-00/ha is applicable and market related for subject property.

Subject property can be broken down as follow;

- Vacant agricultural land 28,2ha @ R650,000-00/ha

It is therefore my opinion that the market value of the subject property is R18,330,000-00

To determine a rental, the market was surveyed to establish an acceptable market rate of return. Market indicated that return varies between 2% to 5%. It is my opinion, taking into consideration current market and economic factors that the applicable rate of return should be 2% and the rental therefore calculated at R366,600-00 annually, rounded to **R30,550-00/month**.

**8. CERTIFYING OF VALUE**

I hereby certify that I have identified the subject property and obtained all the necessary information to determine the market rental thereof.

**Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the monthly rental of the subject property as at 1 November 2020 to be R30,550-00 per month (Thirty thousand five hundred and fifty rand per month).**

Signed at **MOORREESBURG** on this **24<sup>TH</sup>** day of **NOVEMBER 2020**.



**Hendrik Coenraad Botha**  
**Professional Valuer**  
**SACPVP Registration Number: 5601**

**9. CAVEATS**

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to Ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation, unless such full disclosure has been made.

**9.1 Valuation Standard**

This valuation has been prepared in accordance within the guidelines of the South African Institute of Valuers for valuation reports.

**9.2 Statutory Notices and Unlawful Use**

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

**9.3 Confidentiality**

This valuation is produced exclusively for the Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

**9.4 Non-Publication**

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.



**10. ANNEXURES**

**10.1 Annexure 1 – Valuer Certificate**



**SOUTH AFRICAN COUNCIL FOR THE  
PROPERTY VALUERS  
PROFESSION**

This is to certify that

**HENDRIK COENRAAD BOTHA**

is registered as

***Professional Valuer***

**In terms of section 20(2)(a) of the  
Property Valuers Profession Act, 2000**

**DATE OF REGISTRATION AS: Professional Valuer: 28 January 2020**

**DATE OF ISSUE: 13 February 2020**

**PERIOD OF VALIDITY: 28 January 2020 - 30 June 2024**

  
\_\_\_\_\_  
JF Cloete  
President

**REGISTRATION No: 5601**

  
\_\_\_\_\_  
MC Seota  
Registrar

## 10.2 Annexure 2 – Instruction



# HCB

**Valuations and Services (Pty) Ltd**

Cnr Church Street & Long Street, PO Box 247, Moorreesburg, 7310  
T: +27(0)86 142 2669 M: +27(0)83 663 2140 E: admin@hcb.co.za  
Company No: 2012/168731/07 GPS: -33.1550,18.6625

---

### **GENERAL INSTRUCTION**

Date: **24 November 2020**

Property Description: **Leased Area L of Farm 502 Stellenbosch RD**

Additional Information: **Area known as Stellenbosch Flying Club**

"Hereby I, (Names & Surname) \_\_\_\_\_ representative  
of Stellenbosch Municipality instructs Coenraad Botha of HCB Valuations & Services (Pty) Ltd to  
do a **MARKET RENTAL VALUATION** on subject property".

Date of Valuation must be: **1 November 2020**

\_\_\_\_\_  
**Signature Applicant**  
**Stellenbosch Municipality**

**10.3 Annexure 3 – Locality Map / Aerial Photo / Photo of Subject Property**



**10.4 Annexure 4 – Rental Valuation Certificate****HCB****Valuations and Services (Pty) Ltd**

Cnr Church Street & Long Street, PO Box 247, Moorreesburg, 7310  
 T: +27(0)86 142 2669 M: +27(0)83 663 2140 E: admin@hcb.co.za  
 Company No: 2012/168731/07 GPS: -33.1550,18.6625

***Rental Valuation Certificate***

Client:	Stellenbosch Municipality
Erf Number:	Portion L of Farm 502
Suburb:	Stellenbosch RD
Owner:	Stellenbosch Municipality
Extent:	28.2ha
Date of Valuation:	1 November 2020
Reference Number:	SBM/24/10/2020/502/L
Total Market Rental (Annual):	R366,600-00
Total Market Rental (Monthly):	R30,550-00

**COMMENTS:**

- This Rental Valuation Certificate must be read together with the attached Valuation Report.
- Property to be rented by Stellenbosch Flying Club
- Date issued: 24 November 2020

**Hendrik Coenraad Botha**  
**Professional Valuer**  
**Registration Number: 5601**

# APPENDIX 5



THE VALUATOR GROUP

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THE VALUATOR  
GROUP

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THE VALUE IN VALUATION

OPEN MARKET RENTAL REPORT:

Stellenbosch Flying Club

A Portion of the REM of farm 502 Stellenbosch RD

As at 1 November 2020

## OPEN MARKET RENTAL REPORT

### Stellenbosch Flying Club



<b>Property Description:</b>	Stellenbosch Flying Club
<b>Property Address:</b>	Rem of 502 Stellenbosch RD
<b>Instructing Client:</b>	<b>Stellenbosch Municipality</b>
<b>Valuation Date:</b>	1 November 2020

WE VALUE ALL ASSETS



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**SECTION A – SUMMARY****Executive Summary**

Mr P Smit

It is with great pleasure that we present you with the Open Market rental report for a portion of Rem Farm 502 Stellenbosch RD as per your instruction.

The key findings and inputs from this report can be summarised as follows:

Registered Owner	Mun Stellenbosch
Purchase Date	18/05/1883
Purchase Price	N/A
Property Extent	Approximately 28.2 ha
Current Zoning	undefined
Municipal Value	Not applicable
Local Authority	Municipality Stellenbosch
Structural Condition	Valued as vacant
Current Usage	Airfield
Highest and Best Use	Airfield
Methods of Valuation	Market Yield applied to Comparable Sales
Effective Valuation Date	1 November 2020
Comparable Rental Value	R 29 610/month or R 355 320/year

**Please note very little market data was available to base a valuation on, and therefore various assumptions were made in the compilation of this report. A margin of variance must therefore be anticipated.**

As per your instruction, I have valued the subject property, described as:

**502L: Stellenbosch Flying Club**

I consider a likely Realistic Open Market Rental of the Subject Property (as at 28.2ha) to be in the region of:

**R 355 320/annum**

**(Three Hundred and Fifty-Five Thousand Three Hundred and Twenty Rand per year)**

Effective Valuation Date: 1 November 2020

I declare that the subject property was identified and valued in accordance with the principles of valuation prescribed by the South African Council for the Property Valuers Profession.

This certificate forms part of and must be read in conjunction with the full immovable valuation report, which is numbered from pages 1 to 13.

Signed at Pretoria on this 16<sup>th</sup> day of November 2020

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PG Cert BES | AssocRICS | MIVSA | SACPVP  
Professional Valuer (Reg No:)

**SECTION B – INTRODUCTION****1. INSTRUCTION**

An instruction was sent to The Valuator Group by Mr Smit to perform a motivated valuation report to determine market rental value on the subject property as at date of valuation.

**2. VALUERS INFORMATION**

The valuation was conducted by Ockert Brits, a registered Professional Valuer with registration number 6876 in terms of the Property Valuer's Profession Act, (Act No 47 of 2000).

**3. PURPOSE OF VALUATION**

The purpose of this valuation is to determine the fair market rental value of the property as at the date of valuation.

**4. INSPECTION**

An onsite physical inspection of the subject property was NOT conducted.

**5. DATE OF VALUATION**

The effective date of valuation is 1 November 2020, after the valuer has considered the physical qualities of the subject property also conducting thorough research on local and regional property tendencies in arriving at a fair market value.

**6. BASIS OF THE VALUATION**

Our instruction requires that the open market rental value of the subject property be determined on the date of valuation. Market value is defined by the International Valuations Standards Council as: "The estimated amount for which an asset or liability should exchange/let on the valuation date between a willing buyer/lessor and a willing seller/lessee in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion."

**SECTION C – GENERAL INFORMATION**

**7. TITLE DEED INFORMATION**

The subject property consists a portion of Rem of Farm 502 Stellenbosch RD.

**8. SURVEYOR GENERAL INFORMATION**

The subject property was identified and quantified.

**9. TOWN PLANNING INFORMATION**

**Primary Conditions**

Not applicable.

**10. SERVICES**

The subject property is reportedly un-serviced.

**11. MUNICIPAL VALUATION**

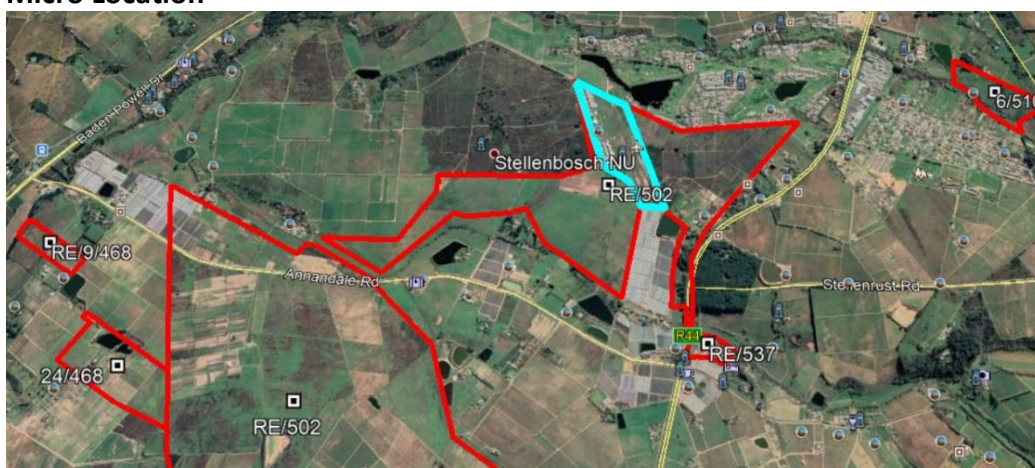
Not applicable.

## 12. LOCALITY

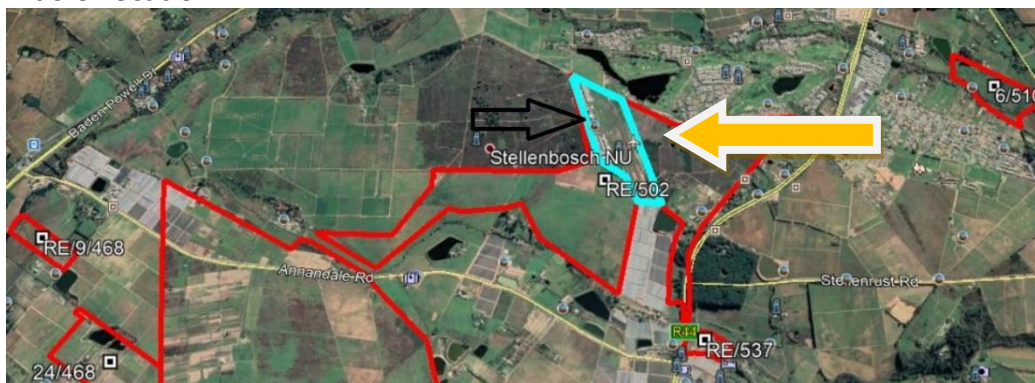
The subject property is located in close proximity to de Zalze Estate Stellenbosch, with the immediate area being utilised mainly for residential and agricultural purposes.

Comparable property sales prices over the last 24 months in the area according to transfers vary with little to no comparable sales found.

### Micro Location



### Macro Location



## 13. SITE LAYOUT AND TOPOGRAPHY

The site offers an irregular plot, on the edge of De Zalze south of Stellenbosch.

We have not carried out geological tests and our valuation thus assumes that soil conditions are stable supporting anticipated/actual use.

Layout (in Light Blue)



**14. IMPROVEMENTS**

Omitted as instructed.

**15. LEGAL CONSIDERATIONS**

We are not aware of any registered or unregistered rights that could influence the property directly or indirectly.



## 16. HIGHEST AND BEST USE

The IVS Framework defines the term as: “The market value of an asset will reflect its highest and best use. The highest and best use is the use of an asset that maximises its potential and that is possible, legally permissible, and financially feasible. The highest and best use may be for continuation of an asset’s existing use or for some alternative use. This is determined by the use that a market participant would have in mind for the asset when formulating the price that it would be willing to bid.”

The determination of the highest and best use involves consideration of the following:

- a) To establish whether a use is possible, regard will be had to what would be considered reasonable by market participants.
- b) To reflect the requirement to be legally permissible, any legal restrictions on the use of the asset, e.g. zoning designations, need to be taken into account.
- c) The requirement that the use be financially feasible takes into account whether an alternative use that is physically possible and legally permissible will generate sufficient return to a typical market participant, after taking into account the costs of conversion to that use, over and above the return on the existing use.

As the property is already improved with a reported dwelling, the highest and best use would in my opinion be **Airfield.**

## SECTION D – MARKET RESEARCH

### 17. EXTENT OF RESEARCH

Various sales entered the market in the last 24 months, yet none compared to the subject property directly.

## SECTION E – VALUATION CALCULATION

### 18. METHODOLOGY

In arriving at a fair market rental value cognisance will be given to the Comparable Sales Method in determining the rental value:

**Comparable Sales Method** – This method, which is regarded as the most accepted method for the valuation of immovable assets, will be applied. The valuation requires that the open market value of the subject property as at the date of valuation is defined. It measures the value of an asset by comparing recent sales or offerings of similar or substitute property and related market data. However, it is rarely possible to find such evidence relating to identical assets.

Market Value can be defined as the most likely price a willing buyer will pay a willing seller for the subject property on the date of the valuation without any pressure or influences from either party, taking into consideration external market tendencies as well as inherent facts regarding the subject property.

### 19. COMPARABLE SALES

We analysed the local property market and the sales as recorded in at the Deeds Office

- 468 portion 9, a property measuring 9.2727 hectare, sold in 11 March 2019 for R 6 400 000.00. which equates to R 690 000.00 per hectare. An adjustment will be considered to scale.
- 510 portion 6, a property measuring 19.8142 hectare, an improved farm consisting of staff buildings in a bad condition. Sold on 2018/08/31 for R19 000 000. This equates to R 950 000/ha. This sale is not directly comparable to the subject property, are on the Blaauklippen site of the R44, cultivated lands and buildings value deducted.
- 468 portion 24, an improved portion measuring 35,4925 hectares. Sold on 2019/02/23 for R 39 000 000.00 which equates to R 1 110 000/ha. This Property is improved with a big house and cottages and stores, cultivated lands and buildings value deducted.

### **Conclusion to sales**

Various factors need to be considered, including the effect of the currently dismal economy, which will have a directly negative influence on the rentability of the subject property.

Furthermore, the sales we managed to identify do not compare to the subject property, and various adaptations thereto need to be made. This will in effect dilute the credibility of such information and the user of this report is hereby made aware of the possibility of such variances.

After applying formulae to take size difference into account, and provision being made for the cultivated fields and improvements, we arrive at:

Sale 1: R 520 000/ha

Sale 2: R 850 000/ha

Sale 3: R 530 000/ha

We will therefore assume a R/ha of R 630 000

It is our experience that vacant land usually lets in the region of 2,0% to 5% of market value per annum. Taking into account the current economic scenario, low risk posed and the overall contribution the tenant brings to the area, we will opt for the low portion of this band.

Therefore, based on the sales and the differences observed when compared to the subject property, we are of the opinion that the subject property would likely obtain rental offers in the region of R 355 320/annum.

**Likely rental value:**

**R 29 610/month (rounded)**

## 20. CAVEAT

The property has been valued as if wholly owned, with no account being taken of any outstanding monies due in respect of mortgage bonds, loans, or charges.

We have not undertaken a structural survey of any kind, nor have we arranged for tests or inspections to be carried out on any of the service installations or water sources. Our valuation assumed that all services, structures, and improvements are in a satisfactory state of repair and condition.

This valuation is produced exclusively for client and for the specific purpose to which it refers. It may be disclosed to other professional advisors assisting in respect of the purpose it is intended for, as well as any client on whose behalf this valuation is requested, but not to any other person or company. Kindly note that; neither the whole nor any part of this valuation or any reference thereto may be included in any published document, circular or statement, nor may it be published in any way without the written consent of the valuer.

This valuation has been prepared on the basis that full disclosure of all information and factors, which may affect the valuation, has been made to us. Condition and quality of structures are assumed as good and comparable to sales quoted.

Special interest buyers have not been taken into consideration for the purpose of this valuation.

We have no personal interest nor contemplate having an interest in these assets.  
VAT is not included in the valuation, unless otherwise indicated.

Our aggregate liability arising out of, or in connection with this valuation, whether arising from negligence, breach of contract, or any other cause whatsoever, shall in no event exceed the fee agree upon to render this valuation by the valuer. This clause shall not exclude or limit our liability for actual fraud and shall not limit our liability for death or personal injury caused by our negligence.

If you suffer loss as a result of our breach of contract or negligence, our liability shall be limited to a just and equitable proportion of your loss having regard to the extent of responsibility of any other party. Our liability shall not increase by reason of a shortfall in recovery from any other party, whether that shortfall arises from an agreement between you and them, your difficulty in enforcement, or any other cause.

None of our employees, partners or consultants individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

The client agrees that the trade of valuation is not considered a precise science, and that the market analysed can depict variances. The valuer therefore only renders an opinion to better equip the client in decision making, and by no means intends to dictate precise values. COVID-19 has been declared a pandemic and a national disaster in place. Substantial turmoil has occurred in local and international financial markets and due to the developing situation, it is not possible at this time to quantify its long-term or short-term effects on real estate markets or on the subject property. The value opinion contained in this appraisal is based on findings of an analysis of market data available to the valuer at the time of the assignment. This report is valid for 12 months from date of valuation and is not transferable.

7.2.6	<b>PROPOSED EXCHANGE OF LAND: LEASE FARMS 502AA, 502AB AND A PORTION OF PORTION 13 OF FARM 491 FOR A PORTION OF PORTION 10 OF FARM 502, STELLENBOSCH: SPIER HOLDINGS (PTY) LTD</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 January 2021

- SUBJECT: PROPOSED EXCHANGE OF LAND: LEASE FARMS 502AA, 502AB AND A PORTION OF PORTION 13 OF FARM 491 FOR A PORTION OF PORTION 10 OF FARM 502, STELLENBOSCH: SPIER HOLDINGS (PTY) LTD**

- PURPOSE**

To consider the (in principle) application to exchange land as submitted by Spier Holdings (Pty) Ltd.

- DELEGATED AUTHORITY**

For decision by Municipal Council.

- EXECUTIVE SUMMARY**

Spier Holdings (Pty) Ltd is leasing a number of Municipal-owned Lease Farms. They have now applied for an exchange of portions of Lease Areas for a portion of their own land. Council must now consider this application in principle in terms of the relevant provisions contained in the Property Management Policy.

There are 4 options that are discussed under point 6 below. Council may also decide on any other option. In consideration of the option sit must be taken into account that the properties fall in the above R10 million value categories and the provisions of the asset transfer regulations for the properties therefore needs to be followed which means an Information statement and public participation process must first be followed before a decision can be taken, similar to what took place with the lease process of the Flying club.

- RECOMMENDATION**

For consideration of the options indicated in the item.

- DISCUSSION / CONTENT**

- 6.1 Background**

- 6.1.2 Current Lease Agreements**

Spier Holdings (Pty) Ltd is leasing, *inter alia*, the following Lease Farms in terms of contracts concluded in 1991:

Property description	Size	Lease Period
Portion 13 of Farm 491/1	11.3660	01/04/1991 – 31/03/2041
502AA	11.1ha	01/04/1991 – 31/03/2041
502AB	17.5ha	01/04/1991 – 31/03/2041

### 6.1.3 Land exchange proposal

On 25 March 2019 Spier Holdings (Pty) Ltd submitted a proposal for a land exchange, i.e. three (3) portions of Municipal Lease Land, totalling 39,966ha in total for a portion of Portion 10 of Farm 502, Stellenbosch (Spier property) equal in size. A copy of their proposal is attached as **APPENDIX 1**.

They subsequently have indicated that the application should be put on hold.

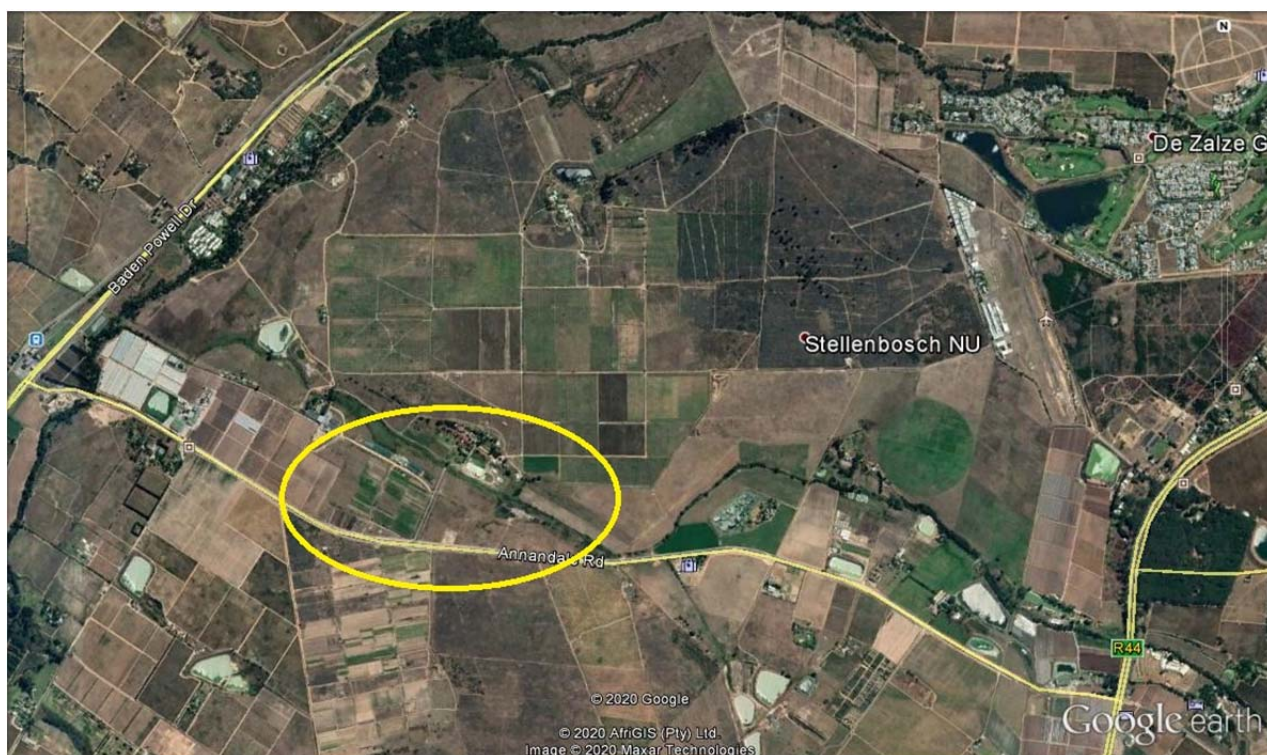
A letter has now been submitted to the Municipal Manager, requested that their proposal now be considered. Their latest correspondence is attached as **APPENDIX 2**.

## 6.2. DISCUSSION

### 6.2.1 Property description

#### 6.2.1.1 Location and context

The three municipal lease properties are situated to the North of the Annandale road, as indicated on Fig 1 and 2 below.



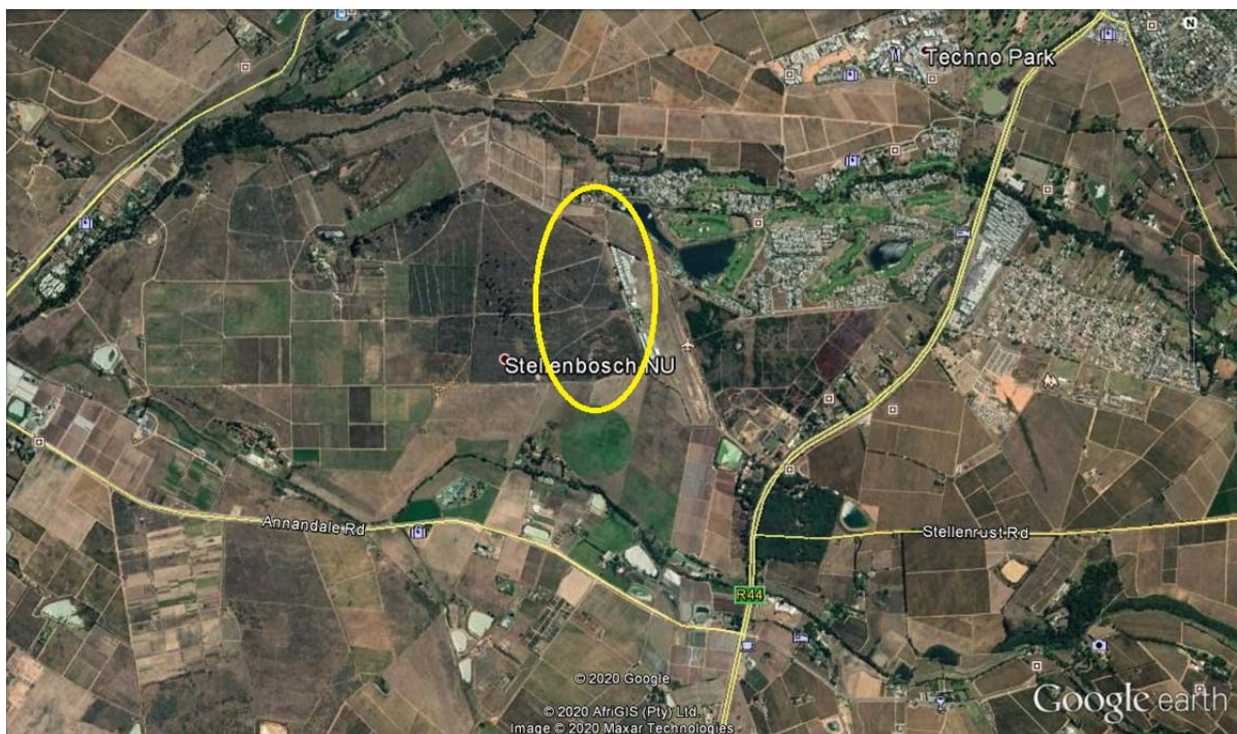
**Fig 1: Location and context**





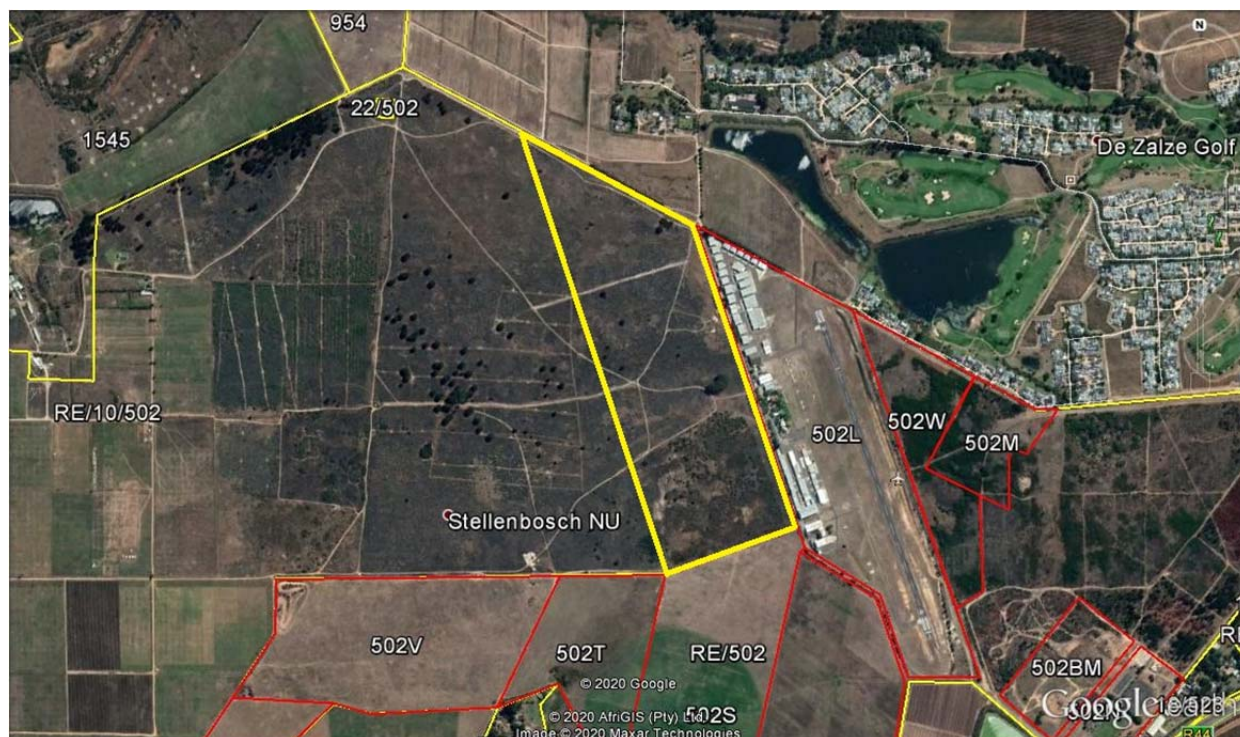
**Fig 2: Extent of properties**

The Spier property, being a 36.96ha portion of Portion 10 of Farm 502 is situated to the East of the Stellenbosch Airfield, as indicated on Fig 3 and 4 below.



**Fig 3: Location and context**





**Fig 4: Extent of property**

#### 6.2.1.2 Ownership

The three portions of Lease Properties, being two (2) portions of Remainder Farm 502 (Lease Farm 502AA and 502AB) and Portion 13 of Farm 491, vests with Stellenbosch Municipality by virtue of Title Deeds STFS-34/1883 and T30979/1976 respectively, as indicated on Windeed records hereto attached as **APPENDIX 3** and **4** respectively.

Remainder Portion 10 of Farm 502, is registered in the name of Spier Farm Management (Pty) Ltd by virtue of Title Deed T55654/2002. See Windeed record attached as **APPENDIX 5**.

#### 6.2.1.3 Current Land Use

All the properties are currently zoned for Agricultural Activities, whilst a portion is utilised for Agricultural production and Agri processing (Spier Wine Cellars).

#### 6.2.1.4 Improvements

A wine cellar has been constructed on a portion of Lease Farm 502AA and a portion of Portion 13 of Farm 491, whilst other buildings/structures were constructed on a Portion of Portion 13 of Farm 491 as shown on Fig 5, below. A valuation of the improvements made is attached as **APPENDIX 7**.



**Fig 5: Improvements**

In terms of the Lease Agreements, all permanent improvements will become the property of the Municipality at the end of the Lease term.

The portion of Portion 10/502 (Spier's property) is undeveloped and has not actively been used for agricultural purposes for some years. This means that it will be seen as virgin land and special applications and approvals are required for activities on the land.

#### **6.2.1.5 Water Rights**

Council properties all have water rights and depending on the option decided on by council the influence of the water rights have to be discussed.

The existing water rights is as follows:

Farm 502AA:6Ha

Farm 502AB:9Ha

Farm 491/1:5Ha

#### **6.2.2 Options for consideration**

##### **6.2.2.1 Option 1: Exchange of land**

Council agree on the exchange of land, as proposed by Spier, i.e. the disposal of Lease Farms 502AA, 502AB and portion 13 of Farm 491 (measuring approximately 39,966ha) in exchange for a portion of Portion 10 of Farm 502 (Spier property), measuring approximately 39,966ha in extent.

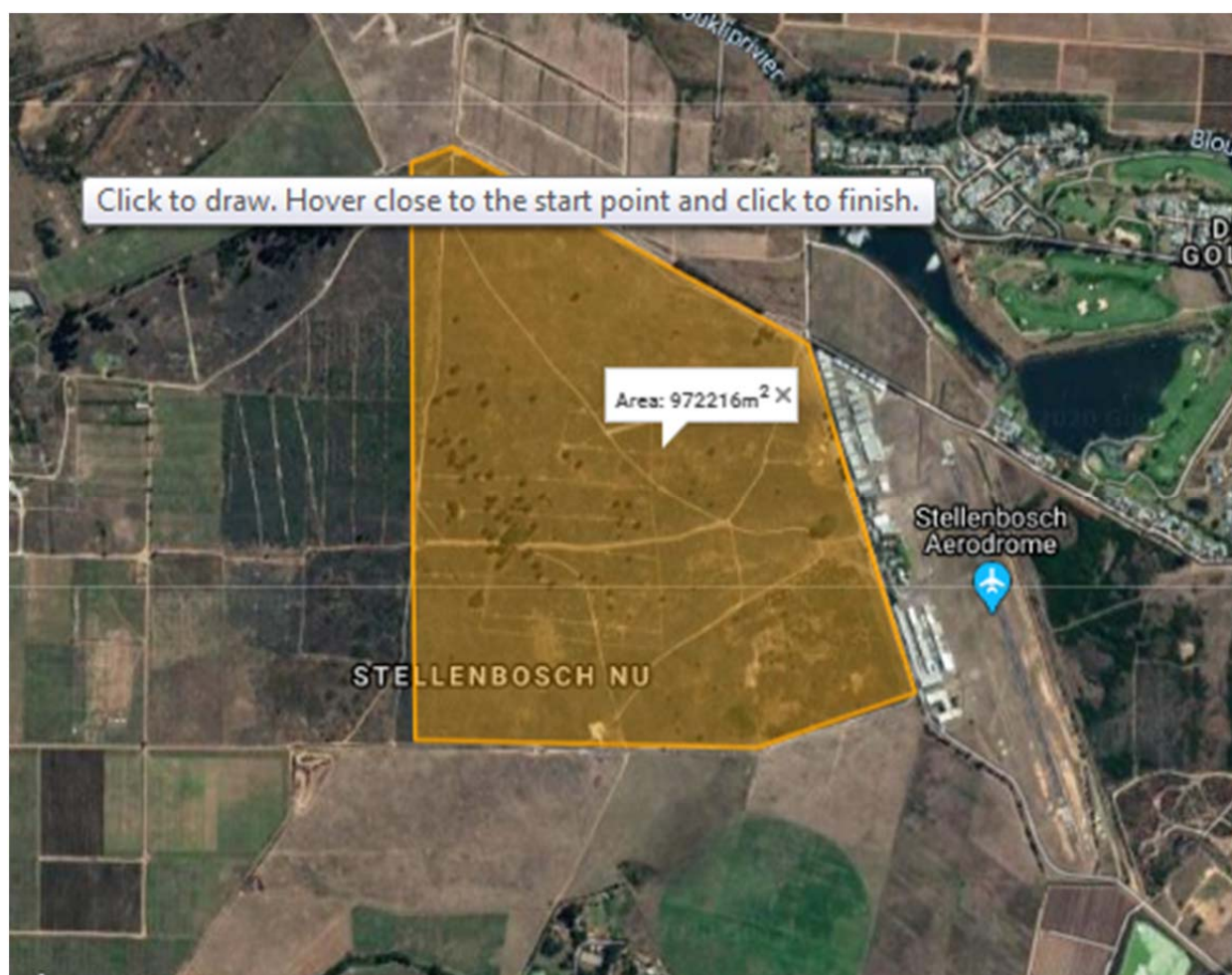
This option is based on the assumption that the two portions of land is more or less equal in value. This Department is of the view that the Spier land (per ha) is not equal in value, due to the environmental sensitivity of it (renosterveld).



The advantage with this option is that no rate payer's money would be used to acquire the portion of land adjacent to the airfield which open options in respect of potential planning and economic initiations relevant to the airfield precinct, e.g. expansion of airfield, provision of Western by-pass road, etc.

#### 6.2.2.2 Option 2: Exchange of land, but for a bigger land parcel

Council agree on the exchange of land, i.e. the disposal of Lease Farms 502AA; 502AB and Portion 13 of Farm 491 (measuring 39.966ha) in exchange for a bigger portion of Portion 10 of Farm 502 (Spier property), measuring approximately 97.22 ha in extent, as shown on Fig 5, below.



**Fig 5: Extent of land**

This option is based on the assumption that the Spier land (measuring 97.22ha) as indicated in Fig 5, is more or less equal in value with the Lease Farms (measuring 39.966ha), as the Spier land has certain development constraints, i.e. environmental sensitive area.

Although the Spier land may be less in economic value, it might have some environmental/strategic value for the municipality.

#### 6.2.2.3 Option 3: Exchange of land, but smaller portion of lease land

Council agree on the exchange of land, i.e. the disposal of portions of Lease Farms, measuring 5.83ha in extent, as shown on Fig 6, below, for the portion of Farm 502/10 (Spier property), as indicated in their proposal.



**Fig 6: Extent of land**

This would give ownership to Spier of their Cellar buildings and would allow for possible expansion of the Airfield and by-pass road.

#### 6.2.2.4 Option 4: Disposal of only the cellar portion

Council agree to the disposal of the lease-land indicated on Fig 6 (Cellar building at a market related price, to be determined by an independent valuer.

### 6.3 Financial Implications

The financial implications will be dependent on which option is approved. A Valuation report of the land alone is attached as **APPENDIX 6**.

Property description	Extent and zoning	Municipal Valuation	Current owner
Portion 13 of Farm 491/1 (see fig 2)	11.336ha	R7 385 000.00	Stellenbosch Municipality
Farm 502AA (see fig 2)	11.1ha	R 1 540 000.00	Stellenbosch Municipality
Farm 502AB (see fig 2)	17.5ha	R 2 190 000.00	Stellenbosch Municipality
Portion of portion 10 of Farm 502 (see fig 4)	365,0017 ha	R 33 050 000.00	Stellenbosch Municipality

Property description	Market related value as per appendix 6 (land only) and appendix 7 (improvements)
Farm 502 portions AA and AB & portion of Farm 491 portion 13	R11 494 050.00
Farm 502 portion 10	R11 390 310. 00
Total on improvements	R 7 934 100.00

## 6.4 Legal Implications

### 6.4.1 Municipal Finance Management Act

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

In terms of subsection (2), a municipality may transfer ownership or otherwise dispose of a capital asset other than those contemplated in subsection (1), but only after the municipal council, in a meeting open to the public-

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

### 6.4.2 Asset Transfer Regulation (ATR)

#### 6.4.2.1 Transfer or disposal on non-exempted capital assets

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

- a) the municipal council-
  - i) has made the determination required by Section 14(2)(a) and (b) of the MFMA; and
  - ii) has, as a consequence of those determinations approved in **principle** that the capital asset may be transferred or disposed of.

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

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

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

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

#### 6.4.2.3 **Conditional approval of transfer or disposal of non-exempted capital assets**

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

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

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

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

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

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

#### 6.4.2.5 Compensation for transfer of non-exempted municipal capital assets

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

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

#### 6.4.2.6 Transfer agreements

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

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

- (a) a sufficient **description** of the capital asset being transferred in order to identify the asset;
- (b) particulars of any subsidiary assets that are transferred with the capital asset;
- (c) particulars of any liabilities transferred with the asset;
- (d) the **amount of compensation** payable to the municipality or municipal entity for the transfer of the asset or assets, and the terms and conditions of payment; and
- (e) the **effective date** from which the risk and accountability for the asset or assets is transferred to the receiving private sector party or organ of state.

#### 6.4.3 Policy on the management of Council-owned property

##### 6.4.3.1 Disposal management principles

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

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

##### 6.4.3.2 Methods of disposal

In terms of paragraph 9 the type of tender may vary, depending on the nature of the transaction.

The following options may be considered:

- a) outright tender;



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

#### 6.4.3.3 Deviation from a Competitive process

In terms of paragraph 9.2.2 the Municipal Council may **dispense with the competitive processes** established in this policy, and may enter into a **Private Treaty Agreement** through any convenient process, which may include direct negotiations, including in response to an unsolicited application, only in the following circumstances, and only **after having advertised Council's intention so to act**.

Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy.

However, should any objections be received from potential, competitive bidders, then a public competitive process must be followed. The advertisement referred to above should also be served on adjoining land owners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

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

Also, in terms of paragraph 9.23 of the Property Management Policy the *"disposal by exchange of land will be appropriate when it is **advantageous to the Municipality** and other parties to exchange land in their ownerships and will achieve best consideration for the municipality. The Municipal Council must authorise the disposal of land by exchange with another land owner for alternative land. **Reasons for justifying this manner of disposal must be recorded in writing.***

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

#### 6.5 Staff Implications

No additional staff implications

#### 6.6 Previous / Relevant Council Resolutions

The approval of the current agreements were not considered by this council.

#### 6.7 Risk Implications

The risks are addressed in the item content

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

No issues foreseen from Water Services.

This land swap will have no impact on the road from Techno Park to Adam Tas and the land is not required for this purpose as it is more than 4 kilometres to the south of the link road at Technopark. The link road starts at Technopark and continues north to Adam Tas.

It would however have a major impact on the possible future western bypass if the bypass road is build next to the airfield. In such case the land next to the airfield will be needed.

**6.8.2 Director: Planning and Economic Development**

No comments submitted.

**6.8.3 Chief Financial Officer**

No comments submitted.

**6.8.4 Municipal Manager**

Note the different options for consideration

**ANNEXURES:**

**Appendix 1: Original Proposal from Spier**

**Appendix 2: Further correspondence from Spier**

**Appendix 3, 4 and 5: Windeed records**

**Appendix 6: Valuation report (land only)**

**Appendix 7: Valuation report (Improvements)**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Piet Smit
<b>POSITION</b>	<i>Manager: Property Management</i>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@stellenbosch.gov.za">Piet.smit@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2020-08 - 03

# APPENDIX 1

7692  
*Spier*

25<sup>th</sup> March 2019

**STELLENBOSCH MUNICIPALITY**

PO Box 17  
Stellenbosch  
7599

Attention: Mr Piet Smit  
Manager: Property Management  
Stellenbosch Municipality

Dear Sir

**Re: Land Exchange Proposal for Erfs 502AA, 502AB and portion 13 of 491**

Attached please find a proposal from Spier for consideration of a land exchange between Spier Holdings and the aforementioned Erfs on lease with the municipality.

Please advise if any further documentation is required or representations to yourself or others.

Yours Faithfully



Heidi Newton-King  
heidink@spier.co.za  
0823824585

**SPIER HOLDINGS (Pty.) Ltd.**

Spier Wine Farm, R310, Stellenbosch, 7600

PO Box 137, Lynedoch, 7603

Tel: +27 (0)21 881 8400 Fax: +27 (0)21 881 3699 [www.spier.co.za](http://www.spier.co.za)

DIRECTORS: Andrew Milne, Gerhard De Kock

REGISTRATION Nr: 1999/019778/07

**STELLENBOSCH MUNICIPALITY**

Attention: Mr Piet Smit

Manager: Property Management

**Application for Consideration of a Land Exchange****1. INTRODUCTION**

Spier Wine Farm is applying for the consideration of a land exchange for the Leased lands 502AA 502AB and 491/13 currently under long term lease with the Municipality. The lease agreements are attached as Appendix 1 of this report.

Application is hereby made in terms of 9.2.3.2 the Municipal Property Policy for the disposal of Municipal Lease farms 502 AA, 502 AB and Portion 13 of Farm 491 Stellenbosch in exchange for a portion of Portion 10 of Farm 502 (owned by Spier Farm Management) as more fully described in paragraph 2 (description). A copy of the Title Deed is attached as Appendix 2 of this report.

**2. DESCRIPTION, SIZE AND OWNERSHIP**

Property Description:	FARMS 502AA,502AB and portion 13 of Farm 491
Property Owner:	Stellenbosch Municipality on long term lease to Spier (1st April 1991-31st March 2041)
Bonds:	N/A
Erf size:	502AA = 11,1ha. 502AB = 17,5ha. Portion 13 of farm 491 = 11.36ha
Zoning:	Agricultural
Land Use:	Agricultural

Property Description:	Portion 10 of Farm 502 Stellenbosch
Property Owner:	Spier Farm Management (Pty) Ltd
Bonds:	N/A
Farm size:	365.0017ha
Zoning:	Agricultural
Land Use:	Agricultural

**SPIER HOLDINGS (Pty.) Ltd.**

Spier Wine Farm, R310, Stellenbosch, 7600

PO Box 137, Lynedoch, 7603

Tel: +27 (0)21 881 8400 Fax: +27 (0)21 881 3699 [www.spier.co.za](http://www.spier.co.za)

DIRECTORS: Andrew Milne, Gerhard De Kock

REGISTRATION Nr. 1899/019778/07

The properties are currently in use for Agricultural activities, with a portion of 491/13 and 502AA being utilised for Agricultural Production and Agric- processing (Spier Wine Cellar).

All 3 properties are zoned 'Agriculture' under the Stellenbosch Municipal Zoning Scheme.

#### 4. THE LAND EXCHANGE PROPOSAL

Spier proposes the Exchange of the 3 portions of Municipal Owned land (totalling 39.9ha) with a parcel of Spier Owned land of the same size which borders on the West boundary of the Municipal Owned Farm RE/502 which houses the Stellenbosch airfield. (See diagram 3 below)

The properties included in this proposal are all zoned Agricultural and are utilised as such.

##### 4.1 LAND EXCHANGE – Diagram 3



#### 5. MOTIVATION

##### 5.1 Need

Spier leases a number of portions of land from the Stellenbosch Municipality.

Historically we have met our commitments to furthering the land reform agenda by ensuring that Farm 502BH of 65.5 was made available to 13 previously disadvantaged farmers. The Small Farmworkers Holdings Trust was set up, and for five years Spier supported the farmers infrastructurally and logistically to an estimated total of R1.5 million rand. We negotiated with the Trust that the land be directly leased from municipality to complete the land reform process.

We would like to further our commitments to a broader agenda of long term food security, training of young farmers and the development of a learning farm model based on ecologically restorative food production. To meet these objectives we would need to secure the land in order to invest into these programmes.

- **Heritage :** The proposed use is in keeping with the broad landscape rural agricultural aesthetic of the Cape Winelands cultural landscape.

## 8. CONCLUSION

The disposal by exchange of land is considered appropriate and advantageous to the Municipality as no ratepayers money would be used to acquire a portion of private owned land that holds strategic benefits in respect of potential planning and economic initiatives relevant to the air field precinct. The proposed exchange of the long term leased farms will provide a secured and guaranteed platform for Spier to implement rural development programmes and initiatives as prioritised in terms of the Municipal Policy and Planning Frameworks.

It is therefore requested that council approve the proposed land exchange as it will enable and contribute to leveraging social, economic and environmental returns for both the Municipality, Spier and the local community.

Ends.



# **APPENDIX 2**

1692  
*Spier*

Stellenbosch Municipality  
Attention: Geraldine Mettler

5<sup>th</sup> February 2020

Dear Geraldine,

Enclosed please find our motivation for a land exchange in terms of the Municipality's policy on the management of immovable property.

A copy of this will be delivered to Mr Piet Smit.

We would like to meet with you and any other appropriate members of the municipal team to present this proposal in full prior to submission to council to ensure there is a clear understanding of our proposal beyond a formal document only.

Please contact me on [heidink@spier.co.za](mailto:heidink@spier.co.za), 021809-1918 or 0823824585 should you require further info prior to a discussion.

I will contact your offices to schedule a suitable time and ask that you acknowledge receipt of the application.

Regards



Heidi Newton-King  
Sustainability and HR Director  
SPIER

SPIER HOLDINGS

Spier Wine Farm, R310, Stellenbosch, 7600

PO Box 137, Lynedoch, 7603

Tel: +27 (0)21 881 8400 Fax: +27 (0)21 881 3899 [www.spier.co.za](http://www.spier.co.za)

DIRECTORS: Andrew Milne, Gerhard De Kock

REGISTRATION Nr: 1999/019778/07

<sup>1692</sup>  
Spier

## STELLENBOSCH MUNICIPALITY

Attention: 1. Geraldine Mettler  
Municipal Manager  
2. Piet Smit  
Property Management

### Application for Consideration of a Land Exchange

#### **MOTIVATION IN TERMS OF THE STELLENBOSCH MUNICIPALITY'S POLICY ON THE MANAGEMENT OF IMMOVABLE PROPERTY:**

#### **PROPOSED EXCHANGE OF FARMS 502 AA, 502 AB, AND PORTION 13 OF FARM 491 STELLENBOSCH FOR A PORTION OF PORTION 10 OF FARM 502 STELLENBOSCH**

### **1. INTRODUCTION**

Spier Wine Farm is applying for consideration proposed land exchange between Stellenbosch Municipality and Spier Wine Farm – involving the exchange of Municipally owned Farms 502 AA, 502 AB, and Portion 13 of Farm 491 Stellenbosch for a portion of the Spier Wine Farm owned Portion 10 of Farm 502 Stellenbosch.

The proposal is submitted at the initiative of Spier Wine Farm, within the framework provided by section 7.2.4 of the Municipality's policy on the management of immovable property (hereafter referred to as the Policy), which states that the Municipality can entertain unsolicited proposals for the development of viable immovable property, with the proviso that it is in line with the Municipality's strategic objectives and more specifically that it favours the promotion of black ownership, entrepreneurship, and community upliftment.

Application is hereby made in terms of 9.2.3.2 the Municipal Property Policy for the disposal of Municipal Lease farms 502 AA, 502 AB and Portion 13 of Farm 491 Stellenbosch in exchange for a portion of Portion 10 of Farm 502 (owned by Spier Farm Management) as more fully described in paragraph 2.

### **2. DESCRIPTION, SIZE AND OWNERSHIP**

Property Description:	FARMS 502AA, 502AB and portion 13 of Farm 491
Property Owner:	Stellenbosch Municipality on long term lease to Spier (1st April 1991-31st March 2041)
Bonds:	N/A
Erf size:	502AA = 11,1ha. 502AB = 17,5ha. Portion 13 of farm 491 = 11,36ha
Zoning:	Agricultural
Land Use:	Agricultural

Property Description:	Portion 10 of Farm 502 Stellenbosch
Property Owner:	Spier Farm Management (Pty) Ltd
Bonds:	N/A
Farm size:	365,0017ha
Zoning:	Agricultural
Land Use:	Agricultural

### 3.LOCALITY, CURRENT LAND-USE AND ZONING

#### 3.1 LOCALITY MAP – Diagram 1



The Lease properties 502AA and 502AB are located on Annandale Road with 491/13 abutting these two properties on the northern boundaries, a total of 39,9 Ha.

#### 3.2 CURRENT LAND USE AND ZONING MAP – Diagram 2



The properties are currently in use for Agricultural activities, with a portion of 491/13 and 502AA being utilised for Agricultural Production and Agric- processing (Spler Wine Cellar).

All three properties are zoned 'Agriculture' under the Stellenbosch Municipal Zoning Scheme.

- **Resource custodianship:** Regenerative agricultural practices will continue the improvement of soil health, soil water retention, and soil carbon sequestration within the currently leased portions over time, as well as utilise significantly less water per yield than conventional agricultural practices.
- **Food and agriculture:** Local food security will be enhanced through the proposed self-sustaining learning farm, which will showcase the production of nutritious food through sustainable farming methods, for the benefit and development of the long-term food security of the local community. It is intended that this will play a significant role in the development of a replicable model which addresses regional food security and young farmer development using regenerative agriculture practices.
- **Heritage:** The proposed use is in keeping with the broad landscape rural agricultural aesthetic of the Cape Winelands cultural landscape.

## 6. EXISTING SERVICES

The land exchange will not have any impact on services.

## 7. IMPACT ON SURROUNDING PROPERTIES

Positive impact in that the agricultural heritage and visual aesthetic will be retained.

## 8. THE PROPOSAL AND THE STIPULATIONS OF THE MUNICIPALITY'S POLICY ON THE MANAGEMENT OF IMMOVABLE PROPERTY

### 8.1 Policy preamble and guiding principles and values

The preamble to the Policy recognises the inequitable spread of ownership of immovable property throughout the municipal area, the historical causes thereof, and the leading role of the Municipality in redressing these imbalances by ensuring that the immovable property assets under its control are dealt with in a manner that ensures the greatest possible benefit to the Municipality and the community that it serves, and makes available economic opportunities. The preamble also recognises that the Municipality must manage its immovable property in a fair, transparent, and equitable manner.

Our proposal supports the guiding principles and values "a" and "b" outlined in section 5.1. of the Policy ("c" deals with cases where the Municipality retains ownership). Specifically, our proposal supports:

The use of the Municipality's immovable property to promote social integration, to redress existing spatial inequalities, to promote economic growth, to build strong, integrated and dignified communities and to provide access to housing, services, amenities, transport and opportunities for employment. The promotion of access by black people to the social and economic benefit of immovable property ownership, management, development and use.

### 8.2 Most appropriate use assessment

Section 8 of the Policy states that prior to disposal, the most appropriate use of a property needs to be determined. Most appropriate use is one which achieves an optimum balance between:

The protection of ecological processes and natural systems.

The optimum financial return to and economic development of the municipal area.

The enhancement of the cultural, economic, physical and social wellbeing of people and communities.

While all three elements apply to all property, the Policy acknowledges that the significance of each – and the relationship between them – may vary from property to property. Further, it is stated that in determining most appropriate use, regard should be given to government policy, spatial and sectoral plans, and the views of interested and affected parties.

As outlined in the original report and motivation from Spier Wine Farm (attached), it is believed that the proposed land exchange and use will safeguard the protection of ecological processes and natural

systems while contributing to the socio-economic objectives of the Municipality, specifically the well-being, and livelihood opportunity of citizens.

The range of approaches and practices supported by Spier Wine Farm over time, including those related to food production, resource management, ownership in assets and processes by previously disadvantaged people, training initiatives, and education and livelihood development, is fully aligned with national, provincial, and Municipal policy (including the Municipal Integrated Development Plan).

The proposal is also aligned with the approved Municipal Spatial Development (MSDF) Framework, which, as a core principle, sets out to maintain and grow the assets of Stellenbosch's natural environment (including agricultural land) that underpin economic development and support human well-being.

The MSDF clearly indicates the subject properties for agricultural use into the future.

### **8.3. Process of disposal**

The Policy recognises three broad methods of property disposal:

Competitive processes (through formal tenders, public auction, closed tenders, and/ or unsolicited bids).  
Non-competitive processes (where the non-viable property is disposed to an adjacent owner regarded as the only party who can use the land, or viable property is disposed of without a competitive process).  
The exchange of land (when it is advantageous to the Municipality and other parties to exchange land in their ownership and will achieve best consideration for the municipality).

Spier Wine Farm maintains that the third option – an exchange of land – is advantageous to both the Municipality and Spier Wine Farm. This option enables the continuation and expansion of known and valued Spier Wine Farm programmes, which all support the Municipality's resource management, community development, and economic development objectives – currently undertaken on leased land.

In pursuit of an exchange of "equal" value, Spier Wine Farm offers a portion of Portion 10 of Farm 502 as an exchange for three portions of leased land, Farms 502 AA, 502 AB, and Portion 13 of Farm 491. The area sought and area offered is roughly of equal size and both zoned Agricultural.

Spier Wine Farm understands that:

The Municipal Council must authorise the disposal of the land portions as proposed by Spier Wine Farm. The issue of "equal" value needs to be determined through negotiation and that the current offer can serve as a starting point of such deliberations.

"Inequality" in value – should it be found – may be compensated by other means where appropriate and that the Municipality, in such circumstance, must seek an independent valuation to verify that "best consideration" will be obtained through the exchange.

All costs pertaining to a transaction, inclusive of any costs relating to transfer, registration, survey, subdivision, consolidation, advertisement, and relocation or provision of services cost shall be borne by an applicant, provided that the Municipality may waive its right to claim those costs if the reason for the sale is to rid the Municipality of a burden to maintain the immovable property or exercise control thereover (section 19.2. of the Policy).

Where applicable, existing services shall be secured by means of the registration of a servitude in favour of the Municipality (section 19.3. of the Policy).

Unless approved in writing by the Municipality, the immovable property exchanged may only be used for the purpose as approved by the Municipality and purpose regularized by the relevant by-laws and any applicable legislation (section 19.6. of the Policy).

## 9. CONCLUSION

Over a sustained period of time, Spier Wine Farm has contributed significantly to sustainable resource and community development thinking and practice, including that related to food production, resource management, ensuring ownership in and meaningful benefit from assets and processes by previously disadvantaged people, training initiatives, and education and livelihood development.

The Spier Wine Farm approach and practice are fully aligned with national, provincial, and Municipal policy (including the Municipal Integrated Development Plan and MSDF) and has had a significant impact on the livelihood opportunity of many citizens.

Access to leased land – owned by the Stellenbosch Municipality – has contributed to Spier Wine Farm delivering on its agenda. Ownership of land currently leased from the Municipality through the proposed land exchange will provide security of tenure, in turn, enabling further planned investment by Spier Wine Farm in support of its commitment and associated programmes.

It is, therefore, requested that council approve the proposed land exchange as it will enable and contribute to leveraging social, economic and environmental returns for both the Municipality, Spier and the local community.

Ends.



# APPENDIX 3

# Deeds Office Property

FARM 502, 502, 0 (REMAINING EXTENT) (CAPE TOWN)

## GENERAL INFORMATION

Deeds Office CAPE TOWN  
 Date Requested 2020/03/16 12:23  
 Information Source DEEDS OFFICE  
 Reference -



## PROPERTY INFORMATION

Property Type FARM  
 Farm Name FARM 502  
 Farm Number 502  
 Portion Number 0 (REMAINING EXTENT)  
 Local Authority STELLENBOSCH MUN  
 Registration Division STELLENBOSCH RD  
 Province WESTERN CAPE  
 Diagram Deed STF5-34/9/1883  
 Extent 9.9894H  
 Previous Description -  
 LPI Code C06700000000050200000

## OWNER INFORMATION

### Owner 1 of 2

Company Type LOCAL AUTHORITY  
 Name MUN STELLENBOSCH  
 Registration Number  
 Title Deed STF5-34/1883  
 Registration Date 1883/09/20  
 Purchase Price (R) SECT 16  
 Purchase Date -  
 Share  
 Microfilm Reference 2006 1881 1465  
 Multiple Properties NO  
 Multiple Owners NO

### Owner 2 of 2

Company Type LOCAL AUTHORITY  
 Name MUN STELLENBOSCH  
 Registration Number  
 Title Deed T36696/2006  
 Registration Date -  
 Purchase Price (R) TRANSFER BY ENDO  
 Purchase Date -  
 Share  
 Microfilm Reference 2006 1869 1425  
 Multiple Properties NO  
 Multiple Owners NO

Printed: 2020/03/16 12:47

**ENDORSEMENTS (8)**

#	Document	Institution	Amount (R)	Microfilm
1	I-1064/93LG	-	UNKNOWN	
2	I-2562/2014LG	-	UNKNOWN	
3	K211/1962S	-	UNKNOWN	
4	K5211/2006S	-	UNKNOWN	2006 1869 1430
5	K925/1965S	-	UNKNOWN	
6	VA5665/2006	MUN STELLENBOSCH	UNKNOWN	2006 1869 1399
7	FARM ST 502	-	UNKNOWN	1985 0072 0330
8	PTNS ST RD 502/1-3&6	-7	UNKNOWN	

**HISTORIC DOCUMENTS (2)**

#	Document	Owner	Amount (R)	Microfilm
1	STF5-34/1883	MUN STELLENBOSCH	UNKNOWN	2006 1881 1465
2	STF5-34/1883	MUN STELLENBOSCH	SECT 16	2006 1881 1465

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# APPENDIX 4

# WinDeed Database Deeds Office Property

SPIER, 491, 13 (CAPE TOWN)

## GENERAL INFORMATION

**Date Requested** 2020/03/16 12:27  
**Deeds Office** CAPE TOWN  
**Information Source** WINDEED DATABASE  
**Reference** -



## PROPERTY INFORMATION

**Property Type** FARM  
**Farm Name** SPIER  
**Farm Number** 491  
**Portion Number** 13  
**Local Authority** STELLENBOSCH MUN  
**Registration Division** STELLENBOSCH RD  
**Province** WESTERN CAPE  
**Diagram Deed** T30979/1976  
**Extent** 11.3660H  
**Previous Description** -  
**LPI Code** C0670000000049100013

## OWNER INFORMATION

### Owner 1 of 2

**Type** LOCAL AUTHORITY  
**Name** MUN STELLENBOSCH  
**ID / Reg. Number** -  
**Title Deed** T30979/1976  
**Registration Date** 1976/10/05  
**Purchase Price (R)** 0  
**Purchase Date** -  
**Share** 0.00  
**Microfilm** 2001 0238 0620  
**Multiple Properties** NO  
**Multiple Owners** NO

### Owner 2 of 2

**Type** LOCAL AUTHORITY  
**Name** MUN STELLENBOSCH  
**ID / Reg. Number** -  
**Title Deed** T20759/2001  
**Registration Date** -  
**Purchase Price (R)** TRANSFER BY ENDO  
**Purchase Date** -  
**Share** 0.00  
**Microfilm** 2001 0238 0626  
**Multiple Properties** NO  
**Multiple Owners** NO

## ENDORSEMENTS (2)

#	Document	Institution	Amount (R)	Microfilm
1	K222/2001S	-	UNKNOWN	2001 0238 0639
2	FARM ST 491/13	-	UNKNOWN	1985 0072 0318

## HISTORIC DOCUMENTS

No documents to display

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# APPENDIX 5

## WinDeed Database Deeds Office Property

**windeed**  
A LexisNexis® Product

FARM 502, 502, 10 (REMAINING EXTENT) (CAPE TOWN)

## GENERAL INFORMATION

Date Requested 2020/03/16 12:49  
Deeds Office CAPE TOWN  
Information Source WINDEED DATABASE  
Reference -



## PROPERTY INFORMATION

Property Type FARM  
Farm Name FARM 502  
Farm Number 502  
Portion Number 10 (REMAINING EXTENT)  
Local Authority STELLENBOSCH MUN  
Registration Division STELLENBOSCH RD  
Province WESTERN CAPE  
Diagram Deed T49951/1995  
Extent 365.0017H  
Previous Description -  
LPI Code C06700000000050200010

## OWNER INFORMATION

## Owner 1 of 1

Type COMPANY  
Name SPIER FARM MANAGEMENT PTY LTD  
ID / Reg. Number 197000912107  
Title Deed T55654/2009  
Registration Date 2009/11/11  
Purchase Price (R) 15,202,777  
Purchase Date 2009/02/20  
Share 0.00  
Microfilm 2010 0020 0340  
Multiple Properties NO  
Multiple Owners NO

## ENDORSEMENTS (5)

#	Document	Institution	Amount (R)	Microfilm
1	K33/2008S	-	UNKNOWN	2008 0105 4505
2	FROM 502/9,502/8	-	UNKNOWN	-
3	B30161/2009	NEDBANK LTD	17,500,000	2010 0020 0348
4	B12403/2012	NEDBANK LTD	64,000,000	-
5	VA4344/2018	NEDBANK LTD	UNKNOWN	-

## HISTORIC DOCUMENTS (10)

#	Document	Owner	Amount (R)	Microfilm
1	B43956/2000	-	9,150,000	2008 0105 4611
2	B58185/1999	-	11,000,000	2008 0105 4540
3	T49952/1995	SPIER HOME FARMS PTY LTD	11,970,000	2010 0020 0341
4	T49952/1995	NEWSHELF 31 PTY LTD	11,970,000	2010 0020 0341
5	B13123/2002	-	38,850,000	2010 0020 0347
6	T49951/1995	UNIVERSITY OF STELLENBOSCH	CCT	1995 0632 5360
7	VA1014/1998	-	UNKNOWN	1998 0243 1765
8	VA5728/2007	-	UNKNOWN	2007 1016 1131
9	T55654/2009	SPIER PROP PTY LTD	15,202,777	2010 0020 0340
10	B30162/2009	-	80,000,000	2010 0020 0349

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# APPENDIX 6

# VALUATION REPORT

Farm 502 Portions AA & AB,  
Portion of Farm 491 Portion 13  
Portion of Farm 502 Portion 10

STELLENBOSCH



**HCB Property Valuations**

29 Church Street  
Moorreesburg  
7310

**Tel:** 086 142 2669 **Fax:** 086 514 8551

**Email:** [admin@hcb.co.za](mailto:admin@hcb.co.za)

<b>LIMITATIONS AND RESTRICTIONS</b>
-------------------------------------

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.



---

Signature

<b>LIMITATIONS AND RESTRICTIONS</b>
-------------------------------------

This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.



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Signature

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**1. CERTIFICATION**

I, Henrik Coenraad Botha, registered as a Professional Valuer in terms of the Property Valuers Profession Act 47 of 2000, do hereby certify that I have inspected and identified the subject properties referred to in this report and have obtained all the necessary information to determine the market value thereof.

➤ *See Annexure 1 for Valuer Certificate*

**2. INSTRUCTION**

Instruction was received from the Stellenbosch Municipality to attend to the valuation of Farm 502 portions AA & AB, portion of Farm 491 portion 13 and portion of Farm 502 portion 10, Stellenbosch. The purpose of the valuation is to determine the value of these portions to facilitate a land swap between the Stellenbosch Municipality and Spier Farm Management (Pty) Ltd.

There are 3 options that is to be considered namely;

1. Exchange of land for more or less the same size
2. Exchange of land, but for a bigger land parcel
3. Exchange of land, but for a smaller portion of lease land

➤ *See Annexure 2 for Instruction*

**3. DATE OF VALUATION**

The date of the valuation is 1 January 2021.

**4. TITLE DEED DESCRIPTION**

Information obtained from the Deeds Office indicates that Farm 502 portions AA & AB as well as Farm 491 portion 13 are all owned by the Stellenbosch Municipality under title deed numbers STFS-34/1883 and T30979/1976 respectively.

The total extent of these subject properties are 39,9660ha broken down as follow;

- Farm 502 portion AA                      11,1000ha
- Farm 502 portion AB                    17,5000ha
- Portion of Farm 491 portion 13      11,3660ha

Information obtained from the Deeds Office indicates that Farm 502 portion 10 are owned by Spier Farm Management (Pty) Ltd under title deed T55654/2002.

The properties as far as could be ascertained are not subject to any Land Claims.

## **5. SURVEYOR GENERAL INFORMATION**

Not applicable to this report.

## **6. LOCAL GOVERNMENT INFORMATION**

The subject property falls within the jurisdiction of the Stellenbosch Municipality.

## **7. ZONING INFORMATION**

As per point 6.2.1.3 of the attached instruction it is indicated that all the subject properties are currently zoned for Agricultural Activities. This was not further investigated.

## **8. MUNICIPAL VALUATION AND INFORMATION**

The current municipal valuation for Stellenbosch Municipality was done on 1 July 2020 and the values of subject properties are as follow;

- Farm 502 portion AA R1,540,000-00
- Farm 502 portion AB R2,190,000-00
- Portion of Farm 491 portion 13 R7,385,000-00
- Farm 502 portion 10 R33,050,000-00 (365,0017ha)

## **9. LOCALITY**

Please refer to attached Locality Map.

➤ *Please see Annexure 3 for Locality Map*

## **10. PHYSICAL DESCRIPTION**

A wine cellar has been constructed on a portion of Farm 502 portion AA and a portion of Farm 491 portion 13. Other buildings/structures were constructed on a portion of Farm 491 portion 13.

The portion of Farm 502 portion 10 is undeveloped and has not actively been used for agricultural purposes for some years.

It is however noted that as per our instruction only the land is to be valued.

## **11. MARKET VALUE DEFINITION**

Market value is defined by the International Valuation Standards Council as: "The estimated amount for which an asset should exchange, on the date of valuation, between a willing buyer and a willing seller, in an arms-length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion".



**12. HIGHEST AND BEST USE**

This is described as the most probable use of a property, which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the property being valued. Subject properties are current zoned for Agricultural Activities and are used for Agricultural Activities. I am therefor of the opinion that subject properties are being used at its Highest and Best Use.

**13. MARKET OVERVIEW AND SURVEY**

Stellenbosch is a popular area with regard to sales in the area, see section 15 below for comparable sales.

**14. METHOD OF VALUATION**

The Comparable Sales Method of valuation is considered to be the most suitable method to employ in order to establish the market value of the subject property. In applying the Comparable Sales Method, it is necessary to investigate the sales of similar type properties that have been sold as well as comparable properties which are on the market.

The above information is compared to the subject property, which involves judgments as to the degree of similarity with regard to value factors such as location, construction type, age, condition and layout. The sales of properties, which are most comparable, tend to set the range in which the value of the subject property will fall. Further consideration of comparative data will indicate to the valuer a figure representing the value of the subject property in keeping with the definition of value sought as at the date of valuation.

**15. COMPARABLE SALES**

The market was surveyed for comparable Agricultural Land sales in the surrounding area. The results are tabulated below.

**Sales – With relation to Municipal Owned Properties (Farm 502 portions AA & AB and portion of Farm 491 portion 13)**

No.	Description	Sale Price	Sale Date	Size (ha)	Price/ha
1.	Farm 277	R87,492,369	2017/09/04	141.3077	R323,522
2.	Farm 276	R87,492,369	2017/09/04	25.1092	
3.	Farm 275	R87,492,369	2017/09/04	104.0205	
4.	Farm 491 Portion 2	R30,000,000	2017/09/04	105.9642	R283,114
5.	Farm 468 Portion 9	R6,400,000	2019/03/11	9.2727	R690,198

**Sales – With relation to Spier owned property (Farm 502 portion 10)**

No.	Description	Sale Price	Sale Date	Size (ha)	Price/ha
1.	Farm 468 Portion 24	R39,000,000	2019/02/23	35.4925	R1,098,824
2.	Farm 510 Portion 6	R19,000,000	2018/08/31	19.8142	R958,908
3.	Farm 491 Portion 2	R30,000,000	2017/09/04	105.9642	R283,114

**16. DETERMINATION AND ADJUSTMENT TO VALUE**

Based on the above survey and comparable sales it was concluded that the market value of subject portions under ownership of the Municipality that a rate of R400,000/hectare for irrigation land apply and that a rate of R175,000/hectare for field apply. Thus the value of subject portions is calculated at follow;

- Farm 502 portion AA

Irrigation	6.0000ha @ R400,000-00	= R2,400,000-00
Field	5.1000ha @ R175,000-00	= R 892,500-00
		= <u>R3,292,500-00</u>
- Farm 502 portion AB

Irrigation	9.0000ha @ R400,000-00	= R3,600,000-00
Field	8.5000ha @ R175,000-00	= R1,487,500-00
		= <u>R5,087,500-00</u>
- Portion of Farm 491 portion 13

Irrigation	5.0000ha @ R400,000-00	= R2,000,000-00
Field	6.3660ha @ R175,000-00	= R1,114,050-00
		= <u>R3,114,050-00</u>
		= <u><b>R11,494,050-00</b></u>

Based on the above survey and comparable sales it was concluded that the market value of subject property under ownership by Spier Farm Management (Pty) Ltd that a rate of R285,000/ha for field apply. Thus the value of subject portion of the same extent as the Municipal owned properties can be calculated as follow;

- Portion of Farm 502 portion 10

Field	39.9660ha @ R285,000-00	= <u><b>R11,390,310-00</b></u>
-------	-------------------------	--------------------------------

**17. CERTIFICATION OF VALUATION**

I hereby certify that I have identified the subject properties which were identified for value and obtained all the necessary information to determine the market value thereof. Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the market value of the subject properties for the extent of 39,9660ha, as identified in section 2 as at 1 January 2021 is.

**Farm 502 portions AA & AB & portion of Farm 491 portion 13 is;  
R11,494,050-00**

**Portion of Farm 502 portion 10 is;  
R11,390,310-00**

Signed at **MOORREESBURG** on this **14<sup>th</sup>** day of **JANUARY 2020**.

A handwritten signature in black ink, appearing to read 'Botha', with a stylized initial 'H'.

**Hendrik Coenraad Botha  
Professional Valuer  
Registration Number: 5601**

**18. CAVEATS**

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to Ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation, unless such full disclosure has been made.

- Valuation Standard

This valuation has been prepared in accordance within the guidelines of the South African Institute of Valuers for valuation reports.

- Statutory Notices and Unlawful Use

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

- Confidentiality

This valuation is produced exclusively for the Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

- Non-Publication

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.

**19. ANNEXURES**

**19.1 Annexure 1 – Valuer Certificate**



**SOUTH AFRICAN COUNCIL FOR THE  
PROPERTY VALUERS  
PROFESSION**

This is to certify that

**HENDRIK COENRAAD BOTHA**

is registered as

***Professional Valuer***

**In terms of section 20(2)(a) of the  
Property Valuers Profession Act, 2000**

**DATE OF REGISTRATION AS: Professional Valuer: 28 January 2020**

**DATE OF ISSUE: 13 February 2020**

**PERIOD OF VALIDITY: 28 January 2020 - 30 June 2024**

  
\_\_\_\_\_  
JF Cloete  
President

**REGISTRATION No: 5601**

  
\_\_\_\_\_  
MC Seota  
Registrar

## 19.2 Annexure 2 – Instruction

Spier

Property description	Size	Lease Period
Portion 13 of Farm 491/1	11.3660 R5831800	01/04/1991 – 31/03/2041
502AA	11.1ha R1455m	01/04/1991 – 31/03/2041
502AB	17.5ha	01/04/1991 – 31/03/2041

R2.625m

### 6.1.2 Land exchange proposal

On 25 March 2019 Spier Holdings (Pty) Ltd submitted a proposal for a land exchange, i.e. three (3) portions of Municipal Lease Land, totalling 39,966ha in total for a portion of Portion 10 of Farm 502, Stellenbosch (Spier property) equal in size. A copy of their proposal is attached as **APPENDIX 1**.

They subsequently have indicated that the application should be put on hold.

A letter has now been submitted to the Municipal Manager, requested that their proposal now be considered. Their latest correspondence is attached as **APPENDIX 2**.

## 6.2. DISCUSSION

### 6.2.1 Property description

#### 6.2.1.1 Location and context

The three municipal lease properties are situated to the North of the Annandale road, as indicated on Fig 1 and 2 below.



**Fig 1: Location and context**



**Fig 4: Extent of property**

#### **6.2.1.2 Ownership**

The three portions of Lease Properties, being two (2) portions of Remainder Farm 502 (Lease Farm 502AA and 502AB) and Portion 13 of Farm 491, vests with Stellenbosch Municipality by virtue of Title Deeds STFS-34/1883 and T30979/1976 respectively, as indicated on Windeed records hereto attached as **APPENDIX 3** and **4** respectively.

Remainder Portion 10 of Farm 502, is registered in the name of Spier Farm Management (Pty) Ltd by virtue of Title Deed T55654/2002. See windeed record attached as **APPENDIX 5**.

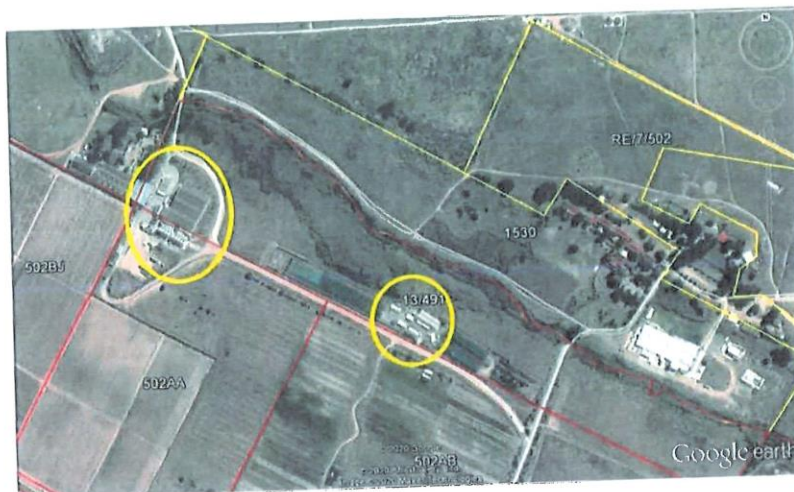
#### **6.2.1.3 Current Land Use**

All the properties are currently zoned for Agricultural Activities, whilst a portion is utilised for Agricultural production and Agri processing (Spier Wine Cellars).

#### **6.2.1.4 Improvements**

A wine cellar has been constructed on a portion of Lease Farm 502AA and a portion of Portion 13 of Farm 491, whilst other buildings/structures were constructed on a Portion of Portion 13 of Farm 491 as shown on Fig 5, below.





**Fig 5: Improvements**

In terms of the Lease Agreements, all permanent improvements will become the property of the Municipality at the end of the Lease term.

The portion of Portion 10/502 (Spier's property) is undeveloped and has not actively been used for agricultural purposes for some years. This means that it will be seen as virgin land and special applications and approvals are required for activities on the land.

#### **6.2.1.5 Water Rights**

Council properties all have water rights and depending on the option decided on by council the influence of the water rights have to be discussed.

The existing water rights is as follows:

Farm 502AA:6Ha  
Farm 502AB:9Ha  
Farm 491/1:5Ha

#### **6.2.2 Options for consideration**

##### **6.2.2.1 Option 1: Exchange of land**

Council agree on the exchange of land, as proposed by Spier, i.e. the disposal of Lease Farms 502AA, 502AB and portion 13 of Farm 491 (measuring approximately 39,966ha) in exchange for a portion of Portion 10 of Farm 502 (Spier property), measuring approximately 39,966ha in extent.

This option is based on the assumption that the two portions of land is more or less equal in value. This Department is of the view that the Spier land (per ha) is not equal in value, due to the environmental sensitivity of it (renosterveld).

The advantage with this option is that no rate payer's money would be used to acquire the portion of land adjacent to the airfield which open options in respect of potential planning and economic initiations relevant to the airfield precinct, e.g. expansion of airfield, provision of Western by-pass road, etc.

#### 6.2.2.2 Option 2: Exchange of land, but for a bigger land parcel

Council agree on the exchange of land, i.e. the disposal of Lease Farms 502AA; 502AB and Portion 13 of Farm 491 (measuring 39.966ha) in exchange for a bigger portion of Portion 10 of Farm 502 (Spier property), measuring approximately 97.22 ha in extent, as shown on Fig 5, below.



**Fig 5: Extent of land**

This option is based on the assumption that the Spier land (measuring 97.22ha) as indicated in Fig 5, is more or less equal in value with the Lease Farms (measuring 39.966ha), as the Spier land has certain development constraints, i.e. environmental sensitive area.

Although the Spier land may be less in economic value, it might have some environmental/strategic value for the municipality.

### 6.2.2.3 Option 3: Exchange of land, but smaller portion of lease land

Council agree on the exchange of land, i.e. the disposal of portions of Lease Farms, measuring 5.83ha in extent, as shown on Fig 6, below, for the portion of Farm 502/10 (Spier property), as indicated in their proposal.



**Fig 6: Extent of land**

This would give ownership to Spier of their Cellar buildings and would allow for possible expansion of the Airfield and by-pass road.

### 6.2.2.4 Option 4: Disposal of only the cellar portion

Council agree to the disposal of the lease-land indicated on Fig 6 (Cellar building at a market related price, to be determined by an independent valuer.

## 6.3 Financial Implications

The financial implications will be dependent on which option is approved. The estimated values of the land is as follows. These values are estimated by the department and not valuer land values.



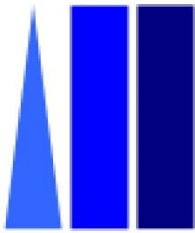
19.3 Annexure 3 – Aerial Photos







# APPENDIX 7



## Valuations and Services (Pty) Ltd

Cnr Church Street & Long Street, PO Box 247, Moorreesburg, 7310  
T: +27(0)86 142 2669 M: +27(0)83 663 2140 E: admin@hcb.co.za  
Company No: 2012/168731/07 GPS: -33.1550,18.6625

The Municipal Manager  
Stellenbosch Municipality  
P.O. Box 17  
STELLENBOSCH  
7600

14 January 2021

To whom it may concern

**RE: ADDENDUM TO VALUATION REPORT – PROPOSED LANDSWOP, FARM 502 PORTIONS AA & AB, PORTION OF FARM 491 PORTION 13 AND PORTION OF FARM 502 PORTION 10**

Municipality instructed HCB to determine the value of the improvements as stated in correspondence received with reference to section 6.2.1.4 Improvements, which states; “A wine cellar has been constructed on a portion of Lease Farm 502 portion AA and a portion of Farm 491 portion 13, whilst other buildings/structures were constructed on a portion of Farm 491 portion 13 as shown in the figure below”.





Our records indicate that the description and the extent of improvements is as follow;

- Cellar 2242m<sup>2</sup>
- Stores 306m<sup>2</sup>
- All other improvements are non-permanent structures which can be seen on the attached addendum.

It is our opinion to determine a fairvalue (fairvalue = replacement cost minus depreciation) of the improvements and deduct a depreciation factor for age and condition, thus;

- Cellar @ R5,500-00/m<sup>2</sup> – 40% depreciation  

$$\begin{aligned} \text{R5,500-00} \times 2242\text{m}^2 - 40\% \text{ depreciation} &= \text{R12,331,000-00} - \text{R4,932,400-00} \\ &= \text{R7,398,600-00} \end{aligned}$$
- Stores @ R3,500-00/m<sup>2</sup> – 50% depreciation  

$$\begin{aligned} \text{R3,500-00} \times 306\text{m}^2 - 50\% \text{ depreciation} &= \text{R1,071,000-00} - \text{R535,500-00} \\ &= \text{R535,500-00} \end{aligned}$$
- Total fairvalue of improvements = R7,934,100-00

This total fairvalue of improvements should be added to the applicable land totals as indicated in the valuation report to determine the total value of subject properties.

I trust you will find this in order.

Regards,



**Hendrik Coenraad Botha**  
**Professional Valuer**  
**Registration Number: 5601**







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7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
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NONE

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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NONE

<b>7.5</b>	<b>INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT )</b>
<b>7.5.1</b>	<b>REQUEST TO COMMENCE WITH THE INVESTIGATION INTO THE USE AND GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 January 2021

**1. SUBJECT: REQUEST TO COMMENCE WITH THE INVESTIGATION INTO THE USE AND GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES**

**2. PURPOSE**

To inform Council about the option to investigate alternate forms of Electricity Supplies through own generation or purchases from Independent Power Producers.

**3. DELEGATED AUTHORITY**

Municipal Council -- for notification.

**4. EXECUTIVE SUMMARY**

Under previous circumstances, the Constitution did not allow Local Government to enter into the generation of electricity and the Electricity Regulation Act did not allow municipalities to purchase electricity from any company other than Eskom. Through the promulgation of Electricity Regulation Act Regulations, in 16 October 2020, this changed and municipalities are now allowed to generate electricity and purchase electricity from other electricity providers than Eskom.

Stellenbosch Municipality is in the position to make use of internal research entities, Stellenbosch University and the Council for Scientific and Industrial Research (CSIR) as well as the Western Cape Government to facilitate the investigations into viability and feasibility of the following possible projects and other similar possibilities:

- a. Rooftop Solar Panel Generation of Electricity
- b. Methane Mining of the Landfill Site and utilising methane to power engines which in turn generates electricity through generators
- c. Storage of Electricity with batteries/capacitor in order store cheap electricity at night and to use this during expensive slots within the day
- d. Allowing the public to generate electricity and sell this to the municipality
- e. Purchasing Electricity from registered Independent Power Providers (IPPs)
- f. Investigating the generation of electricity on a large scale with the view of onward selling of this electricity to willing buyers outside the jurisdiction of Stellenbosch Municipality.

**5. RECOMMENDATIONS**

- (a) that Council approves the investigation into alternate methods of electricity generation and purchases;
- (b) that Council approves the joint investigation to be done by University of Stellenbosch, Council for Scientific and Industrial Research (CSIR), and the Western Cape Government;
- (c) that Council accepts the initiating of the following processes as may be required;
  - i. Municipal Systems Act, Section 78(1) processes
  - ii. Municipal Finance Management Act, Section 33 investigation processes
  - iii. Electricity Regulation Act, Section 13; and
- (d) that Council considers the funding of such investigations and implementation of completed investigations within the determination of the 2021/22 budget process.

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

Within the Constitution, Local Government is awarded the right to manage the provision of services as listed in Schedule 4B and Schedule 5B.

Section 156 of the Constitution states:

156. (1) A municipality has executive authority in respect of, and has the right to administer,

- a. the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- b. any other matter assigned to it by national or provincial legislation

One such service is Electricity Reticulation, which means the receiving of electricity and distributing this to end consumers. Section 156(1)(b) also states that further services may be administered provided that National Government or Provincial Government must legislate such provision.

For some years South Africa has suffered due to the shortage of available electricity. National Government has decided to assist the continued supply of electricity by now allowing municipalities to also generate electricity and purchase electricity from other sources than Eskom.

On 16 October 2020 the Regulations of the Electricity Regulation Act was amended and legislated that municipalities are allowed to:

Regulation 5 is amended to allow municipalities to procure and/or generate electricity: "(3) A municipality, as an organ of state, may apply to the Minister to procure or buy new generation capacity in accordance with the Integrated Resource Plan, and such municipality must- ..."

To this end Local Government is now free to generate its own electricity or purchase such electricity from other sources than Eskom.

**6.2. Discussion**

**6.2.1** Various possible Electricity Generation and/or Electricity Purchases of Electricity may be sought. These are, but not limited to:

- a Rooftop Solar Panel Generation of Electricity
- b Methane Mining of the Landfill Site and utilising methane to power engines which in turn generates electricity through generators
- c Storage of Electricity with batteries/capacitor in order store cheap electricity at night and to use this during expensive slot within the day
- d Allowing the public to generate electricity and sell this to the municipality
- e Purchasing Electricity from registered Independent Power Providers (IPPs)
- f Investigating the generation of electricity on a large scale with the view of onward selling of this electricity to willing buyers outside the jurisdiction of Stellenbosch Municipality

**6.2.2** In order to generate own electricity or purchase alternate energy, it is necessary to conduct various investigations and assessments as per various Acts. These include:

- a. The Municipal Systems Act – Sections 76 to 82
- b. The Municipal Finance Management Act – Section 33 and the Supply Chain Management Regulations and possibly the Private Public Partnership Regulations
- c. The Electricity Regulations Act – Section 8, Sections 11 to 15
- d. The National Energy Act – Section 6 and 17

**6.2.3** Any possible project has to be assessed and, depending on its characteristics, may or may not need an MSA Section 78 investigation or an MFMA Section 33 investigation or investigation required by the Electricity and Energy legislation. All these investigations must prove that any of the mentioned project will be viable and feasible.

**6.2.4** Council is hereby requested to allow the Directorate: Infrastructure Services to enter into the investigation of such projects and to enter into legislated investigation requirements to test the viability and feasibility of each of these projects or any other that may be found to be cost effective in the acquisition of alternate electricity energy.

Where necessary and legally required such investigations may include type MSA Section 78(1) assessments, MFMA Section 33 assessments, Investigations required by the ERA. These investigations will determine which of these projects could be Viable and Feasible. When projects are considered to be viable, a report will be submitted to Council before any further actions are taken to introduce such a project

**6.2.5** Council is further requested to allow the Directorate to enter into a joint investigating venture with the University of Stellenbosch, the Council for Scientific and Industrial Research (CSIR) and the Western Cape Government.

**6.2.6** There is a possibility that grant funds can be obtained to conduct such investigation and this Directorate will also request that some funds be made available to conduct some exercises. These will be part of the 2021/22 budget requests.

**6.3 Financial Implications**

This report has financial implications to the municipality but will only become known once some assessments have been done. Listed projects may also have security of supply benefits as well as savings due to generating own electricity.



**6.4. Legal Implications**

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

**6.5. Staff Implications**

No staff positions are affected

**6.6. Previous / Relevant Council Resolutions**

Not Applicable

**6.7. Risk Implications**

Risks such as sufficient electricity supply and proper funding balancing are being mitigated.

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

WRITER OF REPORT

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

Support recommendations

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

No comment

**6.8.4. Director: Corporate Services**

Commented. Adjustments were made related to comments

**6.8.5. Chief Financial Officer**

No comment

**6.8.6. Municipal Manager**

With the on-going blackouts and loadshedding, it is imperative that the Municipality investigates alternate energy sources, and in particular, own generation to enable sustainability of energy received. More so in the light of securing income generating development for the WC 024 in order to increase the rates base and work toward long-term viability and sustainability.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<i>Director Infrastructure Services</i>
<b>DIRECTORATE</b>	<i>Infrastructure Services</i>
<b>CONTACT NUMBERS</b>	021 808 8815
<b>E-MAIL ADDRESS</b>	<a href="mailto:deon.louw@ Stellenbosch.gov.za">deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	12 January 2021

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7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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NONE

7.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))
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NONE

7.8	RURAL MANAGEMENT: (PC: CLLR S PETERS)
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NONE

7.9	YOUTH, SPORT AND CULTURE: (PC: )
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7.9.1	UNIVERSAL ACCESS POLICY REVIEW
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Collaborator No: 700482  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 20 January 2021

**1. SUBJECT: UNIVERSAL ACCESS POLICY REVIEW**

**2. PURPOSE**

To obtain Council approval for the Universal Access Policy Review.

**3. DELEGATED AUTHORITY**

FOR DECISION BY MUNICIPAL COUNCIL

**4. EXECUTIVE SUMMARY**

Council approved the Universal Access Policy in April 2016. The first review includes progress evaluation of policy implementation and the introduction of the White Paper on the Rights of Persons with Disabilities.

**5. RECOMMENDATIONS**

- (a) that Council notes the results of the public participation process for the Review of the Universal Access Policy; and
- (b) that the reviewed Universal Access Policy be approved.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

Stellenbosch Municipality was the first local authority to approve a Universal Access policy. Since the approval of the policy efforts towards implementation has been made and the review intend to highlight successes achieved, to identify gaps and to recommend changes to assist with implementation.

**6.2 Discussion**

The approval of the Universal Access Policy requires an attitude change amongst the administration and political sphere of the municipality. Part of the required change is the elimination of the thinking that the policy only relates to persons with disability.

The intent of the policy is to ensure that all departments take into consideration the differences between the citizens when planning and implementing services. This include elderly persons, persons with physical and mental disabilities, mothers with small children, the different educational levels and languages of our communities and persons with temporary mobility issues. It thus cannot be a policy for implementation by one department, but should guide all departments to think about the services they render and how they can contribute towards an obstacle free environment to ensure citizens can interact not only with the municipality but also with each other freely.

The review of the policy focus on:

- a) A revision of what has been achieved and what have not been achieved.
- b) Legislative changes
- c) Reviewing the objectives of the policy and its alignment with clear performance indicators.
- d) A brief view on possible reasons as to why the policy is not achieving the objectives.

#### A. POLICY IMPLEMENTATION HIGHLIGHTS AND GAPS:

Most of the changes resulting from the policy is visible through the services of the Infrastructure Services Directorate and in particular the Roads and Storm Water Department. Corporate Services has also made changes in its approach to maintenance and new facilities. Mostly when doing maintenance where the public requires access or it is demanded through Occupational Health and Safety. The following is examples of completed works:



**Project Description:** Handrails, access ramps, accessible toilets, Disability Parking Bays

**Location:** Municipal Court, Cloetesville Ward Office, Stellenbosch Traffic Dept, Stellenbosch Pay point, Franschhoek Admin Building, Plein Street Library, Plein Street Admin Building, Stellenbosch Town Hall



**Project Description:** Sidewalks and dropped curbs, raised pedestrian crossing, tactile paving, audible tactile buttons at pedestrian crossing

**Location:** Tarentaal Road, Plein Street, Dorp Street, R44, R310, Martinson Road, C/o Andringa and Crozier Street

#### **Sidewalk Implementation:**

- During the 2015/2016 financial year, the implementation of Non-Motorized Projects and the construction of 5,7km of sidewalks/cycle paths were embarked upon. Sidewalks along main routes from neighbouring residential areas were constructed to complete links to the Stellenbosch CBD.
- During the 2016/2017 financial year the Provincial Government granted Stellenbosch Municipality R4M for the development of NMT facilities. This money was used to supplement the municipality's own budgets. Sidewalks were constructed in Ida's Valley, Cloetesville, Klappmuts and Stellenbosch CBD. Approximately 3,2km's of sidewalks were constructed.
- During the 2017/18 financial year, sidewalks have been constructed in various residential areas, namely Groendal, Uniepark, Mostertsdrift, Stellenbosch CBD, Ida's Valley and Cloetesville. Approximately 2,4 km's of sidewalks were constructed.
- Extract 2018/2019 Draft Annual Report: During the 2018/19 financial year, sidewalks have been constructed in the following residential areas, namely Stellenbosch CDB, Franschhoek, Paradyskloof, Raithby, Wemmershoek, Pniel, Kylemore, Jamestown. The



Municipality will continue with its annual programme to expand the NMT network. Approximately 2,4 km's of sidewalks were constructed.

All Municipal traffic signals and signalized pedestrian crossings have been equipped with accessible push button controls that provide audible information on safe road crossing.

Engineering Services has appointed a consultant to carry out a detailed inventory of our sidewalk infrastructure and UA infrastructure with the intention of making the information available on a Geographic Information System.

The municipality however would still benefit from a single reporting platform where all contributions towards achieving UA can be logged such as the performance scorecards of the directors.

Community participation is encouraged through work done by the Community Development Department including quarterly networking through the Stellenbosch Disability Network and the annual Walk with Disability Campaign. These initiatives include a memorandum handed to the municipality expressing the need of the community with accessible transport as their number one priority.



Infrastructure Services established the Mobility Forum and the Non-Motorised Transport Working Group. The Mobility Forum looks at mobility in and around Stellenbosch holistically, whilst the Working Group focus specifically on mobility of a non-motorised nature. Both these structures has representation from various sectors of the community that will benefit from Universal Access.

The recent re-activation of the Stellenbosch Municipality Facebook page and Twitter Account (2018) and complaints platform through whatsapp (2019) has provided easy access to information to all citizens. The value of access to information through these platforms must not be underestimated and can be considered of more value than a formal website as it is easier for citizens to interact with.

The primary measurement for success i.t.o policy implementation would be whether the municipality is making it easier for the community to interact with the municipality on issues of concern, but also for normal interaction relating to paying accounts and submitting building plans as an example.

The following are examples of the most prevalent issues where institutional changes have not yet been made and where serious consideration should be given to:

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- a) Public Meetings and Notices: IDP meetings are still held in inaccessible venues and transport for citizens to these meetings and municipal events such as The Festival of Lights is not accessible. Placing notices only in formal newspapers and on the municipal website can no longer be deemed enough. The use of the municipal Facebook page can contribute if all departments make use of this platform in addition to legislative communication requirements.
  - b) Planning applications: Applications for these services are not available purely electronically and requires a person to physically come to the municipality to submit applications. The applications submissions can only be made during certain times of the day and requires an additional trip to the municipality should you have missed the office hours (8:30-13:30). The Planning and Economic Development Directorate is however in the process of implementing BPAMS and TPAMS which will allow 100% remote applications and hopes to have these implemented by March 2020. It however requires a very close relationship with ICT services to ensure that the municipal ICT infrastructure is equipped to deal with the electronic requirements of the planning applications, but also any other electronic system for interaction between the public and the municipality . The current ICT upgrade thus contributes to achieving universal access when interacting with the municipality.
  - c) Accessible public transport: In order to promote access to economic opportunities, the municipality must strive to work towards accessible transport for persons with disabilities, but also for all citizens in low socio-economic circumstances. This need is expressed in the annual memorandum handed to the municipality by the disability sector and requires specific attention.
  - d) Seamless non-motorised mobility in and around town centres and adjacent communities. Examples include mobility between the university campus and Stellenbosch town, mobility within communities like Cloeteville, Kayamandi, etc. for citizens with mobility issues to reach public transport and other amenities.
  - e) Integrated planning and recording of efforts in relation to the implementation of the Universal Access Policy.
  - f) Equal access to leisure and sport facilities for persons with disabilities.
  - g) Business application still requires physical interaction with the municipality between at least three different departments requiring access to parking in the centre of town.

#### B. LEGISLATIVE CHANGES:

The **White Paper on the Rights of Persons with Disability** (WPRPD) was not included in the policy as it was gazetted during the finalization of the Universal Access Policy. It is important to note that the WPRPD does not introduce a policy shift. Nor does it replace any sector specific policies on disability. It reiterates that the primary responsibility for disability equity lies with national, provincial and local government; and other sectors of society but also allocates responsibilities to persons with disabilities and their families. The vision of the WPRPD is the creation of a free and just society inclusive of all persons with disabilities as equal citizens.

Although the focus of the White Paper is on persons with disability, for the purpose of the review of the Universal Access (UA) Policy, it is important to remind oneself that what is applicable to persons with disability is also applicable to elderly persons, mothers with children and persons with mobility issues even if it is temporary in nature and thus will guide the UA Policy.

The strategic pillars of the WPRPD for realising the rights of persons with disabilities provide guidance and specific required actions that has bearing on the Universal Access policy. The following pillars is specifically linked to the role and responsibility of local government with specific targets set in the implementation matrix of The White Paper.



## PILLAR 1: REMOVING BARRIERS TO ACCESS AND PARTICIPATION

The creation of barrier-free environments requires collective and concurrent actions. Accessibility lies at the heart of the right to human dignity – being able to live as an equal resident in one's community, being accorded respect for your personal space, having the right to equal opportunities and negotiating one's life unhindered by manmade barriers. A number of articles in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) requires State Parties to take appropriate measures to ensure that persons with disabilities are able to access, on an equal basis with others, the physical environment, transportation, information and communications as well as other facilities and services open or provided to the public, both urban and in rural areas. These include:

Art 9: Accessibility

Art 11: Situations of risk and humanitarian emergencies

Art 20: Personal Mobility

Art 21: Freedom of Expression and opinion and access to information

Art 30: Participation in cultural life, recreation, leisure and sport

The following six dimensions have to be addressed in order to remove barriers to access and participation: Detail and guidelines on how to address the dimensions can be found as:

- Changing attitudes and behaviour
- Access to the built environment
- Access to transport
- Access to information and communication
- Universal design and access, and
- Reasonable accommodation measures

*“One of the greatest hurdles disabled people face when trying to access mainstream programmes are negative attitudes. It is these attitudes that lead to the social exclusion and marginalisation of persons with disabilities.”*

*INDS, 1997*

The thought that we have to spend taxpayer's money on taxpayers and that we might have to serve them differently to the way we have in the past seems unbearable to the public servant.

## PILLAR 3: SUPPORTING SUSTAINABLE INTEGRATED COMMUNITY LIFE

Persons with disabilities have an equal right to live in the community, with choices equal to others. This requires that government, across all three spheres, take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.

Women and girls tend to carry the responsibility of caring and providing for children with disabilities and adults with severe disabilities where personal assistance and accessible child-care facilities are not available, making them less likely to develop careers, find partners and access training and educational opportunities.

This pillar particularly refer to the right of persons to be included in all forms of community life through equal choice – being able to use the same amenities, transport, participate in community activities (IDP meetings and community celebrations).

The focus areas are:

- Building socially cohesive communities and neighbourhoods
- Building supporting families
- Accessible human settlements (close to work, transport, schools)
- Access to community based services supporting independent living
- Protection during situations of risk and disaster

#### PILLAR 6: STRENGTHENING THE REPRESENTATIVE VOICE OF PERSONS WITH DISABILITIES

Being able to take decisions that affect one's standard of living – where you go to school, where you live, with whom you live, who you form relationships with, where you work and what work you do – is an unknown concept for many persons with disabilities. The principle of self-representation is therefore paramount in ensuring an adequate standard of living.

Focus areas include:

- Strengthening access and participation through self-representation
- Recognitions of representative organisations of persons with disabilities
- Strengthening the diversity and capacity of DPO's and self-advocacy programmes
- Public participation and consultation, and
- Self-representation in public life

#### PILLAR 7: BUILDING A DISABILITY EQUITABLE STATE MACHINERY

*“Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all-approach”*

National Development Plan, 2012

Efficient, effective and development-orientated state machinery that delivers services in an equitable manner is an essential element of a capable and developmental state that pursues a “substantive” rather than “formal” approach to equality, in other words, that the circumstances of people are taken into account and focus is on ensuring equality of outcomes. The state machinery includes the legislative, executive across all three spheres of government.

Focus areas include:

Disability must be mainstreamed across the following five focus areas:

- Disability equitable planning, budgeting and service delivery
- Disability equitable evidence information policy and programme development
- Public procurement and regulation
- Capacity building and training
- Strengthening accountability

#### PILLAR 9: MONITORING AND EVALUATION

The monitoring process involves collecting, analysing, and reporting data on inputs, activities, outputs, outcomes and impacts as well as external factors, in a way that supports effective management of implementation of the WPRPD.

Government performance information will triangulate with the tracking of statistical and financial information and citizen's voices.

Programmatic Performance: Performances focuses on the interventions that ensure that outcomes are being met. The data stream will ensure there is evidence that persons with disabilities are considered and integrated into government programmes and policies. This stream will encompass a largely quantitative evidence base. The data for this stream will be primarily sourced from government's existing performance monitoring frameworks.

#### C. REVIEW OF POLICY OBJECTIVES:

The spirit of the Universal Access Policy is one of constant improvement. This, however, becomes difficult to measure in the absence of specific objectives per department and the lack of understanding that Universal Access do not only apply to persons with disabilities. Although the WPRPD has major impact on a policy of this nature, it should not confuse the policy with one aimed at persons with disabilities and thus the responsibility of a few within the organisation.

Further criticism on the policy is the fact that the current policy objectives are difficult to measure and is not linked to specific responsible sections within the municipality. The policy should comprise of a clear goal with measurable outcomes that will also assist in reporting on the progress made with implementation of the WPRPD.

This policy review will thus include a re-look at the intent of the municipality and aim to simplify the content in order for different departments to understand their role within the implementation of the policy.

The objectives of the policy is thus explained in the policy in alignment with the pillars and policy directives of the WPRPD.

#### D. POSSIBLE FACTORS CONTRIBUTING TO NON-IMPLEMENTATION OF THE UA POLICY

Below are some contributing factors. The list is not exhaustive.

- a) **Understanding universal access concepts:** Sections of the policy is devoted to explaining what universal access and universal design is. Officials not working with these concepts on a daily basis may find it confusing. It is suggested that these sections be referred to in the policy, but that it then be added to the policy in the form of an annexure.
- b) **Misconceptions:** There are a couple of misconceptions within the organisation that could contribute to non-implementation. One is that officials do not see it as part of their responsibility, but that it is the responsibility of the owner of the policy. Elevation of the policy to the level of the municipal manager and directors can assist with implementation through a shared responsibility and can also assist with integrated planning and reporting on progress. A second misconception is that officials relate universal access to disability access. This is clear through the fact that when asked, examples of physical mobility are cited as examples of policy implementation. In this sense a department like the IDP department or municipal communication will struggle to connect their function to access. Font size and colour or accessible venues are not in the mind of departments as contributions towards universal access policy implementation. A third misconception is that for universal access implementation there is one answer. This could not be further from the truth. In understanding the principles of universal design, one can creatively think about how to do the normal things with persons who function differently in mind.

- c) **Budgetary considerations:** The current approach to policy implementation is through normal departmental annual budgeting. This contributes towards departments finding it difficult to report on UA implementation projects and budgets spent towards it.

The municipal priority determined with the Integrated Development Plan guiding budget allocations is focussed on safety and security matters (with the focus on security) causing budgeting for accessibility projects to fall by the wayside. The cost involved in retro-fitting and approval of additional expenditure becomes difficult for the maintenance department and it is often considered to rather obtain approval for basic work to be done.

Council should consider whether ring-fencing funds in each department for the implementation of the Universal Access Policy will accelerate policy implementation.

- d) **Trying to be everything to everybody:** To be able to proof that efforts have been made across the municipal area, projects are implemented piece-meal without a clear indication of where we are starting and where we want to go to. Projects are also often done in reaction to community outcry and is thus not proactive in nature. An integrated plan (especially with engineering and maintenance services) that clearly indicate the beginning and end result over a number of years will assist with measurable milestones.
- e) **The role of persons with disability representation on municipal platforms:** The Stellenbosch Disability Network represents all DPO's in and around Stellenbosch. They have taken it upon themselves to interact with the municipality on different platforms:
- a. Representation at IDP meetings
  - b. Representation at the Mobility Forum
  - c. Representation at the NMT Working Group
  - d. Annual Walk with Disability to raise awareness and communicate with the municipality through a memorandum.

One has to ask – with all their efforts, why are they not being heard? Are there competing agendas between representatives at these forums?

- f) **Implementation Priorities:** During the development of the policy and the workshops conducted with councillors and officials certain implementation priorities were identified and agreed upon. These priorities should form part of the budget prioritization process and could be better understood if incorporated into the objectives of the policy.
- g) **Institutional Obstacles:** Lack of integrated planning: Line departments are implementing programmes without consulting each other. This often led to the municipality being responsible not only for non-implementation of the UA Policy, but also for contributing towards making the current situation worse.

Outdoor Dining Policy: It seems as if there is uncertainty regarding the rules relating to the use of pedestrian walk ways for use as outdoor dining area. Whether this is the result of a lack of a policy to provide guidelines or because of no enforcement, is not sure. The result is however that persons with mobility issues cannot use pedestrian areas safely.



Whether the above examples are legal or not, has no bearing on the fact that it prohibit persons with limited mobility to access which does not contribute to the implementation of the AU Policy.

### 6.3 **Financial Implications**

The implementation of the Universal Access Policy does not have ring-fenced budget allocated as it was decided that the implementation of the policy should be part of the normal function of each department of the municipality. The financial implications are thus incorporated in the existing budget. This, however, makes the measuring and reporting of progress difficult.

It should be noted that National Treasury was tasked to by 2030:

- a) Develop and implement funded Universal Design Access Plans
- b) Incorporate universal design principles in procurement of goods, services and construction of infrastructure
- c) To develop a disability equitable budgeting model
- d) To align social assistance with the cost of disability
- e) To incorporate the concept of universal design in infrastructure grants and tax rebate programmes
- f) To develop a financing strategy to retrofit existing infrastructure

The above should provide guidance on what the municipal finance department can be expected to comply with in the future.

**6.4    Legal Implications**

Comment required from legal department

**6.5    Staff Implications**

None

**6.6    Previous / Relevant Council Resolutions:**

**38<sup>TH</sup> COUNCIL MEETING: 2020-10-28: ITEM 11.9.1**

**RESOLVED** (majority vote with abstentions)

that the Revised Universal Access Policy be advertised for public participation.

**6.7    Risk Implications**

Should non/minimal/fragmented-implementation of the policy continue, the municipality runs the reputational risk of being in non-compliance to its own policies? This has already been highlighted through the annual memorandum handed over to the municipality during the Walk with Disability Campaign.

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

There is no objection to the latest version of the universal access policy.

**6.8.2    Director: Planning and Economic Development**

None received by due date.

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

Supports the item and policy.

**6.8.4    Director: Corporate Services:**

Provided feedback on public comment received.

**6.8.5    Chief Financial Officer:**

None received by the due date.

**6.8.6    Municipal Manager:**

Supports the item and policy

**FURTHER COMMENTS BY THE DIRECTOR COMMUNITY AND PROTECTION SERVICES.**

The revised Universal Access Policy was erroneously advertised for public comment in The Eikestad News (2020-09-24), on the municipal Facebook page and through the Stellenbosch Disability Network and the Stellenbosch Advocacy Network (SCAN). The closing date was extended to 2020-11-16 and this notice was again circulated through all the local networks and social media.

The following comments were received:

Date/From	Comment	Mun Response
<p>25-09-2020 Mike van Rensburg Digitally Done (ANNEXURE C)</p>	<p>Dear Michelle Congratulations on the draft of the Universal Access Policy for Stellenbosch Municipality. I would like to submit that you also adjust your municipal website to be accessible to disabled people. As far as I know you will be the first municipality to do so in South Africa. Digitally Done has taken the liberty and performed an audit on your website which highlights the shortcomings as measured against the WCAG 2.1 document. (Web Content Accessibility Guidelines (WCAG) 2.1 defines how to make Web content more accessible to people with disabilities. Accessibility involves a wide range of disabilities, including visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities.) Please have a look at our website, <a href="http://digitallydone.com">digitallydone.com</a>. An icon on the left hand side midway down the page opens up the disabled options. Feel free to test the different options. In no way does the changes impact on your website to the everyday user. It merely makes it accessible to disabled people. We would love to be involved in implementing the changes. Will be great to hear from you Michelle Have a great day Mike van Rensburg</p>	<p>Sent to Communication for comment. Due 2 Oct</p> <p>Email Received 06-10-2020 from Communication Department: I have reviewed <a href="http://digitallydone.com">digitallydone.com</a> and have taken note of the measures proposed by this company.</p> <p>The Communications Department is currently in the final stages of redesigning the municipal website to improve navigation and user-experience.</p> <p>Further feedback received: 08-01-2021: Office of the MM: Governance.</p> <p>Fortunately, there are currently, on the web numerous applications possible which could assist in making the reports more accessible, without making significant changes to the website currently.</p> <p>The recommendations will be considered and tested with various platforms to see what can be incorporated within the scope of the current tender and will be taken into account in future adaptations to website.</p> <p>This comment is not requiring changes to the policy.</p>
<p>23-10-2020 Dr Cindy Wigget-Barnard Stellenbosch Disability Network (ANNEXURE D)</p>	<p>In Oct 2019, representatives from the Stellenbosch Disability Network met with Michelle Aalbers &amp; Portia Jansen and made the following suggestion for improving the 2016 UA policy:</p> <ul style="list-style-type: none"> <li>• The importance of setting clear and achievable objectives within the policy;</li> <li>• Using these objectives to set priorities and targets for municipal employees and representatives;</li> <li>• Including the new White Paper on the Rights of Persons with Disabilities in the policy throughout.</li> </ul> <p>Upon reading the December 2019 Reviewed Policy, we feel that this policy largely addressed the above suggestions and is generally a good guiding document for the municipality.</p> <p>We do, however, have the following concerns:</p>	<p>Noted</p> <p>Email received 15-12-2020 from the Director Corporate Services:</p>



	There is no mention of appointing more people with disabilities within the municipal team;	<p>The employment equity policy includes people living with disabilities as a target group.</p> <p>The Job Description template has a section asking about physical abilities. Departments must make sure when they complete that why they ask for physical abilities. Departments however do not apply their minds when completing the forms.</p>
	There is no suggestion of appointing a dedicated UA officer of disability desk to monitor and enforce the policy;	<p>The function relating to Persons with Disabilities is within the Department Community Development with a specifically appointed employee. This persons is also responsible for the monitoring of the implementation of the policy. Once the policy is approved the department intent to contact all directorates to indicate a contact person that can be contacted re the monitoring of the objectives.</p> <p>No changes are required to the policy resulting from this comment as a dedicated person is already indicated on the organogram of the municipality.</p>
	Your objectives listed are not necessarily comprehensive and specific enough. As such, we suggest adding the following specific objectives:	Mr Fullard: "Although supported, the below comments does not require changes to the policy as the detail forms part of other plans as listed below. The Roads and Transport Department commits to further and continuous communication with the Stellenbosch Disability Network through the established structures."
	<p>a) Performing a comprehensive transport needs assessment and updating of the Transport Register of the CIP with regards to the utilisation of public transport, the status of transport facilities and the utilisation of the various modes of transport as applied to people with limited mobility (i.e. people with disabilities, the elderly, parents with infants etc.).</p> <p>b) Establishing a centralised database/system for reporting inaccessible transport services, sidewalks, infrastructure and systems, as well as up-to-date data and maps on where accessible routes are.</p> <p>c) Acquiring/Contracting universally accessible vehicles for transporting people with mobility impairments. These vehicles can be used to transport people to special</p>	<p>Feedback received from Mr J Fullard 13-11-2020</p> <p>a) The comment is noted and is supported. Measures are being put in place to initiate a Comprehensive Transport Universal Access (UA) Needs Assessments and Feasibility Study. The outcome of this assessment and feasibility study will be incorporated into the CIP to ensure that the transport needs for all people (including those with limited mobility) are taken into account.</p> <p>b) Due to the scarcity of resources (personnel and funding), it is proposed that current staff include UA reporting into existing procedures. Currently there is a centralised system in place that deals with all Municipal complaints, these can be expanded to include Universal Accessibility.</p> <p>c) The Municipality had reviewed its</p>

	<p>municipal events (e.g. IDP meetings) as well as within and between communities.</p> <p>d) Prioritizing the provision, accessibility and safety of non-motorised pedestrian routes in communities, especially around service centres such as day clinics, halls and police stations. Also ensuring that sidewalks in the CBD of Stellenbosch and surrounding towns of the municipality are physically accessible and free of obstructions (including safe alternative routes during construction and maintenance of sidewalks).</p> <p>e) Urgently, and in collaboration with the Stellenbosch Mobility Forum, start engaging and planning for the establishment of an integrated and universally accessible public transport system for Stellenbosch.</p> <p>f) Mandating sensitisation training as part of any supplier/tender appointment (including transport and taxi licensing) process to ensure that all suppliers that will impact public access and services are sensitised to universal access and that they provide adequate and reasonable accommodation as required.</p>	<p>internal capacity and is not in a position to acquire and manage public transport vehicles. Assessments will be undertaken to determine the most appropriate mechanism to establish a Public Transport system. The UA transport assessment and feasibility study mentioned above will determine the UA transport need and most appropriate model to address these needs.</p> <p>d) The comment is noted and supported, the Municipality's NMT Masterplan and policy, currently under review, endeavors to make provision for safe NMT facilities at all areas and especially around high concentration points and where high volumes of pedestrian traffic exist and anticipated meet. A detailed inspection of all existing NMT infrastructure had been carried out and is recorded in an asset register. Enforcements to transgressions and obstructions on sidewalks are being prioritized. Regular inspections are being carried out and improvements to infrastructure implemented on an ongoing basis to address the backlog of historic infrastructure that is not in line with UA principals.</p> <p>e) The Municipality had embarked on, and is currently in process of obtaining council approval to explore the most appropriate mechanism for the establishment of a Public Transport and, as mentioned above measures are being put in place to initiate a Comprehensive Transport Universal Access (UA) Needs Assessments and Feasibility Study. The outcome of these studies would provide direction for an integrated and universally accessible public transport system for Stellenbosch.</p> <p>f) The comment is noted and supported. Work Instructions issued, by various Municipal Department's such as the Roads and Transport Department, to Consultants and Contractors ensures that Universal Accessibility is implemented on all new works.</p>
10-11-2020 Kirchner van Deventer Head: Carnegie Research	May I please request a copy of the above mentioned document? Also, where may comments on the	10-11-2020 Email sent with link to notice and reviewed policy. No comments received

## AGENDA

## MAYORAL COMMITTEE MEETING

2021-01-20

Commons (US) <b>(ANNEXURE E)</b>	document be directed?	by the closing date. No changes required to the policy.
11-11-2020 Lilley Berrington Citizen with visual impairment <b>(ANNEXURE F)</b>	Requested word copy of reviewed policy and extension in order for her to comment on the policy.	11-11-2020 Work copy of policy was provided via email. Extension granted till 16-11-2020 as per her request.
Comment received 16-11-2020 Lilley Berrington <b>(ANNEXURE G)</b>	<p>Supporting Sustainable integrated Community life: Provide information on available service to all parents and care-givers of children Information available in print format in all three of the official languages of the WC</p> <p>Comment:</p> <p>a) Suggest adding that information should also be provided as accessible electronic documents. The word print here is ambiguous and might lead to inaccessible material.</p> <p>b) I strongly suggest that accessible digital platforms and information should be added as an objective. All websites, mobile apps, and other platforms should be designed to be compliant with digital accessibility standards, otherwise they will be unusable for print disabled users, users with motor impairments, and others. Digital platforms should be designed in line with the World Wide Web Consortium (W3C) guidelines on accessible web design. I specifically refer to the W3C's Web Content Accessibility Guidelines (WCAG), and the Web Accessibility Initiative's guidelines on Accessible Rich Internet Applications (WAI-ARIA). I realise that the table of objectives includes a general target for accessible products and services. However, in my experience digital platforms are most often overlooked in this context, perhaps because they are not as visible to the general public as the built environment. Accessible platforms also need to interact with assistive technologies like screen readers (for print disabled users) and devices for providing switch</p>	<p>a) Email received 15-12-2020 Director Corporate Services: We cannot provide the word documents as they may be altered – that is the reason why on the website the PDF versions are provided. The Council agendas on the website is not scanned – it is converted PDF documents. Corporate Services are only responsible for the committee documentation on the website – not all documentation for example – the IDP is dealt with by MM's office, Budget by CFO's office, SDF by Planning and Economic development. Referred to the Director Corporate Services for a response</p> <p>b) Email Received 06-10-2020 from Communication Department: I have reviewed digitalydone.com and have taken note of the measures proposed by this organisation. The Communications Department is currently in the final stages of redesigning the municipal website to improve navigation and user-experience.</p> <p>Further comment received from the Office of the MM: Governance 08-01-2021: Compliance to digital accessibility will be explored and where possible adaptations will be made gradually to facilitate alignment over time. The communication team can encourage the broader municipal community to ensure that all documents posted on the web is a pdf conversion and not scanned to pdf to allow for easier use of the text through different applications.</p> <p>This comment is not requiring changes to the UA policy but can be taken up in the Communication Policy.</p> <p>c) Individuals are encouraged to participate in all matters of the municipality through the IDP process. Ensuring written</p>

	<p>access (for motor impaired users), which requires conventions which the general public is not usually aware of.</p> <p>c) General Comment on the Policy with Regards to Engagement with Disabled People: The policy emphasizes the role of disabled people's organisations and the Stellenbosch Disability Network with regards to monitoring implementation of UA practices and gaining feedback. However, it should be born in mind that a large number of disabled people are not affiliated with DPO's. I suggest that a strategy should be developed for engaging with individual disabled citizens as well. Perhaps social media and other digital channels could be utilised for this endeavor.</p> <p>d) Further comment on engagement: The document doesn't mention where people with disabilities can report inaccessible infrastructure. Is there such a platform, and where might people find out about it?</p> <p>e) Final general comment: I would like to suggest that you approach me before the next review of the policy. A group of people with disabilities that I know (including myself) are willing to act as consultants.</p>	<p>communication, communication platforms and venues that are used are accessible for all persons will assist with this.</p> <p>Comment received from Office of MM: Governance: 08-01-2021: All IDP related documents including performance reports and the annual report is converted to Pdf and not scanned to Pdf which makes the text accessible for enlargement or for web-based reading through various applications.</p> <p>General public communication is also sent to the public via sms or whatsapp where contact details are made available to the IDP Office. The IDP Office also recently developed a citizen app to allow for larger spread of information.</p> <p>Fortunately, there are currently on the web numerous applications possible which could assist in making the reports more accessible, without making significant changes to the website currently.</p> <p>We take note of the comments received and will test what can be reasonably done to allow for access. Recommendation w.r.t. how we can improve universal access of IDP and performance reports going forward is welcome.</p> <p>d) This is a duplication of the comment received from the Stellenbosch Disability Network (b) and responded to by the Department Roads and Transport. The second mention indicates that the information for registering complaints is not easily available. This level of detail in the policy is however not desirable. More regular communication via social media might be a solution.</p> <p>e) The comment is noted.</p>
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The above comments received and response from respective directorates indicate that further changes to the Universal Access (UA) policy is not required, but that directorates should look at their internal policies and how it is aligned with the UA Policy. Specific reference should be made to transport plans, communication, public participation and recruitment & selection policies as well as standard operating procedures.

**ANNEXURES**

**Annexure A:** UNIVERSAL ACCESS POLICY REVIEWED (With track changes)

**Annexure B:** UNIVERSAL ACCESS POLICY REVIEWED (Without track changes for ease of reading.)

**Annexure C:** COMMENTS RECEIVED: M v RENSBURG, DIGITALLY DONE

**Annexure D:** COMMENTS RECEIVED: STELLENBOSCH DISABILITY NETWORK

**Annexure E:** COMMENTS RECEIVED: K v DEVENTER, CARNEGIE RESEARCH COMMONS

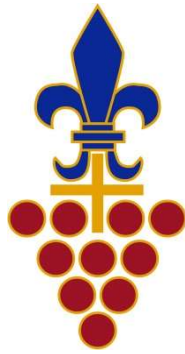
**Annexure F:** COMMENTS RECEIVED: L BERRINGTON

**Annexure G:** COMMENTS RECEIVED: L BERRINGTON

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Michelle Aalbers
<b>POSITION</b>	Manager Community Development
<b>DIRECTORATE</b>	Community and Protection Services
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<b>REPORT DATE</b>	2019-12-23

# **ANNEXURE A**



# Stellenbosch Municipality

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## Universal Access Policy



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## EXECUTIVE SUMMARY

The ~~vision of the Stellenbosch Municipality is to be the Innovation Capital of South Africa with the~~ mission to of Stellenbosch Municipality is to "deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens". As a means to deliver on this ~~vision and~~ mission, Stellenbosch Municipality is guided by the South African Constitution (1994), United Nations International Convention on the Rights of Persons with Disabilities and Optional Protocol (to which South Africa is a signatory since 2007), the Promotion of Equality and Prevention of Unfair Discrimination Act (2000), Employment Equity Act (2001), the White Paper on Transforming Service Delivery – Batho Pele (1997), along with other legislation listed in the Legislative Framework in **ANNEXURE 1**.

As a commitment to strive for Universal Access (UA), Stellenbosch ~~Municipality~~ Municipality supported by their ~~Values: Character Leadership~~ Values: Integrity, Accountability, Transformation and Innovation, supports the creation of accessible communication material, information systems and infrastructure throughout the Municipality. To understand and implement UA, Stellenbosch Municipality is informed and guided by Universal Design (UD), a **process** of embedding **choice** for all **people** in the **things** we design to do.

1. UD is a **process** rather than a final type of product, space or system. In accepting that UD is a process, Stellenbosch Municipality concede to the fact that it will never be completed, but that we commit to a lifetime of learning and understanding of different users' needs, abilities and desires.
2. **Choice** involves flexibility and multiple alternative means of use and/or interface.
3. **People** include the full range of people regardless of age, ability, sex, economic status, race or religion.
4. **Things** include spaces, products, information systems and any other things that humans manipulate or create.

The need for a UA Policy ~~Framework~~ stems from the Municipality's commitment to ensure equal service to persons with disability and the statistics obtained from SASSA, SA Census 2010, and the establishment of a civil Disability Network within the municipal area (**ANNEXURE 2**), whilst keeping in mind that a large percentage of people do not identify any degree of limitations as a disability. For this reason, the direct beneficiaries of a Universal Access Policy ~~Framework~~ will be approximately 7,9% of the population. However, the secondary beneficiaries including pregnant women, people travelling with small children, children younger than 14 years and elderly people will total to an estimated 65% of the total Municipal population.

The approved White Paper on the Rights of Persons with Disabilities consists of 9 pillars and an implementation matrix (2015-2030) with specific targets for all spheres of government. The role of local government is clearly indicated with a specific reference to achieving universal access. ANNEXURE 2)

## List of abbreviations

Abbreviation		Explanation
DPO	Disability Persons' Organizations	Organizations representing and serving persons with disabilities
IDP	Integrated Development Plan	Integrated Development Planning is an approach to planning that involves the entire municipality and its citizens in finding the best solutions to achieve good long-term development. Once the IDP is drawn up all municipal planning and projects should happen in terms of the IDP. The annual council budget should be based on the IDP. Other government departments working in the area should take the IDP into account when making their own plans.
LED	Local Economic Development	To build up the economic capacity of a local area to improve its economic future and the quality of life for all. It is a process by which public, business and nongovernmental sector partners work collectively to create better conditions for economic growth and employment generation. (World Bank)
MAYCO	Mayoral Committee	Committee existing of the Mayor and all portfolio councillors
SASSA	South African Social Security Agency	Agency responsible for the administration of Social Grants
UA	Universal Access	The equal ability of <b>all</b> people to participate in any process irrespective of their diverse needs/requirements
UD	Universal Design	UniversalDesign.com defines Universal Design (UD) as the process of embedding choice for all people in the things we design. Universal Design continues to evolve as both designers and users broaden their understanding and experience of different users' needs, abilities and desires. The more you know about UD, the more you realize that there will always be more to learn. Universal Design is a lifelong learning opportunity, and no one knows it all. We are all students of Universal Design who can learn from each other about how to better design things for all people.
<u>WPRPD</u>	<u>White Paper on the Rights of Persons with Disability</u>	<u>Gazetted March 2016 to provide policy directive for SA on the Rights of Persons with Disabilities</u>

## 1. INTRODUCTION

The policy intends to create a conducive environment to address issues affecting people with diverse needs/requirements including persons with disabilities within the Stellenbosch Municipal area. It provides guidance on the development and implementation of programmes aimed at promoting the rights and freedoms of people with disabilities as well as other persons with diverse needs/requirements. It advocates for the mainstreaming of issues affecting persons with disability and diverse needs/requirements into municipal departments and directorates. The policy is firmly grounded on the principle that UA should be made integrated into project conceptualization, planning and implementation of IDP programmes in all departments. It also suggests models and mechanisms for coordination of UA implementation, monitoring and evaluation.

In terms of the United Nations Convention on the Rights of Persons with Disabilities ‘Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others’. The same document also speaks of disability being an evolving concept and that disability results from the interaction between people with functional limitations and the attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis.

It is thus important when considering programmes or policies that the approach should make provision for addressing attitudes, processes, knowledge and the environment in which people with diverse needs, including people with disabilities, function.

The White Paper on the Rights of Persons with Disability (WPRPD) does not introduce a policy shift. Nor does it replace any sector specific policies on disability. It reiterates that the primary responsibility for disability equity lies with national, provincial and local government; and other sectors of society but also allocates responsibilities to persons with disabilities and their families. The vision of the WPRPD is the creation of a free and just society inclusive of all persons with disabilities as equal citizens.

In order to achieve the above, universal accessibility should not be viewed as just physical changes to buildings and the like, but inclusion through the acceptance of Universal Design Principles in the development of standards and guidelines. The term “Universal Design” has evolved from the “Barrier Free Design” and “Accessible Design”, design processes that focused specifically on addressing the needs of people with disabilities. Universal Design goes further by recognizing that we all exist somewhere on a wide continuum of human ability. Everyone, even the most able-bodied person, passes through childhood, periods of temporary illness and injury, and old age. By designing for the more limited abilities on the continuum, we can create environments, products, and services that will be easier for all people to use, regardless of their abilities, age or current state of health.

## 2. STRATEGIC POSITIONING

### 2.1. VISION

To create accessible communication media, information systems and infrastructure to lead to the full participation and equal access to opportunities for all people, including people with disabilities within the jurisdiction of Stellenbosch Municipality.

### 2.2. MISSION

This policy aims to ensure the human rights of people with diverse needs/requirements through the alignment of projects and programmes to support universal participation and equalization of opportunities for all people, including persons with disabilities. Stellenbosch Municipality aims to achieve said mission through:

- 2.2.1. Promotion of equal opportunities and full participation or inclusion of people with diverse needs/requirements in the economic, social and political life through the introduction of UA and UD.
- 2.2.2. Prioritization and integration of UA and UD principles into the IDP and subsequent budget of all departments.
- 2.2.3. Inter-departmental approach in the planning and implementation of disability-related services and programmes.
- 2.2.4. The integration of disability issues into line functions of the Municipality's departments as well as a commitment on the part of the Stellenbosch Municipality to address disability issues appropriately.
- 2.2.5. People with diverse needs/requirements are capacitated to enable them to live productive and sustainable lives.
- 2.2.6. Physical, social, economic and other barriers that prohibit or limit access of persons with disability are removed through creation of conducive and accessible environments.
- 2.2.7. Ensure appropriate allocation of funds to designated programmes of different Municipal Departments to give effect to the policy.
- 2.2.8. Monitoring and evaluating the impact of UA programmes as part of our commitment to improve service delivery through UD.

### 2.3. PRINCIPLES AND UNDERLYING VALUES

In order to ensure all programmes, processes and infrastructure introduced by Stellenbosch Municipality ensures UA, this policy adopts the seven principles of UD (ANNEXURE 3) to guide departments on the requirements to achieve UA:

2.3.1 Equitable Use

2.3.2. Flexibility in Use

2.3.3 Simple and Intuitive Design

2.3.4 Perceptible Information2.3.5 Tolerance for Error2.3.6 Low Physical Effort2.3.7 Size and Space for Approach and Use

~~-These above principles support the key principles/values of the White Paper on the Rights of Persons with Disabilities:~~

2.3.8 ~~r~~Respect for inherent human dignity and individual autonomy2.3.9 Non-discrimination2.3.10 Full and effective participation and inclusion in society2.3.11 Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity2.3.12 Equalisation of opportunities2.3.13 Accessibility2.3.14 Equality between men and women' and2.3.15 Respect for the evolving capacities of children with disabilities and for their right to preserve their identities

~~, equality of opportunity, access to services and information, full and effective participation, respect for evolving capacity and the need to contribute to changes in negative attitudes and cultural beliefs about people with diverse needs/requirements as outlined in the Disability Framework for Local Government.~~

~~2.3.1. **Equitable Use:** The design is useful and marketable to people with diverse abilities.~~

- ~~• All potential users could use this product in essentially the same way, regardless of differences in personal capabilities.~~
- ~~• Potential users could use this product without feeling segregated or stigmatized because of differences in personal capabilities.~~
- ~~• Potential users of this product have access to all features of privacy, security, and safety, regardless of personal capabilities~~
- ~~• This product appeals to all potential users.~~

~~2.3.2. **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities,~~

- ~~• Every potential user can find at least one way to use this product effectively.~~
- ~~• This product can be used with either the right or the left hand alone.~~
- ~~• This product facilitates (or does not require user accuracy and precision.~~

- This product can be used at whatever pace (quickly or slowly) the user prefers.

2.3.3. **Simple and Intuitive:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

- This product is as simple and straightforward as it can be
- An untrained person could use this product without instructions
- Any potential user can understand the language used in this product
- The most important features of this product are the most obvious
- This product provides feedback to the user

2.3.4. **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

- This product can be used without hearing
- This product can be used without sight
- The features of this product can be clearly described in words (e.g. in instruction manuals or on telephone help lines)
- This product can be used by persons who use assistive devices (e.g. eyeglasses, hearing aids, sign language)

2.3.5. **Tolerance for Error:** This design minimizes hazards and the adverse consequences of accidental or unintended actions.

- Product features are arranged according to their importance
- This product draws the user's attention to errors or hazards
- If the user makes a mistake with this product, it won't cause damage or injure the user
- This product prompts the user to pay attention during critical tasks

2.3.6. **Low Physical Effort:** The design can be used efficiently and comfortably and with a minimum of fatigue.

- This product can be used comfortably (e.g. without awkward movements or postures)
- This product can be used by someone who is weak or tired
- This product can be used without repeating any motion enough to cause fatigue or pain
- This product can be used without having to rest afterward

2.3.7. **Size and Space for Approach and Use:** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture or mobility.

- It is easy for a person of any size to see all important elements of this product from any position (e.g. standing or seated)
- It is easy for a person of any size to reach all the important elements of this product from any position (e.g. standing or seated)
- This product can be used by a person with hands of any size.



- ~~There is enough space to use this product with devices or assistance (e.g. wheelchair, oxygen tank, or service animal)~~

## 2.4. PRIORITIES

~~There are effectively no programmes that are a priority over another as Universal Access is a systematic upgrade of all policies, planning, products, services, communication and processes that will allow for all persons with diverse needs/requirements to go about their lives unassisted and without prejudice. This policy purports to ensure said systematic upgrade through the holistic uptake of Universal Access and Universal Design as the basis for all endeavours. The approach should be augmented by integrated and coordinated management of planning, implementation, as well as monitoring and evaluation of programmes by line departments, thus utilising structures as the Director's Forum in order to realise this goal. It is recognized that not all of the priorities are the mandate of local government and in such cases Provincial Government should be lobbied. The Municipality should prioritize programmes that include but are not limited to:~~

2.4.1. All new developments to be aligned to UD

2.4.2. Prioritize projects that are linked with Safety and Security

2.4.3. Public participation

2.4.4. Accessibility

2.4.5. Economic Development

2.4.6. Health Care

2.4.7. Inclusive development/education and sport/recreation

2.4.8. Community Development and networking

## 2.4. OBJECTIVES

~~The objective of the policy described below provides an overview of what needs to be addressed. **Measurement of specific progress made shall be done annually against the specific targets identified in Annexure 3.**~~

To facilitate the development and implementation of municipal services, processes, facilities and projects that is accessible to all persons with diverse needs/requirements including people with disabilities (mainstreaming) through the systematic integration of UA and UD.

<u>Objective</u>	<u>WPRPD Pillar and Policy Directive</u>	<u>KPI/Target</u>		<u>Responsibility</u>
		<u>2020-2025</u>	<u>2026-2030</u>	
<u>That employees with diverse needs/requirement, their families and the community is made aware of existing</u>	<u>Removing barriers to access and participation. Changing attitudes and behaviour – Develop and implement a Disability Rights Awareness Plan</u>	<u>Plan finalised MOA's signed with 2 strategic partners Minimum 1 community</u>	<u>Plan reviewed MOA signed with 5 strategic partners</u>	<u>Community Development IDP HR</u>

<u>Objective</u>	<u>WPRPD Pillar and Policy Directive</u>	<u>KPI/Target</u>		<u>Responsibility</u>
		<u>2020-2025</u>	<u>2026-2030</u>	
<u>government policies, programmes and services.</u>		<u>dialogue per annum</u>	<u>Minimum 2 community dialogue per annum</u>	
	<u>Supporting Sustainable integrated Community life: Building socially cohesive communities and Neighbourhoods: Include the rights of persons with disabilities in all social cohesion and human rights promotion programmes and messages.</u>	<u>50% of all social cohesion and human rights promotion programmes and messages highlight the rights of persons with disabilities</u>	<u>100% of all social cohesion and human rights promotion programmes and messages highlight the rights of persons with disabilities</u>	<u>Community Development New Housing Development Informal Settlements</u>
	<u>Removing Barriers to access and Participation: All public and private institutions must ensure equitable access to and participation in programmes and services – This includes the development and publication of reasonable accommodation measures in service charters and standards</u>	<u>Develop Reasonable Accommodation Standards</u>	<u>Publish and implement standards</u>	<u>Engineering Services Corporate Services Community and Protection Services</u>
	<u>Removing Barriers to access and Participation: Enforcing barrier free participation for all persons in line with approved regulatory licencing requirements.</u>	<u>100% enforcement</u>	<u>100% enforcement</u>	<u>Building Control Business Licensing Public Transport</u>
	<u>Supporting Sustainable integrated Community life: Provide information on available service to all parents and care-givers of children</u>	<u>Disability information portal in place and information updated annually</u>	<u>Information available in print format in all three of the official languages of the WC</u>	<u>ICT Community Development</u>
<u>Consulting with stakeholders in a conducive environment for equal participation to ensure a collaborative approach to addressing the needs of persons with disabilities in municipal service delivery.</u>	<u>Supporting Sustainable integrated Community life: Address violence against women/girls/boys and the LGBTI community– appropriate measures must be taken to ensure that women, girls and boys are and feel safe living in their communities</u>	<u>50% of the municipality's programmes provide for the inclusion of women, children, LGBTI community</u>	<u>100% of the municipality's programmes provide for the inclusion of women, children, LGBTI community</u>	<u>All Directorates</u>
	<u>Supporting Sustainable integrated Community life: Accessible human settlements/neighbourhoods – Include supported community living plans in all IDP's. The plans and budgets must make provision for coordinated</u>	<u>Supported community living plans included in IDP</u>		<u>IDP Planning and Economic Development Engineering Services</u>

<u>Objective</u>	<u>WPRPD Pillar and Policy Directive</u>	<u>KPI/Target</u>		<u>Responsibility</u>
		<u>2020-2025</u>	<u>2026-2030</u>	
	and integrated community living support plans, focussing in particular on access to the built environment, integration of transport nodes and humand settlement spatial design			
	Supporting Sustainable integrated Community life: Protection during situations of risk and disaster – Review all disaster management plans to ensure provision for persons with diverse needs including disabilities in emergencies. Plans must incorporate provisions to map homes and/or institutions in which persons that might require special assistance during emergencies are living. Training of disaster management personnel to prevent injury during evacuations which might result in primary or secondary impairments is required.	100% of disaster management plans reviewed (inclusive of maps for 75% of the area) and universal design access plans developed and implemented.	100% of disaster management plans reviewed (inclusive of maps for 100% of the area) and universal design access plans developed and implemented.	Disaster Management
	Supporting Sustainable integrated Community life: Provide accessible emergency services – Municipal emergency services must put in place reasonable accommodation support systems and trained emergency personnel to ensure equitable and immediate access to services for persons with disabilities	100% of emergency personnel have been trained Reasonable accommodation measures in place in 100% of municipal emergency services, including for deaf and hearing impaired persons		Fire and Disaster Management
Assess, prioritise and adapt the physical structural design of council facilities, infrastructure, processes and communication to ensure constant improvement on the accessibility for people with diverse needs ensuring social integration of all groups with dignity and respect.	Supporting Sustainable integrated Community life: Ensure that all community development programmes and community facilities are accessible to persons with disabilities including social, economic, religious, cultural, sport and leisure and transport facilities and programmes	25% of existing facilities are retrofitted to comply with minimum norms and standards 50% of existing programme comply with accessibility standards	75% of existing facilities retrofitted to comply with minimum norms and standards 100% of exiting programme comply with accessibility standards	Corporate Services Community and Protection Services
	Supporting Sustainable	Development of		Planning and

<u>Objective</u>	<u>WPRPD Pillar and Policy Directive</u>	<u>KPI/Target</u>		<u>Responsibility</u>
		<u>2020-2025</u>	<u>2026-2030</u>	
	integrated Community life: <u>Provide access to subsidised housing support – Persons with disabilities and single mothers of children with disabilities must have equitable access to the full range of subsidised housing support provided by the state</u>	information explaining and accessing subsidised housing support in all three WC languages completed.		<u>Economic Development</u>
<u>Systematic review and improvement of HR and Engineering systems, processes and projects to ensure all persons have equal access to employment</u>	<u>Reducing economic vulnerability and releasing human capital:</u> <u>Strengthen and broaden the geographic reach of programmes and projects designed to reduce poverty amongst persons with disability. – Focus placed on:</u> <ul style="list-style-type: none"> <li><u>• Accessible and affordable transport</u></li> <li><u>• Increasing household income through employment and work opportunities</u></li> <li><u>• Provision of accessible transport to health care facilities</u></li> </ul>	<u>Baseline for access to programmes in municipalities established.</u> <u>25% improvement in access to all programmes</u>	<u>75% improvement in access to all programmes</u>	<u>Corporate Services Engineering Services</u>
<u>Annual monitoring and reporting on implementation of the Universal Access Policy through the scorecards of the Municipal Manager and Directors.</u>	<u>Building a disability equitable state machinery:</u> <u>Develop disability rights and equity commitment statements</u>	<u>100% compliance</u>		<u>Municipal Manager</u>
	<u>Building a disability equitable state machinery:</u> <u>Strengthen Accountability – Include disability outcomes in performance contracts of senior managers across directorates.</u>	<u>Guidelines for disability equity dimensions approved – 100% compliance</u>	<u>100% compliance</u>	<u>Municipal Manager</u>

~~2.4.1. Ensure that employees with diverse needs/requirements, their families and the community are aware of existing government policies, programmes and services.~~

~~2.4.2. Enhance networking and collaboration with Persons with Disability Organisations (DPOs) and liaison with communities to improve the organisation of disability structures and to ensure a collaborative approach to addressing the needs of persons with disabilities within Stellenbosch Municipal area in municipal service delivery.~~

~~2.4.3. To assess, prioritise and adapt the physical structural design of Council facilities, processes and communication to enhance accessibility for people with diverse needs/requirements including disabilities within the constraints of historical and reasonable accommodation thereby ensuring social integration of all groups with dignity and respect.~~

~~2.4.4. Monitor and evaluate the Municipality's delivery on inclusion of persons with diverse needs/requirements including persons with disability as part of its workforce and all aspects of service delivery.~~

~~2.4.5. First review of this policy in 2019.~~

## 2.5. PRIORITIES

~~There are effectively no programmes that are a priority over others as Universal Access is a systematic upgrade of all policies, planning, products, services, communication and processes that will allow for all persons with diverse needs/requirements to go about their lives unassisted and without prejudice. This policy purports to ensure said systematic upgrade through the holistic uptake of Universal Access and Universal Design as the basis for all endeavours. The approach should be augmented by an integrated and coordinated management system for planning, implementation, as well as monitoring and evaluation of programmes by line departments, thus utilising structures as the Director's Forum in order to realise this goal. It is recognized that not all of the priorities are the mandate of local government and in such cases Provincial Government should be lobbied. The Municipality should prioritize programmes that include but are not limited to:~~

~~2.5.1. All new developments to be aligned to UD~~

~~2.5.2. Safety and Security~~

~~2.5.3. Public participation~~

~~2.5.4. Accessibility~~

~~2.5.5. Economic Development~~

~~2.5.6. Health Care~~

~~2.5.7. Inclusive development/education and sport/recreation~~

~~2.5.8. Community Development and networking~~

## 3. ROLE OF STELLENBOSCH MUNICIPALITY

Although specific roles and responsibilities are outlined with specific attention to the Office of the Municipal Manager and the Department Community Development, all directorates and departments have a responsibility in mainstreaming the rights of persons with disability within their realm of responsibilities. Each directorate has a

specific function in service delivery to the community and are responsible for the inclusion of UA and UD in the conceptualization, implementation and reporting of projects.

### 3.1. KEY INSTITUTIONAL MECHANISMS

- 3.1.1. Utilizing relevant MAYCO member offices (getting buy-in from highest political authority) to support universal access disability budget and interventions.
- 3.1.2. Encouraging the participation of people with disabilities in the Municipality's processes (e.g. IDP reviews ~~and LED forums~~).
- 3.1.3. Consulting with disabled people's organizations DPOs through the Stellenbosch Disability Network
- 3.1.4. Disability programming and implementation processes must be handled by managers in different departments of the Municipality and reported to the Department Community Development through a designated disability liaison.
- 3.1.6 Implementation of this policy will be measured through the annual review of the personal SCORECARDS of directors.

### 3.2. THE ROLE OF THE OFFICE OF THE MUNICIPAL MANAGER

- 3.2.1. Implement agreed performance management targets related to Universal Access on annual basis with all directors.
- 3.2.2. Include target of 2% employment edment for persons with disabilities in performance agreement of each director.
- 3.2.3. Monitor and evaluate programmes implemented by departments and directorates for UA responsiveness or sensitivity according to agreed d upon performance targets.
- 3.2.4. Ensure the implementation of the Universal Access Policy for the Stellenbosch Municipality and report on said improvements annually to council.

### 3.3. THE ROLE OF THE DEPARTMENT COMMUNITY DEVELOPMENT

- 3.3.1. Liaise with the Provincial and Local Government Department on disability issues. Coordinate and mainstream UA policies in strategies and structures.
- 3.3.2. Network and liaise with the Stellenbosch Disability ~~Forum~~Network.

- 3.3.3. Assist the Performance Management Unit and line departments with the process of developing sector-specific indicators in the Municipality relying on Universal Design Principles.
- 3.3.4. Provide guidance for UA analysis and facilitate inter-departmental collaboration among departments in the mainstreaming of disability into the policies, planning, programmes, IDP and budget.
- 3.3.5. Implement programmes of benefit to people with disabilities in conjunction with civil society organizations ~~of and~~ for people with disabilities, as per the Community Development StrategyMunicipal Disability Action Plan.

~~Although specific roles and responsibilities are outlined with specific attention to the Office of the Municipal Manager and the Department Community Development, all directorates and departments have a responsibility in mainstreaming the rights of persons with disability within their realm of responsibilities. Each directorate has a specific function in service delivery to the community and are responsible for the inclusion of UA and UD in the conceptualization, implementation and reporting of projects.~~

#### 4. 4. POLICY REVIEWREFERENCES

This policy will be reviewed in 2023.

- 4.1. ~~The Constitution of the Republic of South Africa 1996~~
- 4.2. ~~Disability Framework for Local Government 2009-2014.~~
- 4.3. ~~Integrated National Disability Strategy White Paper~~
- 4.3. ~~Local Government Municipal Systems Act, No. 32 of 2000~~
- 4.4. ~~Social Development Disability Policy~~
- 4.5. ~~United Nations Convention on the Rights of Persons with Disabilities.~~
- 4.6. ~~United Nations Optional protocol to the Convention on the Rights of Persons with Disabilities.~~
- 4.7. ~~White Paper on Local Government~~
- 4.8. ~~City of Cape Town External Policy on Persons with Disability~~
- 4.9. ~~Census Stats 2010~~
- 4.10. ~~SASSA Stats 2015~~
- 4.11. ~~Stellenbosch Municipality: Disability Accessibility Study on Municipal Buildings, Infrastructure and Procedures~~



## ANNEXURE 1

**LEGISLATIVE FRAMEWORK**

The following legislative frameworks guide and inform decisions relating to the Universal Access Policy Framework: in South Africa

The Constitution of the Republic of South Africa (1996)

National Development Plan 2030

Promotion of Equality and Prevention of Unfair Discrimination Act (4 of 2000)

Employment Equity Act (55 of 1998)

Skills Development Act (97 of 1998)

[National Building Regulations and Building Standards Act \(103 of 1977\)](#)

Basic Conditions of Employment Act (75 of 1997)

Occupational Health and Safety Act (85 of 1993)

The Labour Relations Act (66 of 1995)

Disability Framework for Local Government 2009-2014

Integrated National Disability Strategy

Code of Good practice for disability in the workplace

United Nations Convention on the Rights of Persons with Disabilities

The White Paper on Transforming Service Delivery – Batho Pele (1997)

[The White Paper on the Rights of Persons with Disabilities \(2016\)](#)

[Technical Assistance Guidelines for the employment of persons with Disabilities \(2017\)](#)

## ANNEXURE 2

**THE FOLLOWING STATISTICS AND INFORMATION INFLUENCED THE DRAFTING OF THE STELLENBOSCH MUNICIPALITY UNIVERSAL ACCESS POLICY FRAMEWORK.**

~~South African Social Security Agency: Social Grants to persons with disability in Stellenbosch as at 17 August 2015. A total of 1 563 Disability related grants are paid out to persons within WC024. This does not reflect the total number of persons with disability, but the persons dependant on government support and grants paid per pay point.~~

<b>Care Dependency</b>	<b>146</b>	<b>Disability Grant</b>	<b>1224</b>	<b>Grant in Aid</b>	<b>193</b>
Stellenbosch	47	Stellenbosch	439	Stellenbosch	74
Franschhoek	45	Franschhoek	263	Franschhoek	49
Klapmuts	34	Klapmuts	335	Klapmuts	37
Pniel	7	Pniel	103	Pniel	22
Vlottenburg	6	Vlottenburg	42	Vlottenburg	4
La Motte	4	La Motte	14	La Motte	4
Lynedoch	2	Lynedoch	15	Lynedoch	2
Jamestown	1	Jamestown	13	Jamestown	4

~~Census stats: Although difficult to define what is meant by the description the following statistics were able to be extracted in May 2015 from StatsSA.~~

<b>Category Disability WC024</b>	<b>%</b>
Communication disability	0.4
Hearing disability	0.1
Seeing	0.6
Self-care disability	1.7
Remembering disability	0.4
Walking or Climbing Stairs disability	0.5
Walking stick or frame	2.3
Wheelchair	1.9
<b>TOTAL</b>	<b>7.9</b>

~~Statistics for Stellenbosch Municipal Area on mental health and/or disability was not obtainable. However, from the above statistics it is clear that 7.9% of Stellenbosch citizens according to the 2010 Census information is affected by some form of disability. It is therefore necessary for Stellenbosch Municipality to ensure that the services offered by the municipality to the citizens take cognisance of this fact and ensure that services are rendered in such a way that inclusion of all citizens are ensured.~~

**Stellenbosch Disability Network:**

~~The first meeting of the Stellenbosch Disability Network was held on 29 October 2014. The membership currently stands on 13, but the meetings are attended by up to 25 different organizations and individuals representing disabled persons in Stellenbosch. The purpose of the forum is to network and share information, but to also approach awareness programmes as a collective to highlight issues affecting persons with disability and to avoid duplication of~~

services and rivalry for funding. This network is then also the forum for consultation on issues of disability.

2015 Network members were the following:

Member Name	Type of Member
Altitude Supported Employment	Private Service Provider
Jeremy Hazell	Consultant
Dorothea School	Education Provider
Franschhoek Hospice	Registered Non-profit
Helderberg Association for Persons with Disabilities	Registered Non-profit
ParaVolley SA	Sport Club
PhysiFun	Private Sector Provider & Educator
Senecio	Registered Non-profit
Stellenbosch Municipality	Local Government
Stellenbosch University: Office for Students with Special Learning Needs	Education Provider
VGK Cloetesville	Religious Institution – family support
Leandi Sadie	Consultant
Western Cape Department of Local Government	Provincial Government

In drafting the policy, the following process was followed:

Guidance was taken from the external disability policy from City of Cape Town. The concept document was discussed with a consultant in the field of disability employment and policy development from Altitude Supported Employment.

An introduction session on the policy was held with the Stellenbosch Disability Network on the meeting held on 4 March 2015. The policy was then send electronically to the network and was also made available to persons with sight impairments through the US to comment on the policy by 20 March 2015.

Stellenbosch concluded a study on the accessibility of municipal facilities and infrastructure by 30 June 2015. Said report was taken to council and copies made available to all councillors and administrative management. The Department Community Development embarked on the development of an implementation plan for the outcome of the study in the 2015/2016 financial year.

Internal discussion with a focus on the deliverables per directorate was concluded with the director's forum on 21 July 2015 to establish commitment to deliverable guidelines (**ANNEXURE 3**) to be approved as part of the policy and to clarify the roles of the internal line departments.

The draft policy was approved in principle at the 35<sup>th</sup> Council Meeting on 28 October 2015 and published for public comment in local newspapers.

## ANNEXURE 3

## UNIVERSAL ACCESS PRINCIPLES

**Equitable Use:** The design is useful and marketable to people with diverse abilities.

- All potential users could use this product in essentially the same way, regardless of differences in personal capabilities.
- Potential users could use this product without feeling segregated or stigmatized because of differences in personal capabilities.
- Potential users of this product have access to all features of privacy, security, and safety, regardless of personal capabilities
- This product appeals to all potential users.

**Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities,

- Every potential user can find at least one way to use this product effectively.
- This product can be used with either the right or the left hand alone.
- This product facilitates (or does not require) user accuracy and precision.
- This product can be used at whatever pace (quickly or slowly) the user prefers.

**Simple and Intuitive:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

- This product is as simple and straightforward as it can be
- An untrained person could use this product without instructions
- Any potential user can understand the language used in this product
- The most important features of this product are the most obvious
- This product provides feedback to the user

**Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

- This product can be used without hearing
- This product can be used without sight
- The features of this product can be clearly described in words (e.g. in instruction manuals or on telephone help lines)
- This product can be used by persons who use assistive devices (e.g. eyeglasses, hearing aids, sign language)

**Tolerance for Error:** This design minimizes hazards and the adverse consequences of accidental or unintended actions.

- Product features are arranged according to their importance
- This product draws the user's attention to errors or hazards
- If the user makes a mistake with this product, it won't cause damage or injure the user
- This product prompts the user to pay attention during critical tasks

**Low Physical Effort:** The design can be used efficiently and comfortably and with a minimum of fatigue.

- This product can be used comfortably (e.g. without awkward movements or postures)
- This product can be used by someone who is weak or tired
- This product can be used without repeating any motion enough to cause fatigue or pain
- This product can be used without having to rest afterward

**Size and Space for Approach and Use:** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture or mobility.

- It is easy for a person of any size to see all important elements of this product from any position (e.g. standing or seated)
- It is easy for a person of any size to reach all the important elements of this product from any position (e.g. standing or seated)
- This product can be used by a person with hands of any size.
- There is enough space to use this product with devices or assistance (e.g. wheelchair, oxygen tank, or service animal)

#### KEY PERFORMANCE INDICATOR GUIDELINES

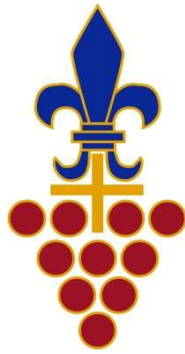
Structure	Departments within the Directorates	KPI
Executive Mayor and Mayoral Committee		1. <del>Champion projects e.g. Wheelchair Wednesday and Casual Day.</del>
Office of the Municipal Manager	Internal Audit Risk Management	1. <del>Include one KPI addressing the needs of persons with disability per director on top layer performance management.</del> 2. <del>Champion projects e.g. Wheelchair Wednesday and Casual Day.</del>
Directorate: Corporate Services	Human Resources IDP and Performance Management Communication Legal Services Document Management ICT	1. <del>Prioritize and illustrate persons with disability needs in the IDP and performance management process.</del> 2. <del>Increase number of persons with disability employed by Stellenbosch Municipality.</del> 3. <del>All Council decisions accessible to persons with disability. E.g. Braille</del>
Directorate: Financial Services	Budget Income and Expenditure Supply Chain Management	1. <del>Audit all public municipal financial processes to ensure easy accessibility by persons with disability.</del>

		<del>2. Report quarterly on the number of persons with disability on the indigent list and SCM service provider list.</del>
<del>Directorate: Community and Protection Services</del>	<del>Community Services Traffic Services Fire Services Law Enforcement Services</del>	<del>1. Implement changes to make one public park disabled accessible. 2. Map a process together with the disabled network through which emergency staff can deal with persons with disability in time of a disaster.</del>
<del>Directorate: Engineering Services</del>	<del>Water Services Solid Waste Management Development Services and Project Management Transport, Roads and Stormwater Electrical Services</del>	<del>1. To implement five more disabled friendly signals at pedestrian crossings in Stellenbosch. 2. Cost required for alterations of sidewalks along Church, Plein and Andringa Street in order for it to be fully disabled friendly.</del>

Directorate: Planning and Economic Development	Customer Interface and Administration Building Control Land use Management Local Economic Development Community Development Spatial Planning, Heritage and Environment	<ol style="list-style-type: none"> <li>1. Ensure that 100% of building plans for public facilities submitted for approval comply with SANS regulations for disability access.</li> <li>2. Implement streamlined process for persons with disability to submit building plan applications/enquiries inclusive of payment process. (Develop information leaflet for all forms of disability relating to these processes.)</li> </ol>
Directorate: Human Settlements and Property Management	New Housing Housing Administration Property Management Informal Settlements	<ol style="list-style-type: none"> <li>1. Review municipal policy on accessibility of low income subsidised housing currently provided.</li> <li>2. Allocate and spend x% of building maintenance budget on accessibility projects for municipal buildings.</li> </ol>



# **ANNEXURE B**



# Stellenbosch Municipality

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## Universal Access Policy

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## EXECUTIVE SUMMARY

The mission of Stellenbosch Municipality is to "deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens". As a means to deliver on this mission, Stellenbosch Municipality is guided by the South African Constitution (1994), United Nations International Convention on the Rights of Persons with Disabilities and Optional Protocol (to which South Africa is a signatory since 2007), the Promotion of Equality and Prevention of Unfair Discrimination Act (2000), Employment Equity Act (2001), the White Paper on Transforming Service Delivery – Batho Pele (1997), along with other legislation listed in the Legislative Framework in **ANNEXURE 1**.

As a commitment to strive for Universal Access (UA), Stellenbosch Municipality supported by their Values: Integrity, Accountability, Transformation and Innovation, supports the creation of accessible communication material, information systems and infrastructure throughout the Municipality. To understand and implement UA, Stellenbosch Municipality is informed and guided by Universal Design (UD), a **process** of embedding **choice** for all **people** in the **things** we design to do.

1. UD is a **process** rather than a final type of product, space or system. In accepting that UD is a process, Stellenbosch Municipality concedes to the fact that it will never be completed, but that we commit to a lifetime of learning and understanding of different users' needs, abilities and desires.
2. **Choice** involves flexibility and multiple alternative means of use and/or interface.
3. **People** include the full range of people regardless of age, ability, sex, economic status, race or religion.
4. **Things** include spaces, products, information systems and any other things that humans manipulate or create.

The need for a UA Policy stems from the Municipality's commitment to ensure equal service to persons with disability and the statistics obtained from SASSA, SA Census 2010, and the establishment of a civil Disability Network within the municipal area, whilst keeping in mind that a large percentage of people do not identify any degree of limitations as a disability. For this reason, the direct beneficiaries of a Universal Access Policy will be approximately 7,9% of the population. However, the secondary beneficiaries including pregnant women, people travelling with small children, children younger than 14 years and elderly people will total to an estimated 65% of the total Municipal population.

The approved White Paper on the Rights of Persons with Disabilities consists of 9 pillars and an implementation matrix (2015-2030) with specific targets for all spheres of government. The role of local government is clearly indicated with a specific reference to achieving universal access. (**ANNEXURE 2**)

## List of abbreviations

Abbreviation		Explanation
DPO	Disability Persons' Organizations	Organizations representing and serving persons with disabilities
IDP	Integrated Development Plan	Integrated Development Planning is an approach to planning that involves the entire municipality and its citizens in finding the best solutions to achieve good long-term development. Once the IDP is drawn up all municipal planning and projects should happen in terms of the IDP. The annual council budget should be based on the IDP. Other government departments working in the area should take the IDP into account when making their own plans.
LED	Local Economic Development	To build up the economic capacity of a local area to improve its economic future and the quality of life for all. It is a process by which public, business and nongovernmental sector partners work collectively to create better conditions for economic growth and employment generation. (World Bank)
MAYCO	Mayoral Committee	Committee existing of the Mayor and all portfolio councillors
SASSA	South African Social Security Agency	Agency responsible for the administration of Social Grants
UA	Universal Access	The equal ability of <b>all</b> people to participate in any process irrespective of their diverse needs/requirements
UD	Universal Design	UniversalDesign.com defines Universal Design (UD) as the process of embedding choice for all people in the things we design. Universal Design continues to evolve as both designers and users broaden their understanding and experience of different users' needs, abilities and desires. The more you know about UD, the more you realize that there will always be more to learn. Universal Design is a lifelong learning opportunity, and no one knows it all. We are all students of Universal Design who can learn from each other about how to better design things for all people.
WPRPD	White Paper on the Rights of Persons with Disability	Gazetted March 2016 to provide policy directive for SA on the Rights of Persons with Disabilities

## 1. INTRODUCTION

The policy intends to create a conducive environment to address issues affecting people with diverse needs/requirements including persons with disabilities within the Stellenbosch Municipal area. It provides guidance on the development and implementation of programmes aimed at promoting the rights and freedoms of people with disabilities as well as other persons with diverse needs/requirements. It advocates for the mainstreaming of issues affecting persons with disability and diverse needs/requirements into municipal departments and directorates. The policy is firmly grounded on the principle that UA should be made integrated into project conceptualization, planning and implementation of IDP programmes in all departments. It also suggests models and mechanisms for coordination of UA implementation, monitoring and evaluation.

In terms of the United Nations Convention on the Rights of Persons with Disabilities persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The same document also speaks of disability being an evolving concept and that disability results from the interaction between people with functional limitations and the attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis.

It is thus important when considering programmes or policies that the approach should make provision for addressing attitudes, processes, knowledge and the environment in which people with diverse needs, including people with disabilities, function.

The White Paper on the Rights of Persons with Disability (WPRPD) does not introduce a policy shift. Nor does it replace any sector specific policies on disability. It reiterates that the primary responsibility for disability equity lies with national, provincial and local government; and other sectors of society but also allocates responsibilities to persons with disabilities and their families. The vision of the WPRPD is the creation of a free and just society inclusive of all persons with disabilities as equal citizens.

In order to achieve the above, universal accessibility should not be viewed as just physical changes to buildings and the like, but inclusion through the acceptance of Universal Design Principles in the development of standards and guidelines. The term “Universal Design” has evolved from the “Barrier Free Design” and “Accessible Design”, design processes that focused specifically on addressing the needs of people with disabilities. Universal Design goes further by recognizing that we all exist somewhere on a wide continuum of human ability. Everyone, even the most able-bodied person, passes through childhood, periods of temporary illness and injury, and old age. By designing for the more limited abilities on the continuum, we can create environments, products, and services that will be easier for all people to use, regardless of their abilities, age or current state of health.

## 2. STRATEGIC POSITIONING

### 2.1. VISION

To create accessible communication media, information systems and infrastructure to lead to the full participation and equal access to opportunities for all people, including people with disabilities within the jurisdiction of Stellenbosch Municipality.

### 2.2. MISSION

This policy aims to ensure the human rights of people with diverse needs/requirements through the alignment of projects and programmes to support universal participation and equalization of opportunities for all people, including persons with disabilities. Stellenbosch Municipality aims to achieve said mission through:

- 2.2.1. Promotion of equal opportunities and full participation or inclusion of people with diverse needs/requirements in the economic, social and political life through the introduction of UA and UD.
- 2.2.2. Prioritization and integration of UA and UD principles into the IDP and subsequent budget of all departments.
- 2.2.3. Inter-departmental approach in the planning and implementation of disability-related services and programmes.
- 2.2.4. The integration of disability issues into line functions of the Municipality's departments as well as a commitment on the part of the Stellenbosch Municipality to address disability issues appropriately.
- 2.2.5. People with diverse needs/requirements are capacitated to enable them to live productive and sustainable lives.
- 2.2.6. Physical, social, economic and other barriers that prohibit or limit access of persons with disability are removed through creation of conducive and accessible environments.
- 2.2.7. Ensure appropriate allocation of funds to designated programmes of different Municipal Departments to give effect to the policy.
- 2.2.8. Monitoring and evaluating the impact of UA programmes as part of our commitment to improve service delivery through UD.

### 2.3. PRINCIPLES AND UNDERLYING VALUES

In order to ensure all programmes, processes and infrastructure introduced by Stellenbosch Municipality ensures UA, this policy adopts the seven principles of UD (**ANNEXURE 3**) to guide departments on the requirements to achieve UA:

- 2.3.1 Equitable Use
- 2.3.2 Flexibility in Use
- 2.3.3 Simple and Intuitive Design



- 2.3.4 Perceptible Information
- 2.3.5 Tolerance for Error
- 2.3.6 Low Physical Effort
- 2.3.7 Size and Space for Approach and Use

The above principles support the key principles of the White Paper on the Rights of Persons with Disabilities:

- 2.3.8 Respect for inherent human dignity and individual autonomy
- 2.3.9 Non-discrimination
- 2.3.10 Full and effective participation and inclusion in society
- 2.3.11 Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- 2.3.12 Equalisation of opportunities
- 2.3.13 Accessibility
- 2.3.14 Equality between men and women' and
- 2.3.15 Respect for the evolving capacities of children with disabilities and for their right to preserve their identities

## 2.4. PRIORITIES

There are effectively no programmes that are a priority over others as Universal Access is a systematic upgrade of all policies, planning, products, services, communication and processes that will allow for all persons with diverse needs/requirements to go about their lives unassisted and without prejudice. This policy purports to ensure said systematic upgrade through the holistic uptake of Universal Access and Universal Design as the basis for all endeavours. The approach should be augmented by integrated and coordinated management of planning, implementation, as well as monitoring and evaluation of programmes by line departments, thus utilising structures as the Director's Forum in order to realise this goal. It is recognized that not all of the priorities are the mandate of local government and in such cases Provincial Government should be lobbied. The Municipality should prioritize programmes that include but are not limited to:

- 2.4.1. All new developments to be aligned to UD
- 2.4.2. Prioritize projects that are linked with Safety and Security
- 2.4.3. Public participation
- 2.4.4. Accessibility
- 2.4.5. Economic Development

## 2.4.6. Health Care

## 2.4.7. Inclusive development/education and sport/recreation

## 2.4.8. Community Development and networking

## 2.5. OBJECTIVES

To facilitate the development and implementation of municipal services, processes, facilities and projects that is accessible to all persons with diverse needs/requirements including people with disabilities (mainstreaming) through the systematic integration of UA and UD.

Objective	WPRPD Pillar and Policy Directive	KPI/Target		Responsibility
		2020-2025	2026-2030	
That employees with diverse needs/requirement, their families and the community is made aware of existing government policies, programmes and services.	<u>Removing barriers to access and participation.</u> Changing attitudes and behaviour – Develop and implement a Disability Rights Awareness Plan	Plan finalised MOA's signed with 2 strategic partners Minimum 1 community dialogue per annum	Plan reviewed MOA signed with 5 strategic partners Minimum 2 community dialogue per annum	Community Development IDP HR
	<u>Supporting Sustainable integrated Community life:</u> Building socially cohesive communities and Neighbourhoods: Include the rights of persons with disabilities in all social cohesion and human rights promotion programmes and messages.	50% of all social cohesion and human rights promotion programmes and messages highlight the rights of persons with disabilities	100% of all social cohesion and human rights promotion programmes and messages highlight the rights of persons with disabilities	Community Development New Housing Development Informal Settlements
	<u>Removing Barriers to access and Participation:</u> All public and private institutions must ensure equitable access to and participation in programmes and services – This includes the development and publication of reasonable accommodation measures in service charters and standards	Develop Reasonable Accommodation Standards	Publish and implement standards	Engineering Services Corporate Services Community and Protection Services
	<u>Removing Barriers to access and Participation:</u> Enforcing barrier free participation for all persons in line with approved regulatory licencing requirements.	100% enforcement	100% enforcement	Building Control Business Licensing Public Transport
	<u>Supporting Sustainable integrated Community life:</u> Provide information on available service to all parents and care-givers of children	Disability information portal in place and information updated annually	Information available in print format in all three of the official languages of the WC	ICT Community Development
Consulting with stakeholders in a	<u>Supporting Sustainable integrated Community life:</u>	50% of the municipality's	100% of the municipality's	All Directorates

Objective	WPRPD Pillar and Policy Directive	KPI/Target		Responsibility
		2020-2025	2026-2030	
conducive environment for equal participation to ensure a collaborative approach to addressing the needs of persons with disabilities in municipal service delivery.	Address violence against women/girls/boys and the LGBTI community– appropriate measures must be taken to ensure that women, girls and boys are and feel safe living in their communities	programmes provide for the inclusion of women, children, LGBTI community	programmes provide for the inclusion of women, children, LGBTI community	
	<u>Supporting Sustainable integrated Community life:</u> Accessible human settlements/neighbourhoods – Include supported community living plans in all IDP's. The plans and budgets must make provision for coordinated and integrated community living support plans, focussing in particular on access to the built environment, integration of transport nodes and human settlement spatial design	Supported community living plans included in IDP		IDP Planning and Economic Development Engineering Services
	<u>Supporting Sustainable integrated Community life:</u> Protection during situations of risk and disaster – Review all disaster management plans to ensure provision for persons with diverse needs including disabilities in emergencies. Plans must incorporate provisions to map homes and/or institutions in which persons that might require special assistance during emergencies are living. Training of disaster management personnel to prevent injury during evacuations which might result in primary or secondary impairments is required.	100% of disaster management plans reviewed (inclusive of maps for 75% of the area) and universal design access plans developed and implemented.	100% of disaster management plans reviewed (inclusive of maps for 100% of the area) and universal design access plans developed and implemented.	Disaster Management
	<u>Supporting Sustainable integrated Community life:</u> Provide accessible emergency services – Municipal emergency services must put in place reasonable accommodation support systems and trained emergency personnel to ensure equitable and immediate access to services for persons with disabilities	100% of emergency personnel have been trained Reasonable accommodation measures in place in 100% of municipal emergency services, including for deaf and hearing impaired persons		Fire and Disaster Management

Objective	WPRPD Pillar and Policy Directive	KPI/Target		Responsibility
		2020-2025	2026-2030	
Assess, prioritise and adapt the physical structural design of council facilities, infrastructure, processes and communication to ensure constant improvement on the accessibility for people with diverse needs ensuring social integration of all groups with dignity and respect.	<u>Supporting Sustainable integrated Community life:</u> Ensure that all community development programmes and community facilities are accessible to persons with disabilities including social, economic, religious, cultural, sport and leisure and transport facilities and programmes	25% of existing facilities are retrofitted to comply with minimum norms and standards 50% of existing programme comply with accessibility standards	75% of existing facilities retrofitted to comply with minimum norms and standards 100% of exiting programme comply with accessibility standards	Corporate Services Community and Protection Services
	<u>Supporting Sustainable integrated Community life:</u> Provide access to subsidised housing support – Persons with disabilities and single mothers of children with disabilities must have equitable access to the full range of subsidised housing support provided by the state	Development of information explaining and accessing subsidised housing support in all three WC languages completed.		Planning and Economic Development
Systematic review and improvement of HR and Engineering systems, processes and projects to ensure all persons have equal access to employment	<u>Reducing economic vulnerability and releasing human capital:</u> Strengthen and broaden the geographic reach of programmes and projects designed to reduce poverty amongst persons with disability. – Focus placed on: <ul style="list-style-type: none"> <li>• Accessible and affordable transport</li> <li>• Increasing household income through employment and work opportunities</li> <li>• Provision of accessible transport to health care facilities</li> </ul>	Baseline for access to programmes in municipalities established. 25% improvement in access to all programmes	75% improvement in access to all programmes	Corporate Services Engineering Services
Annual monitoring and reporting on implementation of the Universal Access Policy through the scorecards of the Municipal Manager and Directors.	<u>Building a disability equitable state machinery:</u> Develop disability rights and equity commitment statements	100% compliance		Municipal Manager
	<u>Building a disability equitable state machinery:</u> Strengthen Accountability – Include disability outcomes in performance contracts of senior managers across directorates.	Guidelines for disability equity dimensions approved – 100% compliance	100% compliance	Municipal Manager

### 3. ROLE OF STELLENBOSCH MUNICIPALITY

Although specific roles and responsibilities are outlined with specific attention to the Office of the Municipal Manager and the Department Community Development, all directorates and departments have a responsibility in mainstreaming the rights of persons with disability within their realm of responsibilities. Each directorate has a specific function in service delivery to the community and are responsible for the inclusion of UA and UD in the conceptualization, implementation and reporting of projects.

#### 3.1. KEY INSTITUTIONAL MECHANISMS

- 3.1.1. Utilizing relevant MAYCO member offices (getting buy-in from highest political authority) to support universal access budget and interventions.
- 3.1.2. Encouraging the participation of people with disabilities in the Municipality's processes (e.g. IDP reviews).
- 3.1.3. Consulting with disabled people's organizations (DPO's) through the Stellenbosch Disability Network
- 3.1.4 Disability programming and implementation processes must be handled by managers in different departments of the Municipality and reported to the Department Community Development through a designated disability liaison.
- 3.1.6 Implementation of this policy will be measured through the annual review of the personal SCORECARDS of directors.

#### 3.2. THE ROLE OF THE OFFICE OF THE MUNICIPAL MANAGER

- 3.2.1. Implement agreed performance management targets related to Universal Access on annual basis with all directors.
- 3.2.2. Include target of 2% employment for persons with disabilities in performance agreement of each director.
- 3.2.3. Monitor and evaluate programmes implemented by departments and directorates for UA responsiveness or sensitivity according to agreed performance targets.
- 3.2.4. Ensure the implementation of the Universal Access Policy for the Stellenbosch Municipality and report on said improvements annually to council.

#### 3.3. THE ROLE OF THE DEPARTMENT COMMUNITY DEVELOPMENT

- 3.3.1. Liaise with the Provincial and Local Government Departments on disability issues. Coordinate and mainstream UA policies in municipal strategies and structures.
- 3.3.2. Network and liaise with the Stellenbosch Disability Network.
- 3.3.3. Assist the Performance Management Unit and line departments with the process of developing sector-specific indicators in the Municipality relying on Universal Design Principles.
- 3.3.4. Provide guidance for UA analysis and facilitate inter-departmental collaboration among departments in the mainstreaming of disability into the policies, planning, programmes, IDP and budget.
- 3.3.5. Implement programmes of benefit to people with disabilities in conjunction with civil society organizations for people with disabilities, as per the Community Development Strategy.

#### **4. POLICY REVIEW**

This policy will be reviewed in 2023.

**ANNEXURE 1****LEGISLATIVE FRAMEWORK**

The following legislative frameworks guide and inform decisions relating to the Universal Access Policy Framework: in South Africa

The Constitution of the Republic of South Africa (1996)

National Development Plan 2030

Promotion of Equality and Prevention of Unfair Discrimination Act (4 of 2000)

Employment Equity Act (55 of 1998)

Skills Development Act (97 of 1998)

National Building Regulations and Building Standards Act (103 of 1977)

Basic Conditions of Employment Act (75 of 1997)

Occupational Health and Safety Act (85 of 1993)

The Labour Relations Act (66 of 1995)

Disability Framework for Local Government 2009-2014

Integrated National Disability Strategy

Code of Good practice for disability in the workplace

United Nations Convention on the Rights of Persons with Disabilities

The White Paper on Transforming Service Deliver – Batho Pele (1997)

The White Paper on the Rights of Persons with Disabilities (2016)

Technical Assistance Guidelines for the employment of persons with Disabilities (2017)

National Veld and Forests Fire Act, 1998 (Act No. 101 of 1998)

National Environmental Management Act No. 107 of 1998



## ANNEXURE 3

## UNIVERSAL ACCESS PRINCIPLES

**Equitable Use:** The design is useful and marketable to people with diverse abilities.

- All potential users could use this product in essentially the same way, regardless of differences in personal capabilities.
- Potential users could use this product without feeling segregated or stigmatized because of differences in personal capabilities.
- Potential users of this product have access to all features of privacy, security, and safety, regardless of personal capabilities
- This product appeals to all potential users.

**Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities,

- Every potential user can find at least one way to use this product effectively.
- This product can be used with either the right or the left hand alone.
- This product facilitates (or does not require) user accuracy and precision.
- This product can be used at whatever pace (quickly or slowly) the user prefers.

**Simple and Intuitive:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

- This product is as simple and straightforward as it can be
- An untrained person could use this product without instructions
- Any potential user can understand the language used in this product
- The most important features of this product are the most obvious
- This product provides feedback to the user

**Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

- This product can be used without hearing
- This product can be used without sight
- The features of this product can be clearly described in words (e.g. in instruction manuals or on telephone help lines)
- This product can be used by persons who use assistive devices (e.g. eyeglasses, hearing aids, sign language)

**Tolerance for Error:** This design minimizes hazards and the adverse consequences of accidental or unintended actions.

- Product features are arranged according to their importance
- This product draws the user's attention to errors or hazards
- If the user makes a mistake with this product, it won't cause damage or injure the user
- This product prompts the user to pay attention during critical tasks

**Low Physical Effort:** The design can be used efficiently and comfortably and with a minimum of fatigue.

- This product can be used comfortably (e.g. without awkward movements or postures)
- This product can be used by someone who is weak or tired
- This product can be used without repeating any motion enough to cause fatigue or pain
- This product can be used without having to rest afterward

**Size and Space for Approach and Use:** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture or mobility.

- It is easy for a person of any size to see all important elements of this product from any position (e.g. standing or seated)
- It is easy for a person of any size to reach all the important elements of this product from any position (e.g. standing or seated)
- This product can be used by a person with hands of any size.
- There is enough space to use this product with devices or assistance (e.g. wheelchair, oxygen tank, or service animal)

## **PART 6: STRATEGIC PILLARS FOR REALISING THE RIGHTS OF PERSONS WITH DISABILITIES**

## 6.1 Pillar 1 – Removing Barriers to Access and Participation

*"The new South Africa should be accessible and open to everyone. We must see that we remove the obstacles... Only then will the rights of disabled persons to equal opportunities become a reality".*

*Nelson Rolihlahla Mandela, 1995*

The creation of barrier-free environments requires collective and concurrent action by law and policy makers, service providers, regulatory bodies, the private sector as well as organisations of and for persons with disabilities.

Accessibility lies at the heart of the right to human dignity – being able to live as an equal resident in one's community, being accorded respect for your personal space, having the right to equal opportunities and negotiating one's life unhindered by man-made barriers. A number of articles in the UNCRPD requires State Parties to take appropriate measures to ensure that persons with disabilities are able to access, on an equal basis with others, the physical environment, transportation, information and communications as well as other facilities and services open or provided to the public, both in urban and in rural areas. The Table below reflects the specific Articles of the UNCRDP that speak to removing barriers to access and participation.

### RELEVANT UNCRDP ARTICLES

#### **Article 9: Accessibility**

This article emphasises that State Parties have legal obligations to ensure accessibility to persons with disabilities. In this vein, the development and implementation of national laws and policies that advance accessibility must be promoted. Accessibility can also be achieved by ensuring that services and information are tailored to the needs of persons with disabilities; by requiring the participation and inclusion of persons with disabilities; and by drawing attention to the most neglected groups within the spectrum of disability.

#### **Article 11: Situations of risk and humanitarian emergencies**

This article deals with removing barriers to access in situations of risk and humanitarian emergencies and states that measures should be taken to ensure the protection and safety of persons with disabilities in situations of risk.

#### **Article 20: Personal Mobility**

This article recognises personal mobility as an important element of access and states that measures must be taken to ensure that persons with disabilities enjoy personal mobility with the greatest possible independence in the manner and at the time of their choice, and at affordable cost.

**Article 21: Freedom of Expression and opinion and access to information**

This article foregrounds accessibility in terms of expression, opinions and information. It states that appropriate measures should be taken to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

**Article 30: Participation in cultural life, recreation, leisure and sport**

This article speaks to the accessibility in terms of social life. It states that measures must be taken to ensure the right of persons with disabilities to take part on an equal basis with others in cultural life, including enjoying access to cultural materials and access to television programmes, films, theatre and other cultural activities, in accessible formats, as well as taking appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials, and that persons with disabilities are entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and Deaf culture.

**Other relevant articles include:**

- Article 3: General principles;
- Article 4: General obligations;
- Article 5: Equality and non-discrimination;
- Article 8: Awareness Raising

**6.1.1 Focus Areas**

The following six dimensions have to be addressed in order to remove barriers to access and participation:

- Changing attitudes and behaviour;
- Access to the built environment;
- Access to transport;
- Access to information and communication;
- Universal design and access; and
- Reasonable accommodation measures.

Addressing all the focus areas in their own right and as a holistic solution requires collective and concurrent action by law and policy makers, service providers, regulatory bodies, the private sector as well as rights holders and/or their representative organisations.

### 6.1.1.1 Changing Attitudes and Behaviour

Harmful and negative attitudes and stereotypes associated with disability continue to segregate persons with disabilities from mainstream social and economic life.

The INDS, 1997 acknowledges the centrality the changing of attitudes and behaviour plays in the promotion and protection of the rights of persons with disabilities. It states that,

*"One of the greatest hurdles disabled people face when trying to access mainstream programmes are negative attitudes. It is these attitudes that lead to the social exclusion and marginalisation of persons with disabilities";*  
and that,

*"The changing of attitudes is not something that happens automatically or spontaneously. Attitude changing is a complex process which involves moving, in a series of stages, from one set of attitudes to another."*

DIRECTIVES	DESCRIPTION
<b>Develop and implement a Disability Rights Awareness and Plan</b>	The Plan must be centred on an ongoing campaign across all sectors of society. It must be implemented by all social partners, and multi-dimensional while ensuring integration. Campaigns must be branded and targeted with themes that address the negative attitudes and beliefs about disability that influences people's behaviour in a way that is harmful to persons with disabilities and associates unfounded stigmas with disability. It must also broaden society's understanding and knowledge of perceived or actual impairments, how environmental aspects disable persons with impairments, and how attitudes influence behaviour and vice versa. Public awareness campaigns must also address harmful traditional beliefs associated with disabilities.
<b>Develop and implement new human rights based disability related terminology</b>	The development and implementation of new disability related and sensitive terminology based on human rights must be managed at a national level. The new terminology must be introduced and included in all the official languages of South Africa, as well as South African Sign Language. All government policies and legislation that get amended or revised and any new policies and legislation must incorporate and utilise the new terminology.
<b>Integrate disability awareness into the curriculum of educational</b>	Disability rights awareness training programmes must be integrated into the curricula of all education and training programmes. This must include training in all forms of alternate communication. For example the teaching of South

<b>programmes</b>	African Sign Language and the availability of Braille at schools, post school education and training institutions and at work places.
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#### 6.1.1.2 Access to the Built Environment

The built environment includes all man-made surroundings that provide the setting for human activity, ranging from the large-scale civic surroundings to personal places.

Current legislation regulating the built environment is not fully compliant with either international treaty obligations or constitutional imperatives, as it does not facilitate or enforce the concept of universal design that will enable equitable access to the built environment.

The National Building Regulations and Building Standards Act, 1977, as well as the National Guidelines for Accessibility currently constitute the regulatory framework for accessibility to the built environment. For any building used by the public to conform to the requirements of the National Building Regulations, its facilities must meet the standards and measurements contained in the SANS 10400-S document published in 2011.

The SAHRC recommended in its 2002 *‘Towards a Barrier-free Society Report’*, that “any legislation governing the accessibility of built environments should focus on improving the preconditions for equal participation and human dignity and providing mechanisms for governance, administration and enforcement, and calls for an urgent review of the South African legislative framework for accessibility and the built environment in order to reflect constitutional rights, ensure safe, healthy and convenient use for all and include international standards for universal access”.

DIRECTIVES	DESCRIPTION
<b>Conduct universal design audits of all existing infrastructure to establish the degree of compliance with the SABS minimum norms and standards for the use of people with disabilities.</b>	The disability access of the built environment must include all public and private sector institutions and shared spaces. Quantified and costed plans must be developed to address the outcomes of the audits and the budget must be provided for implementation of the plan.
<b>Develop a financing plan to retrofit</b>	The plan must focus on raising the finances required to retrofit all public and privately owned buildings rendering



<b>existing infrastructure</b>	services to the public. The retrofitting must comply with the SABS minimum norms and standards.
<b>Appoint and train infrastructure accessibility liaison officers</b>	Infrastructure accessibility liaison officers must be provided with appropriate accredited training. These officers must be deployed and/or appointed as part of all infrastructure development project management teams. The trained officers must also advise on, and if necessary, develop built environment regulations and/or amendments to existing legislation to ensure that the concepts of universal design and barrier-free access are adhered to in terms of all built environment infrastructure.
<b>Provide incentives for universally designed barrier-free infrastructure and built-environments</b>	State and private sector provided incentives and reward systems must be initiated and developed towards promoting universally designed and accessible built-environments that meet regulated norms and standards. These incentives must be aimed at transforming the attitude of built-environment professionals towards designing barrier-free spaces and facilities.
<b>Operationalise regulatory framework for accessibility to the built-environment</b>	The regulatory framework for accessibility to the built-environment must be extended and integrated into land use management and town planning schemes and the overall design of landscapes, public open spaces and streets.

#### 6.1.1.3 Access to Transport

Inaccessible public and private systems across the travel value chain are a major barrier to the right to equality for persons with disabilities. Women and learners with disabilities are particularly vulnerable when using inaccessible public transport systems.

Adequate, efficient, safe and accessible transport is required to support productivity and assist South Africans to access basic services, especially in impoverished and rural communities.

The ability to move around the community underpins all aspects of life for persons with disabilities and is essential to achieving all the policy outcomes of the White Paper on the Rights of Persons with Disabilities - from learning and skills, to employment and to the general enjoyment of rights.

The link between the home and transportation, the link from the transportation to the workplace or social services is essentially frequently overlooked. It is important that access to transport be viewed across the entire travel value chain:

- Planning a trip – having relevant information available in accessible format;
- Getting to the pick-up point – being able to negotiate footpaths, cycle paths etc.;
- Getting onto the transport mode of choice – including being able to transfer between different modes of transport;
- Making the journey;
- Getting out of the transport mode of choice;
- Getting to the destination; and
- Providing feedback on the trip – monitoring system.

There is therefore a need for a continuous accessible path of travel for persons with disabilities to connect public transport nodes with local services and accessible housing.

<b>DIRECTIVES</b>	<b>DESCRIPTION</b>
<b>Incorporate the concept of universal design and access in all transport licenses and permits</b>	All transport-related licences and permits for all modes of transport must include universal access and design requirements.
<b>Conduct transport access audits</b>	All public and private transport operators must conduct operational, staff and managerial audits of existing infrastructure, fleet and programmes against legislated minimum norms and standards. A quantified and costed plan must be developed to implement the outcomes of the audit. Implementation of the plan must be budgeted for.

#### **6.1.1.4 Access to Information and Communication**

When information and communication platforms and technology are available, affordable and accessible, they significantly improve the inclusion of persons with disabilities in all aspects of society.

Deaf persons use South African Sign Language as their first language, and therefore require that they have access to SASL training, in particular for Deaf children and their parents. They require access to SASL interpreters, as well as note-takers, captioning and sub-texting to facilitate access to information and communication.

Persons who are hearing impaired and/or acquire deafness later in life, might however never utilise SASL as their language of choice. They require access to lip readers, note-takers, loop systems, captioning and sub-texting for access to information and communication.

Persons with severe speech impairments often require alternative and augmentative communication to communicate and access information. This includes non-speaking autistic persons who may also need alternative and augmentative communication (AAC).

Persons with visual and print disabilities often require that text be made available in alternative formats such as Braille, large print, descriptions of graphs and pictures, as well as in audio.

It should furthermore be taking into consideration that literacy levels among persons with disabilities are often low due to exclusion from education in the past, and that information must be made available in accessible official languages.

The importance of ICTs for persons with disabilities lies in the leverage they provide to open up a wide range of services, transform existing services and create greater demand for access to information and knowledge. Web services constitute the access technology with the greatest impact in promoting the inclusion of persons with disabilities. This contribution is closely followed by mobile phones, which, despite being one of the newest technologies from the ICTs assessed, constitute the second-most valued ICT with regard to its contribution for persons with disabilities. In particular, the use of mobile phones is instrumental in allowing the independent living of persons with disabilities. Television is also an important source of information, but requires sub-titling, close captioning and audio-descriptions to ensure equal access.

The cost of assistive technologies (ATs), which is comprised of the cost of the technology as well as the cost of AT assessment, training and support services, detracts from full access to healthcare services, benefitting at all educational levels, being competitive on the labour market and living independently.

At the same time, this WPRPD acknowledges that some persons with disabilities, for example people living with intellectual and/or psychosocial impairments, may not be able to use the technological and IT related devices for meeting their information and

communication needs. These persons with disabilities require human support to meet their needs and require tailored and innovative information and communication interventions and support services such as easy to read materials.

DIRECTIVES	DESCRIPTION
<b>Promote access for persons with disabilities to new information and communications technologies and systems</b>	All public and private institutions must promote access to new information and communications technologies and systems, including the Internet. This can be done through the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become available at minimum cost.
<b>Provide captioning on all television programmes</b>	This must be done by all public and private television channels
<b>Ensure equal access to information and communication platforms</b>	All electronic media, broadcasting and print media platforms of all public and private media institutions and agencies must incorporate universal design principles, meet minimum norms and standards regulatory requirements, and government agencies regulating them must publish annual compliance reports.
<b>Promote South African Sign Language (SASL) and train SASL Interpreters</b>	A costed plan must be developed for promoting SASL through a number of interventions. The strategy and plan must include the training of SASL interpreters. Adequate budget must be provided for implementation of the plan.
<b>Develop and regulate braille standards</b>	A costed plan must be developed for the continuous development, production and regulation of braille standards. Adequate budget must be provided for implementation of the plan.
<b>Provide access to print mediums for persons with print disabilities</b>	All steps must be taken to ensure access to print for persons with print disabilities. One of the steps must be ratification of the <i>Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled</i> .
<b>Provide accessible emergency and disaster management information</b>	All emergency and disaster management and occupational health and safety procedures must include a protocol to ensure that persons with disabilities have access to an equitable degree of information and safety as persons without disabilities using the same service.

#### **6.1.1.5 Universal Access and Design**

Universal access is the ability of users to have equal opportunity and access to services, products, systems and environments; regardless of their social and/or economic situation, religious or cultural background, gender or functional limitation. Accessibility can thus be described as “the ability to access” as well as the functionality of some system, environment, product, service or entity.

Universal Design, also referred to as lifespan design, is the most important tool to achieve universal access. It ensures that all residents, irrespective of age, size, ability, gender, etc. benefit from accessible places and products throughout their lives. The fundamental premise of Universal Design is the recognition of human diversity as opposed to the concept of the ‘average man’.

There are two aspects to Universal Access:

- Direct Access. This is strongly related to Universal Design and refers to direct adaptations to products, environments, services or system designs that significantly improve their accessibility.
- Indirect Access. The use of assistive devices and technology such as wheelchairs, screen readers etc., and refers to product, environment (rural and urban), service or system interfaces that enable an add-on assistive technology to provide the user with full access.

The ‘Universal Accessibility’ approach places the responsibility on society to adjust environments, products and systems to accommodate the individual rather than the individual working around these environments, products and systems i.e. the key lies in the integration of Universal Access into the design and planning process. A universally accessible facility, environment, product, system or service will accommodate a wide variety of groups of society appropriately, safely, and with dignity, as well as optimizing their functionality in the system or environment in which they operate.

Universal design principles for learning should for example include multiple modes of representation, multiple modes of action and expression, and multiple modes of engagement.

DIRECTIVES	DESCRIPTION
<b>Develop universal design standards for the country</b>	<p>The South African Bureau of Standards must accelerate development of universal design access standards for the country across all standards setting that impact on the lives of persons with disabilities. The standards must reflect the key principles of the concept of universal design which are:</p> <ul style="list-style-type: none"> <li>• <i>Equitable use</i> - The design is useful and marketable to people with diverse abilities.</li> <li>• <i>Flexibility in Use</i> - The design accommodates a wide range of individual preferences and abilities.</li> <li>• <i>Simple and intuitive</i> - Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.</li> <li>• <i>Perceptible information</i> - The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.</li> <li>• <i>Tolerance for error</i>. The design minimizes hazards and the adverse consequences of accidental or unintended actions.</li> <li>• <i>Low physical effort</i>. The design can be used efficiently, comfortably, and with a minimum of fatigue.</li> <li>• <i>Size and space for approach and use</i>. Appropriate size and space is provided for approach, reach, manipulation, and use regardless of the user's body size, posture, or mobility.</li> </ul>
<b>Develop and implement universal design minimum standards and guidelines</b>	<p>This must be done by all public and private sector institutions. The institutions must also monitor implementation of the strategy, compliance with the minimum standards and utilisation of the guidelines. The standards and guidelines must include all facilities and services open or provided to the public, including those rendered by operators/contractors.</p>
<b>Provide education and training</b>	<p>(i) <i>Provide tertiary level education on universal design</i> - All pre-graduate as well as post-graduate training must have compulsory modules on universal design access and disability equity. Pre-graduate and post-graduate training that directly impacts on universal design access and disability equity must design further courses in this regard.</p> <p>(ii) <i>Train decision-makers and implementers on universal</i></p>

*design and access* - All public and private institutions must provide training for decision-makers and employees on universal design access, including the removal of barriers experienced by persons with disabilities and reasonable accommodation support measures.

(iii) *Develop Accredited Universal Design and Access Training Courses* - These courses must be SAQA accredited. They must allow for differentiated accreditation for access advocates and professional categories. Where Continuing Professional Development (CPD) is required as part of professional training, professionals must be required to undertake at least one universal design access or disability equity course annually.

**Ensure service licences require full access**

All service licenses issued must require that service providers provide a service which is fully accessible to persons with disabilities.

**Ensure service licences require universal design access, in particular for persons with disabilities**

All service licenses issued must require that service providers provide a service which incorporates universal design access principles and is fully accessible to persons with disabilities.

#### **6.1.1.6 Reasonable Accommodation Measures**

Reasonable accommodation ensures that persons with disabilities enjoy, on an equal basis with others, all human rights and fundamental freedoms. The PEPUA includes 'denial of reasonable accommodation' as a form of unfair discrimination.

Reasonable accommodation support tends to be individual and impairment specific, and includes measures to:

- Make the physical environment accessible;
- Provide persons with disabilities with access to information and communication;
- Redress stress factors in the environment;
- Accommodate specific sensory requirements such as those relating to light, noise and spatial stimuli;
- Improve independence and mobility of persons with disabilities;
- Guarantee participation and supported decision-making by persons with disabilities; and
- Provide access and participation to quality education and work.



Reasonable accommodation measures are therefore inclusive of assistive devices, assistive technology, personal assistance, adaptations of the built environ, signage, captioning, text available in audio, loop systems, FM systems, alerting/alarm systems for evacuation procedures, dedicated sms lines to all emergency service call centres, adaptation of (for example) work arrangements and the implementation of flexibility within the workplace to accommodate persons with disabilities.

<b>DIRECTIVES</b>	<b>DESCRIPTION</b>
<b>Develop minimum norms and standards for reasonable accommodation</b>	National minimum norms and standards for reasonable accommodation support measures aimed at providing equal access and participation must be developed and promulgated.
<b>All public and private institutions must ensure equitable access to and participation in programmes and services</b>	This includes the development and publication of reasonable accommodation measures in service charters and standards across the full spectrum of services.

## **6.2 Pillar 2 – Protecting the Rights of Persons at risk of Compounded Marginalisation**

Persons with disabilities do not constitute a homogeneous group, and as with all other constituencies, experience inequality, discrimination and poverty differently, depending on the contexts.

Girls, boys, men and women with different disabilities, from different age groups, living in different geographical and socio-economic settings, with different sexual orientations, require specific measures to ensure that their rights to life; citizenship; dignity; integrity; equality before the law; access to justice; freedom from torture or cruel, inhumane or degrading treatment or punishment; and freedom from exploitation, violence and abuse, are protected.

Women and girls with disabilities still do not enjoy all human rights and fundamental freedoms on an equal basis with boys and men with disabilities.

Whilst all women with disabilities bear the brunt of inequality, black African women with disabilities are particularly affected by compounded marginalisation caused by the inter-connectedness of race, disability, gender, socio-economic status and class.

Children, young people, as well as older persons with disabilities have very distinct age-dependent situations and needs that must be taken into consideration when programmes are designed.

Section 28 of the Constitution of the Republic of South Africa protects the rights of all children. These rights underlie all decision making with regard to legislation, policies and programmes in South Africa.

Similarly, Article 7 of the UNCPRD requires of States Parties to:

- take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children,
- ensure that the best interests of the child be a primary consideration in all actions concerning children with disabilities,
- ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and
- be provided with disability and age-appropriate assistance to realise that right.

The National Plan of Action for Children (NPAC), 2012-2017, which constitutes the cross-cutting plan for implementation of the Convention on the Rights of the Child, mainstreams the rights of children with disabilities as an integral part of the NPAC.

The National Development Plan 2030 requires the Department of Social Development to systematise guidelines, norms and standards to ensure that they “take into account the needs of children with disabilities in all communities”.

The Children’s Act, 2005 calls, among others, for an enabling environment to respond to the individual needs of children with disabilities, and prohibits the exposure of children with disabilities to “*medical, social, cultural or religious practices that are detrimental to his or her health, well-being or dignity.*”

#### RELEVANT UNCPRD ARTICLES

**Article 1** articulates the purpose of the Convention, focuses on the promotion, protection and realisation of the full and equal enjoyment of *all* human rights and fundamental freedoms by *all* persons with disabilities.

**Articles 3, 4 and 5** provide the General Principles, General Obligations and on Equality and Non-discrimination respectively, which are applicable to all persons with disabilities including women, children and older persons.

Articles 3, 6, 16 and 28 specifically recognise that women and girls with disabilities are subject to multiple discrimination. It states that measures must be taken to their full and equal enjoyment of all their human rights and fundamental freedoms; and

to ensure the full development, advancement and empowerment of women to enjoy and exercise these rights.

Articles 3, 4, 6, 7, 8, 16, 18, 23, 24, 25, 28 and 30 specifically recognise the rights of children to full human rights and fundamental freedoms and states that the best interests of the child must be of primary consideration; and that they should have the right to express their views freely on all matters that affect them. Children must be provided with disability and age-appropriate assistance to realize this right.

**All the other Articles** of the Convention are application to women, children and older persons with disabilities.

Articles which guarantee specific protection include:

- Articles 25, 28: Older persons with disabilities
- Article 10: Right to life;
- Article 12: Equal recognition before the law;
- Article 13: Access to justice;
- Article 14 - Liberty and security of the person;
- Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment;
- Article 16: Freedom from exploitation, violence and abuse;
- Article 17: Protecting the integrity of the person; and
- Article 21: Freedom of expression and opinion, and access to information.

Article 23 of the Convention on the Rights of the Child provides for specific measures to be taken to protect the rights of children with disabilities. The UN Committee on the Rights of the Child, in their 2000 Concluding Observations, expressed concern that the legal protection, facilities, and services for children with disabilities, and particularly mental disabilities, were insufficient.

Article 18 of the African Charter on Human and Peoples' Rights guarantees the right to special measures of protection in keeping with the physical or moral needs of older persons and persons with disabilities.

### 6.2.1 Focus Areas

The following four (4) focus areas require specific protective measures to ensure that the rights of persons at risk of compounded marginalisation are protected and upheld:

- The right to life,
- Equal recognition before the law,
- Access to justice, and

- Freedom from torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse.

#### 6.2.1.1 The right to life

Section 11 of the Constitution of the Republic of South Africa guarantees that everyone has the right to life.

Persons with disabilities who are particularly at risk and who requires specific measures to protect this right, include, among others:

- Older persons and children with disabilities who live in particular cultural and/or religious communities where disability is associated with evil, punishment, etc.;
- Children and adults with disabilities who require urgent life-saving resources and medical interventions, but are moved lower on waiting lists as their lives are perceived to have less value;
- Persons with disabilities who are unable to access regular and costly health care due to transport barriers, unaffordability of these interventions, or unavailability of specialised interventions due to geographical location and lack of specialised health personnel;
- Persons with disabilities in emergency and/or disaster situations requiring specific measures to ensure that they have access to timeous and accessible emergency services and evacuation procedures and facilities;
- Persons with disabilities with psychosocial disabilities who do not have access to reliable, timeous and appropriate mental health services and/or may be subject to harmful cultural practices;
- Displaced persons with disabilities, including refugees, asylum-seekers and migrants with disabilities; and
- Persons with disabilities who are homeless.

#### DIRECTIVES

#### DESCRIPTION

**Strengthen mechanisms to protect the lives of persons with disabilities**

All legislation, policies and programmes aimed at protecting life must be reviewed to include specific measures, including putting in place reasonable accommodation measures which will provide equitable protection against loss of life.

**Monitor loss of life of persons with disabilities due to insufficient measures having been taken**

A monitoring system to track loss of life due to insufficient measures taken to protect the lives of persons with disabilities must be developed.

### 6.2.1.2 Equal recognition before the law

Equality before the law is a basic general principle of human rights protection and is indispensable for the exercise of other human rights. The Universal Declaration of Human Rights, the ICCPR, and the UNCRPD each specify that the right to equal recognition before the law is operative 'everywhere'; in other words there are no circumstances permissible under international human rights law where a person may be deprived of the right to recognition as a person before the law, or in which this right may be limited. This is reinforced by the terms of Article 4(2) of the ICCPR, which provides that no derogation of this right is permissible even in circumstances of public emergency.

The right to equality before the law is also reflected in other core international and regional human rights treaties. Article 15 of the Convention on the Elimination of Discrimination against Women (CEDAW) also guarantees women equality before the law and requires the recognition of women's legal capacity on an equal basis with men, including the legal capacity to enter contracts, administer property and exercise their rights in the justice system. Article 3 of the African Charter of Human and Peoples Rights (ACHPR) enumerates the right to be equal before the law and enjoy equal protection of the law.

Persons with psychosocial, intellectual and/or neurological disabilities are particularly vulnerable of being denied the right to equal recognition before the law. Historically, they have been denied their right to legal capacity in many areas via substitute decision-making regimes such as guardianship, conservatorship, involuntary admission, etc., often without any clinical and legal determination of their legal capacity, and often as a permanent arrangement.

This is further exacerbated if they live within rural and/or impoverished communities and families, if they are homeless or if they are displaced or refugees, as they are less likely to be able to access information on their rights, as well as supported decision-making services.

Recognition of legal capacity is inextricably linked to the enjoyment of many other human rights contained in the CRPD. Without the recognition of the individual as a person before the law, the ability to assert, exercise, and enforce many of the UNCRPD rights, is significantly compromised.

DIRECTIVES	DESCRIPTION
<b>Review all relevant legislation to ensure equal recognition before the law for access</b>	All legislation detracting from the right to equal recognition before the law for persons with psychosocial and/or intellectual disabilities must be reviewed to prevent indiscriminatory and indefinite denial of legal capacity. This should also include focus on informing and empowering persons with disabilities about their rights and how to access

<b>to persons with disabilities</b>	recourse should these be infringed upon.
<b>Develop supported decision-making legislation</b>	The development of supported decision-making legislation, in particular for persons with intellectual, psychosocial and neurological disabilities, must coincide with the review of substitute decision-making regimes.

### 6.2.1.3 Access to justice

'Access to justice' is inclusive of people's effective access to the systems, procedures, information, and locations used in the administration of justice. The ability to access justice is of critical importance in the enjoyment of all other human rights. The enjoyment of other human rights can positively or negatively impact the ability of people with disabilities to enjoy access to justice.

To be fully included in society, people with disabilities need access to justice. As long as they face barriers to their participation in the justice system, they will be unable to assume their full responsibilities as members of society or experience their rights and to enjoy the equal opportunity to perform their duties as witnesses, jurors, lawyers, judges, arbitrators, and other participants in the administration of justice.

The concept of access to justice must however also include a variety of other means of doing justice, including alternative dispute resolution, participation in social movement politics, democratic representation, and civic education for the respect of rights. The empowerment of persons with disabilities and their families require that;

- they understand what their rights and entitlements are, know what recourse mechanisms are available should they experience discrimination or exclusion, and know how to access these recourse mechanisms; and
- recourse mechanisms are affordable and easily accessible, even in rural communities.

Barriers hindering persons with disabilities from either using the justice system when they feel wronged or mistreated, or limiting their contributions to the administration of justice, include:

- Poverty;
- Geographic location of adjudication institutions;
- Physical inaccessibility of adjudication institutions;
- Lack of knowledge of legal rights, whereby individuals do not realise that their problem has a legal element and potential remedy;
- Inappropriate dispute resolution institutions and mechanisms (e.g. costs related to accessing the High Courts);

- Procedural hurdles; and
- Delays in the resolution of disputes.

Persons with sensory, intellectual, neurological and/or psychosocial disabilities often experience additional barriers, including;

- Difficulties with organisation, which may make it difficult to prioritise their legal problem and keep appointments with legal service providers;
- Being overwhelmed, and therefore too frightened, or lack the motivation, to seek legal assistance;
- Being mistrustful or frightened of divulging personal information to legal service providers;
- Communication challenges, which can hinder a solicitor in assisting their client effectively;
- The formality of the court room and the stress of initiating or continuing with legal proceedings can be overwhelming and prohibitive;
- Police personnel often lack the skills to serve persons with disabilities and are not comfortable with opening cases of sexual abuse or assault where the complainants have visual, psychosocial and/or intellectual disabilities; and
- The high instance of undiagnosed intellectual, neurological and psychosocial disabilities in impoverished and rural communities.

Further compounding the lack of access to justice across the value chain of the justice system is the communication barrier between appointed South African Sign Language interpreters and Deaf persons who do not have sufficient proficiency in South African Sign Language.

Justice system failures often result in infringement of the right to liberty and security of the person when persons with disabilities are arbitrarily detained due to communication barriers or a lack of distinction between intellectual disability and criminal capacity.

Children with disabilities as well as adults with intellectual, neurological and/or psychosocial disabilities require procedural and age-appropriate accommodations across the justice value chain.

## **DIRECTIVES**

## **DESCRIPTION**

### **Strengthen recourse mechanisms**

- Recourse mechanisms include
- strengthening enforcement of existing legislation;
  - improving access to courts;
  - improving equitable access to service delivery and consumer complaint mechanisms and institutions;
  - strengthening the capacity of Chapter 9 institutions



such as the SAHRC, CGE, Commission for Promotion and Protection of Rights of Cultural, Religious and Linguistic Communities to respond to disability related issues and complaints; and

- strengthening the capacity of NGOs, CBOs and FBOs, and in particular DPOs, to support persons with disabilities in accessing justice.

This must include making available the full spectrum of reasonable accommodation support measures, access to the built environment, as well as procedural and age-appropriate accommodations within the police services, legal aid services and court procedures.

**Strengthen monitoring systems to track access to the justice system for people with disabilities**

A system to ensure barrier free access to justice must be put in place. Specific attention is required to other barriers faced by persons with intellectual and psychosocial disabilities and their resulting discrimination due to decision-making or legal capacity, lack of assessments and other relevant issues.

**Develop a national action plan to inform and empower persons with disabilities and their families of their rights**

This should include what the judicial rights are, as well as how to access recourse should these be infringed upon.

**6.2.1.4. Freedom from torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse**

The enjoyment of the right of persons with disabilities to be free from torture and other forms of violence is also related to the enjoyment of other human rights.

Torture is one of the most serious violations of human rights. The right to be free from torture and other forms of physical and mental ill-treatment is absolute, and may not be suspended or restricted under any circumstances.

Persons with disabilities are particularly at risk for exposure to torture and other forms of cruel, inhuman, or degrading treatment or punishment.

Torture is furthermore a frequent cause of disability, and when torture is inflicted on a person with a disability, it may lead to secondary disabilities or the onset of a serious medical condition. In addition, the failure of an interrogator to recognise a person's disability could be mistaken for non-cooperation.

Contexts which contribute to the vulnerability of persons with disabilities to torture, cruel, inhuman or degrading treatment and punishment, and which regards specific measures to safeguard persons with disabilities, include;

- Persons with disabilities are often segregated from society in institutions, including prisons, social care centres, orphanages and mental health institutions. They are deprived of their liberty for long periods of time including what may amount to a lifelong experience, either against their will or without their free and informed consent. Inside these institutions, persons with disabilities are frequently subjected to indignities, neglect, poor living conditions (including inadequate food, water, medical care and clothing), severe forms of restraint and seclusion, as well as physical, mental and sexual violence. The lack of reasonable accommodation and the phenomena associated with segregation/isolation in detention facilities may increase the risk of exposure to neglect, violence, abuse, torture and ill-treatment;
- Persons with disabilities are exposed to medical experimentation and intrusive and irreversible medical treatments without their consent (e.g. sterilisation, abortion and interventions aiming to correct or alleviate a disability);
- The belief that persons with disabilities should conform their thinking and/or behaviour to what is considered by others as "in their best interests" can lead to persons with disabilities being forced or coerced into using medications or undergoing "treatments" that may amount to torture and or/and ill-treatment;
- Persons with disabilities, and girls and women with disabilities in particular, are especially vulnerable to violence and abuse, including sexual abuse and torture, inside the home, at the hands of family members, caregivers, health professionals and members of the community;
- Perceived or actual impairments associated with harmful traditional beliefs, such as albinism, are often associated with hate speech, ostracisation and even human trafficking and murder; and
- Such practices, in many instances, remain invisible or are being justified, and are not recognised as torture or other cruel, inhuman or degrading treatment or punishment.

Sexual exploitation and abuse is a widespread phenomenon among persons with disabilities, particularly women and girls, although men and boys with disabilities also experience sexual violence, exploitation, and abuse. Most instances of abuse go unreported and, therefore, remain unaddressed. Persons with intellectual and psychosocial disabilities are in particular at risk of not accessing justice when reporting incidents of sexual exploitation and abuse.

Sexual violence, exploitation and abuse have long-lasting harmful effects on persons with disabilities. Where such abuses occur in isolated settings, the chances of accessing the assistance needed for recovery may be slim. Moreover, such

traumatic experiences may increase disability-related functional limitations or create secondary disabilities. Programs and services that do address sexual violence and abuse in the community, particularly those targeting women and girls, very often do not reach out to persons with disabilities.

Children with intellectual and communication disabilities in particular are vulnerable to exploitation by criminals to participate in criminal activities, as it is generally believed that their testimony will not be acceptable in a court of law.

The Convention against Torture places an obligation on the state to criminalise acts of torture, prosecute perpetrators, impose penalties appropriate to the gravity of the offence and provide reparation to victims. By recognising and reframing violence and abuse perpetrated against persons with disabilities as torture or other cruel, inhuman or degrading treatment or punishment, victims and advocates can be afforded stronger legal protection and redress for violations of human rights. For an act against or an omission with respect to persons with disabilities to constitute torture, the four elements of the Convention definition — severe pain or suffering, intent, purpose and state involvement — need to be present. Acts falling short of this definition may constitute cruel, inhuman or degrading treatment or punishment under article 16 of the Convention against Torture.

Article 17 (Protecting the Integrity of the Person) and Article 22 (Respect for privacy) requires that specific measures be taken to protect the rights of persons with disabilities who require personal assistance. Personal assistants often have easy access to a wide variety of personal information such as identification numbers and financial information, and often work in close physical contact with persons with disabilities they are assisting.

Among the many causes of violations of the rights to respect for privacy and personal integrity are the attitudes and beliefs of other people, especially with regard to persons with intellectual or psychosocial disabilities. The belief by some that such persons with disabilities are “not capable” of taking care of their own private information may lead to people withholding that information or giving it to people with whom the person with disabilities would not choose to share that information. Additionally some people believe that it is permissible to violate the privacy or the physical or mental integrity of a person with a disability if they are not aware that it is happening.

## **DIRECTIVES**

## **DESCRIPTION**

**Develop and implement quality assurance programmes and strengthen monitoring systems for all types of institutions and facilities for persons with disabilities**

These programmes must be benchmarked against international best practice

**Develop measures to protect the mental health of persons with disabilities**

The measures must include pro-active steps to promote, protect and ensure that persons with disabilities are not exposed to inhumane, degrading and cruel treatment by people, services and systems due to the persistent attitudinal, physical and communication barriers existing in society.

**Strengthen human rights monitoring mechanisms for older persons and others at risk**

Measures must be put in place to strengthen human rights monitoring mechanisms for older persons with disabilities who have been institutionalised/reside in group residential care facilities.

**Develop integrated multi-focus areas strategies and plans for other categories at risk**

The strategy and plan must protect refugees, displaced persons with disabilities, homeless persons with disabilities and prisoners with disabilities from inhumane, degrading and cruel treatment and have access to disability-related services and benefits. This means reasonable accommodation measures must be put in place to ensure that these groups have equal access and participation to all programmes offered to the general population.

### **6.3 Pillar 3 – Supporting Sustainable Integrated Community Life**

*Independent Living does not mean that we want to do everything by ourselves, do not need anybody or like to live in. Independent Living means that we demand the same choices and control in our every-day lives that our non-disabled brothers and sisters, neighbours and friends take for granted.*

*We want to grow up in our families, go to the neighbourhood school, use the same bus as our neighbours, and work in jobs that are in line with our education and interests, and raise families of our own. We are profoundly ordinary people sharing the same need to feel included, recognized and loved*

Dr. Adolf Ratzka (Adapted)

Persons with disabilities have an equal right to live in the community, with choices equal to others. This requires that government, across all three spheres, take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.

Women and girls tend to carry the responsibility of caring and providing for children with disabilities and adults with severe disabilities where personal assistance and accessible child-care facilities are not available, making them less likely to develop careers, find partners and access training and educational opportunities.

Older persons with disabilities, and in particular with dementia, are vulnerable to exploitation, neglect, abuse and homelessness. Facilities catering for older persons are often not accessible to older persons with disabilities, and residential care facilities for persons with disabilities often do not have frail care facilities for those requiring these. This leaves older persons with disabilities requiring frail care support with little or no access to safe shelter. This constitutes a violation of the rights to dignity and security of the person, as per SAHRC report. The rights of older persons with disabilities are protected through, among others, The Older Persons Act, 2006. The Act regulates community-based programmes, home-based care programmes and residential facilities for frail older persons.

#### RELEVANT UNCRDP ARTICLES

**Article 8** deals with Awareness Raising and states that effective and appropriate measures that will raise awareness throughout society that will foster respect for the rights and dignity of persons with disabilities, and that will combat stereotypes, prejudices and harmful practices relating to persons with disabilities must be adopted immediately.

**Article 11** which deals with Situations of risk and humanitarian emergencies states that government must ensure protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

**Article 19** on Living independently and being included in the community requires that State Parties to recognise the right of persons with disabilities to live in the community, with choices equal to others, and therefore to take measures that will realise this right. Such measures should include:

- Ensuring that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- Ensuring that persons with disabilities should have access to a range of in-, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community; and
- Ensuring that community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

**Article 20** advocates for personal mobility, with the greatest possible independence for persons with disabilities be ensured, including by facilitating the

personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost.

**Article 23** deals with Respect for the family and states that effective and appropriate measures are taken to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others. This includes:

- protecting the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
- the right of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognised, and the means necessary to enable them to exercise these rights are provided; and
- the right of persons with disabilities to retain their fertility on an equal basis with others.

**Article 30** which deals with Participation in cultural life, recreation, leisure and sport states that measures to ensure the right of persons with disabilities to take part on an equal basis with others in cultural life, should include, among others, enjoying access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoying access to monuments and sites of national cultural importance. It also states that State Parties to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities.

### 6.3.1 Focus Areas

The following focus areas require focused intervention to improve community living outcomes for persons with disabilities and their families:

- Building socially cohesive communities and neighbourhoods;
- Building and supporting families;
- Accessible human settlements/neighbourhoods;
- Access to community-based services supporting independent living; and
- Protection during situations of risk and disaster.

#### 6.3.1.1 Building socially cohesive communities and neighbourhoods

Building social cohesion where persons with disabilities are recognised as equal citizens with the right to play, develop, work and learn in their own communities, is a

national priority. Thus improving access to integrated community, sport and leisure facilities and opportunities for persons with disabilities is an important pillar in building social cohesion.

The existence of multiple disabilities may increase the risk of marginalisation for the person where services are structured according to single impairment-specific interventions.

Displaced persons with disabilities, including refugees, asylum-seekers and migrants with disabilities form an integral part of communities. In the building of socially cohesive communities, it is important that their presence be acknowledged and that they are included in neighbourhood structures.

This requires that society rejects the manifestations of discrimination, exclusion and marginalisation of persons with disabilities experience, and inclusively navigate the changes needed that enhance the rights and freedom of all persons with disabilities.

Particular attention must be paid to ensure that these dimensions are integrated in all programmes and messages focusing on, among others, reducing inequality, building a united South Africa, moral regeneration, social cohesion and universal access.

Improving access to integrated community, sport and leisure facilities and opportunities is another important element in building social cohesion.

DIRECTIVES	DESCRIPTION
<b>Include the rights of persons with disabilities in all social cohesion and human rights promotion programmes and messages</b>	The rights of persons with disabilities must be integrated into all programmes and messages focusing on, among others, reducing inequality, building a united South Africa, moral regeneration, social cohesion and universal access to services
<b>Ensure that all community development programmes and community facilities are accessible to persons with disabilities</b>	This includes all social, economic, religious, cultural, sport and leisure facilities and programmes
<b>Ensure access to residential facilities, day care and other programmes to older persons with disabilities</b>	Residential facilities, day care and other programmes targeting older persons in general, must be made accessible to older persons with disabilities.
<b>Provide subsidies for sport and leisure development for persons</b>	Subsidies and sponsorships for all sport and leisure development must include a disability mainstreaming



with disabilities

component.

**Address violence against women/girls/boys and the LGBTI community with disabilities**

Appropriate measures must be taken to ensure that women, girls and boys with disabilities are and feel safe living in their communities.

### 6.3.1.2 Building and Supporting Families

*"It is within the family environment that an individual's physical, emotional and psychological development should occur. It is from our family that we may learn unconditional love, we understand right from wrong, and we gain empathy, respect and self-regulation. These qualities enable us to engage positively at school, at work and in society in general"*

Centre for Social Justice (2010), *Green Paper on the Family*

Persons with disabilities in general, and children with disabilities in particular, are often deprived of family life due to the lack of community-based support services and educational opportunities available to them and their families, and due to persistent stereotypical thinking that they are better off in segregated facilities.

Being removed from the family on either a temporary or permanent basis often deprives them from the physical resources such as food, clothing and shelter, as well as love, support and encouragement of family members.

Disability does not only affect individuals, but also impacts on family members. Parents and primary care-givers in particular are often required to take life-changing decisions on what would constitute 'the best interest' of their children with disabilities, and can do this only when they are provided with timeous, relevant and accessible information on the full range of options available, and if they have access to peer and parent support and empowerment programmes. Disability service organisations as well as parents' organisations currently carry almost sole responsibility for the provisioning of family support and empowerment programmes, often without any state support.

Women carry the brunt of care responsibilities in families, and caring for children and dependent adults with disabilities, even if only intermittently, where community-based personal assistance support services are not available or insufficient, often detract from their empowerment as women. This requires that they have access to empowerment services which enable them to develop alternative sustainable livelihood streams.

Family function	Ways each function benefits to	
	Individual family members	Society
Membership & family formation	<ul style="list-style-type: none"> <li>• Provides a sense of belonging</li> <li>• Provides personal and social identity</li> <li>• Provides meaning and direction in life</li> </ul>	<ul style="list-style-type: none"> <li>• Controls reproductive function</li> <li>• Assures continuation of the species</li> </ul>
Economic support	<ul style="list-style-type: none"> <li>• Provides for basic needs of food, shelter, and clothing and other resources to enhance human development</li> </ul>	<ul style="list-style-type: none"> <li>• Contributes to healthy development of members who contribute to society (and who need fewer public resources)</li> </ul>
Nurturance, support and socialisation	<ul style="list-style-type: none"> <li>• Provides for the physical, psychological, social and spiritual development of children and adults</li> <li>• Instils social values and norms</li> </ul>	<ul style="list-style-type: none"> <li>• Prepares and socialises children for productive adult roles.</li> <li>• Supports adults in being productive members of society</li> <li>• Controls antisocial behaviour and protects society from harm</li> </ul>
Protection of vulnerable members	<ul style="list-style-type: none"> <li>• Provides care and support for young, ill, disabled or otherwise vulnerable members</li> </ul>	<ul style="list-style-type: none"> <li>• Minimizes public responsibility for care of vulnerable, dependent individuals</li> </ul>

Source: Adapted from Patterson, J.M. (2002). Understanding family resilience, *Journal of Clinical Psychology*, Vol. 58 (3): 233-246

The White Paper on Families (2012) therefore recommends that economic and non-economic measures, such as personal income tax relief, care subsidies, and affordable and accessible child, community care and afterschool school care services to mitigate families' responsibilities of caring for, among others, persons with disabilities, be provided.

## DIRECTIVES

## DESCRIPTION

**Develop a plan for mitigating family responsibilities in terms of caring and support for persons with disabilities**

The plan must be integrated and multi-sectoral. The Plan must contain both economic and non-economic support measures at household and community level. These services must be standardised, expanded and fully subsidised if provided by NGOs, CBOs and FBOs.

**Provide information on available services**

Parents and/or care-givers of children with disabilities must have access to integrated disability information,

**to all parents and care-givers of children with disabilities**

including information on parental counselling and peer-support services, respite care services, therapeutic, educational and economic programmes, as well as the establishment of a disability service and information portal that provides access to the information.

### **6.3.1.3 Accessible Human Settlements/Neighbourhoods**

Accessible and well-designed housing and neighbourhoods contribute significantly to improving the living status of persons with disabilities, as it provides persons with disabilities and their families with choice about living arrangements and moving about the community.

This requires that universal design principles are applied across the human settlement planning and design value chain.

The built environment, transport systems and information systems must be fully accessible for use by persons with disabilities.

The impact of inadequate living conditions is particularly negative for children with disabilities. Children with disabilities living in impoverished homes and communities, especially the former homelands as well as informal settlements, experience multiple deprivations. According to Stats SA's Community Survey 2007, children with disabilities are less likely to have access to adequate housing, water and sanitation than their non-disabled peers. Children with disabilities are more likely to live in traditional dwellings and informal settlements than their non-disabled counterparts. Overcrowded living conditions and outside toilets place enormous stresses on children with disabilities and their families.

#### **DIRECTIVES**

#### **DESCRIPTION**

**Include supported community living plans in all Integrated Developments Plans (IDPs)**

The plans and budgets must make provision for coordinated and integrated community living support plans, focusing in particular on access to the built environment, integration of transport nodes and human settlement spatial design.

**Ensure all modes of transport are accessible to persons with disabilities**

Public and private transport systems must be designed and retrofitted to enable persons with disabilities to utilise the entire transport value chain without barriers.

**Provide access to subsidised housing support**

Persons with disabilities and single mothers of children with disabilities must have equitable access to the full range of subsidised housing support provided by the state.

**Incorporate the concept of universal design in infrastructure grants and tax rebate programmes**

All infrastructure and neighbourhood development grants and tax rebate programmes must incorporate a universal design requirement. Small site-specific and ad hoc improvement of urban and rural dwellings, facilities, services and open spaces must be prioritised for dwellings inhabited by persons with disabilities.

#### **6.3.1.4 Access to community-based services supporting independent living**

Persons with disabilities must be able to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.

Persons with disabilities must have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.

Persons with disabilities living in rural and impoverished settlements, and on farms and traditional communities in particular, are less likely to access basic and social services, including early identification of disability, health, rehabilitation and habilitation and access to justice services, as well as education and training

Community services and facilities for the general population must be accessible on an equal basis to persons with disabilities and must be responsive to their needs.

#### **DIRECTIVES**

#### **DESCRIPTION**

**Develop a sustainable community-based system for personal assistance to support independent living within the community for persons with disabilities**

The system must be:

- person-centred and self-directed;
- maximise opportunities for independence and participation in the economic, social and cultural life of the community;
- be responsive to the particular needs and circumstances of persons with complex and high needs for support;
- provide persons with disabilities requiring personal assistance with choice of where they live and with whom they live, and
- provide access to relevant integrated community and home-based support services for persons requiring independent living. The system must be subsidised.

### 6.3.1.5 Protection during situations of risk and disaster

Persons with disabilities, when compared to the general population, face higher risks in emergency situations and are disproportionately affected by natural and other disasters.

Humans are emotional beings; their mental health and psychosocial well-being play key roles in resilience, recovery and reconstruction. Integration of mental health and psychosocial well-being makes disaster risk reduction more effective, resilient and robust. Persons with psychosocial disabilities may require additional support services.

Persons with disabilities and their families requiring assistance during situations of risk and disaster must be prioritised for evaluation and disaster management procedures. This requires that all emergency and disaster management services be staffed with personnel who have immediate access to the required reasonable accommodation support systems and who have been trained in assisting persons with disabilities.

Persons with disabilities and their families are a unique resource of knowledge and experience, which is often overlooked, and should therefore be included in actions aimed at reducing the risk of disasters, building resilient communities and finding solutions during situations of disasters and emergencies.

DIRECTIVES	DESCRIPTION
<b>Review Disaster Management Plans</b>	The plans must ensure that persons with disabilities requiring assistance during evacuation and disaster warning systems have prioritised access to disaster management services.
<b>Provide accessible disaster relief services</b>	National and provincial disaster management centres must ensure that psychosocial support service personnel that have the capacity to assist persons with disabilities, are available for deployment during disasters and that evacuation centres are accessible.
<b>Provide accessible emergency services</b>	Municipal emergency services must put in place reasonable accommodation support systems and trained emergency personnel to ensure equitable and immediate access to these services for persons with disabilities.

#### 6.4 Pillar 4 – Promoting and Supporting Empowerment of Persons with Disabilities

*"The failure by commission or omission to presume all individuals to be capable and willing to learn and assert themselves in the world restricts adversely their ability to participate equitably within their societies".*

*Douglas Biklen, Interview, 2012*

The human rights based approach to development aims both at strengthening the capacity of duty-bearers and at supporting the empowerment of rights-holders. Participation is a key component of a rights-based approach to development and a key component to achieve people's empowerment.

The normal life cycle of persons with disabilities is often interrupted due to, among others,

- Barriers which exclude them from accessing socio-economic opportunities created in the various stages of their life cycle;
- Lack of effective articulation and alignment between different services offered by different departments targeting the same target group;
- Lack of access to appropriate and timeous information and support;
- Lack of access to essential disability and other support services in particular in more rural contexts;
- Poor enforcement of existing enabling legislation; and
- The high cost associated with disability which deprives persons with disabilities and their families from taking up opportunity.

Factors which contribute to dependency and disempowerment among persons with disabilities include:

- *Social isolation* – For most of the people with disabilities, their social isolation began early in life. It is experienced at home, at school, at work and in the community. Escaping social isolation is therefore a major step on the road to empowerment.
- *Unresponsive services and systems* – barriers to access to opportunities and services available to the general population, inappropriate or unavailable disability-specific interventions, combined with the additional cost of accessing services, contribute to disempowerment of persons with disabilities and keep them in a state of prolonged dependency.
- *Poverty* – dependency on others for survival contributes to high disempowerment levels among persons with disabilities
- *Abuse* – Persons with disabilities – and children and women in particular – experience high levels of vulnerability to abuse.

Successful implementation of the UNCRPD is premised on the meaningful participation and empowerment of persons with disabilities as rights-holders.

Supporting the empowerment of persons with disabilities for purposes of the WPRPD is defined as processes whereby individuals achieve increasing control of various aspects of their lives and participate in the community with dignity.

#### RELEVANT UNCRDP ARTICLES

**Article 24** requires that States Parties to ensure that children with disabilities are able to access an inclusive, quality and free primary and compulsory education and secondary education on an equal basis with others in the communities in which they live; and that persons with disabilities are not excluded from the general education.

**Article 25** states that Persons with disabilities have the right to the highest attainable standard of health, and requires that measures are taken to ensure accessibility and affordability of health care services, including the provisioning of reasonable accommodation measures.

**Article 26** deals with Habilitation and Rehabilitation services and recognises the rights of persons with disabilities to access rehabilitation services aimed at improving their independence and social integration.

**Article 23** on Children with Disabilities requires that State Parties to recognise the rights of children with disabilities to specific assistance to ensure their effective access to health care services and rehabilitation services directed towards social inclusion and individual development.

**Article 4** on General Obligations, states amongst others that accessible information must be provided to persons with disabilities about assistive devices and technologies, as well as other forms of assistance, support services and facilities.

**Article 13** requires that persons with disabilities are provided with access to justice on an equal basis with others. It also requires the provision of procedural and age-appropriate accommodations in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

Young people make up the largest and fastest growing proportion of Africa's general population. The African Union's Youth Charter, released in 2006, prioritises non-discrimination, development, participation, policy and education and skills development as strategies to counteract historical influences. Most importantly Article 14 recognises the right of young people to a standard of living adequate to



their holistic development. Young persons with disabilities are particularly vulnerable of 'early retirement' due to articulation challenges between school, higher and further education and work.

#### **6.4.1 Focus Areas**

The following six (6) focus areas aim to strengthen access to economic independence and a life of dignity for persons with disabilities through empowerment support:

- Early childhood development;
- Lifelong education and training;
- Social integration support;
- Access to lifestyle support;
- Supported decision-making; and
- Strengthening recourse mechanisms.

##### **6.4.1.1 Early Childhood Development**

Early childhood development services and programmes provide ideal opportunities for the prevention, early identification and timely provision of assistance and support for children with disabilities. Access to relevant information, early identification and community-based intervention services across government departments and spheres of government, and inclusive early childhood development opportunities, is required to unlock the potential of children with disabilities.

There are a number of reasons that support inclusion of children with disabilities at ECD level:

- Inclusion provides a platform for learning opportunities that do not exist in settings where there are only children with disabilities;
- There are opportunities for observational learning and interactions with peers without disabilities;
- Children with disabilities tend to engage in higher levels of play when they are with children without disabilities;
- Inclusion at preschool level has been found to increase social contact between children with and without disabilities and has the potential to impact on the attitudes of children without disabilities towards their peers with disabilities. The experience of being together provides the opportunity to learn important life skills, including dealing with difference and recognition that in different respects we are all dependent on one another; and
- Early identification and appropriate referral and access to intervention enhances optimal development.

DIRECTIVES	DESCRIPTION
<b>Children with disabilities must have equitable access to all ECD Programmes and Facilities</b>	This requires that mainstream ECD programmes and facilities are made accessible for children with disabilities, i.e. that infrastructure; attitudes, equipment and activities do not hinder the participation of children with disabilities. Thus building plans, playgrounds, equipment, toys and ECD practitioner training comply with universal design norms and standards.
<b>Develop disability specific intervention and support services</b>	The services must focus on individual developmental programmes, language and communication development, assistive devices and technology and therapy to improve independence and social integration, as well as parent empowerment and support programmes.
<b>Develop a national integrated referral and tracking system</b>	<p>The seamless system must:</p> <ul style="list-style-type: none"> <li>• Identify children at high risk of, or with developmental delays and/or disabilities through Road-to-Health health screening programmes and refer them to relevant accessible services;</li> <li>• Register all children between the ages of 0-18 years on a centralised database;</li> <li>• Ensure that children with disabilities on the database are assessed and have access to an individualised developmental support and treatment programme and social assistance benefits;</li> <li>• To ensure that children with disabilities remain on this programme until the age of 18 years;</li> <li>• Ensure that all children with disabilities are enrolled in appropriate ECD and compulsory education programmes; and</li> <li>• Ensure that parents receive timeous, appropriate and accessible information to enable them to take decisions in the best interest of their children.</li> </ul>

#### 6.4.1.2 Life-long Education and Training

*"The education system will play a greater role in building an inclusive society, providing equal opportunities and helping all South Africans to realise their full potential, in particular those previously disadvantaged by apartheid policies, namely black people, women and people with disabilities. It furthermore advocates the provision of inclusive education that enables everyone to participate effectively in a free society. Education provides knowledge and skills that people with disabilities can*

*use to exercise a range of other human rights, such as the right to political participation, the right to work, the right to live independently and contribute to the community, the right to participate in cultural life, and the right to raise a family. Ensuring that all children with disabilities have access to quality education will help South Africa meet its employment equity goals in the long run"*

NDP, Chapter 9

Exclusion from education reflects a complex, progressive and sustained social process of 'being excluded'. Children who are excluded from education, are often also excluded from development benefits in general:

- Some children already experience exclusion within their family and communities in which they live;
- Some children are excluded at the school level where schools do not have inclusive policies, cultures and practices that make everyone feel welcome with the assurance that they will be able to develop to their full potential; and
- The last link in the web of exclusion can be national education policies.

Statistics show that children and adults with disabilities tend to have less access to education at any level compared to their peers without disabilities. The correlations for both children and adults between low educational outcomes and having a disability is often stronger than the correlations between low educational outcome and other characteristics such as gender, rural residence, and low economic status. For many years, disability remained one of the key reasons for the exclusion of learners from receiving an education in ordinary schools. Children with disabilities were sent to special schools, often far away from their homes, and often in environments which were not safe, and did not necessarily provide access to the curriculum or quality education.

Persons with disabilities must have access to inclusive learning opportunities throughout their lives where they learn with peers without disabilities in barrier-free settings. Specific focus areas to realise this must include:

- Provision of reasonable accommodation of the individual's requirements;
- Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- Effective individualised support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion; and
- Enabling persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community.

Specific measures that must be taken include:

- Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- Facilitating the learning of South African Sign Language and the promotion of the linguistic identity of the Deaf community;
- Ensuring that the education of persons, and in particular children, who are blind, deaf, hearing impaired, non-speaking autistic or deaf-blind is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;
- Employing teachers, including teachers with disabilities, who are qualified in South African Sign Language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities; and
- Ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others by, among others ensuring that reasonable accommodation is provided to persons with disabilities.

**DIRECTIVES****DESCRIPTION****Provide accessible education facilities**

This applies to all existing and future developed public and private education institutions and campuses.

**Provide educational support and reasonable accommodation at all institutions of learning**

This involves the timeous availability of adequate support and reasonable accommodation measures across the value chain at all public and private education and training facilities and programmes to persons with disabilities. It includes providing students with disabilities group sport, recreation and peer support opportunities within the education institutions where they are enrolled.

**Enforce enrolment of children with disabilities of compulsory school-going age**

This includes the abolishment of all waiting lists at schools and immediate reporting of all children with disabilities who have been refused access to schools to the SAHRC. It also includes access to schooling, education and stimulation programmes for children with severe to profound intellectual disabilities.

**Integrate disability rights**

Disability rights awareness training programmes

**awareness discourse into the curriculum of educational programmes** must be integrated into the curricula of all education and training programmes.

#### **6.4.1.3 Social Integration Support**

Whilst all persons with disabilities are at risk of compounded marginalisation, it should be noted that there are groups which currently experience increased risk due to their actual or perceived impairment.

Communication difficulties, which compound the opportunities for persons to speak out, provide testimony; represent themselves effectively and in general, to be heard and to engage. Persons with communication difficulties require assistive technology and/or intermediaries to facilitate communication, which is often not available.

Persons with disabilities require, in addition to enabling environments and access to services available to the general population, a range of disability specific services to attain and maintain maximum independence, full physical, mental, social and vocational ability, and therefore full inclusion and participation in all aspects of life. These services include;

- Screening, early identification and assessment services to determine individualised support programmes;
- Specialised and community-based rehabilitation, habilitation and psychosocial support services;
- Assistive device and technology support services; and
- Peer and family counselling and empowerment support services.

The lack of rehabilitation services beyond hospital level during the initial phases of onset and/or diagnosis of disability (and for only a limited range of impairments) focusing on prevention of primary and secondary disabilities, is a major contributory factor to the slow uptake of affirmative action opportunities for adults with disabilities in economic empowerment and employment programmes.

Very few rehabilitation and habilitation services and programmes are available to facilitate effective social integration into community life, work and education after onset of disability, and families living in smaller towns and rural areas have virtually no access to these services, which are available mainly in metropolitan and larger secondary cities. Access to affordable and relevant rehabilitation services remains a challenge for persons with disabilities in particular in rural areas. Poverty is a major barrier for persons with disabilities and their families in accessing rehabilitation services, even where these are available at community level, and in particular to specialised services are available only in major centres, due to the high cost and inaccessibility of public transport, lack of accessible information on what services are available and where, and poor referral services within the health sector, but also

between the health sector, the social security system, social development services, the education system and employment and skills-development programmes.

Access to community-based peer and parent counselling and support programmes is central to the empowerment process of children, young persons and adults with disabilities. These programmes, preferably managed and provided by organisations of persons with disabilities and parents of children with disabilities, contribute significantly to reducing a culture of dependency and promoting true empowerment and active citizenship.

Adequate resource allocation for the establishment of psychosocial rehabilitation and habilitation services at community level and resource allocation for the improvement of quality of existing services, in all provinces, is required to facilitate the empowering of persons with psychosocial disability.

Community-based residential and stimulation programmes for persons with intellectual disability form an important function for participation within the community and allow the development and obtainment of various skills, for participation in income-generation projects.

Access to appropriate and affordable assistive devices and technologies for persons across the impairment spectrum ensures increased independence, participation and improved health, and should be available for use at home, at school, at work and during leisure activities.

NGOs, CBOs, FBOs, and in particular DSOs, provide a significant portion of social integration support services, often without sufficient state subsidisation, which detracts from both the quality and expansion of these services.

#### **DIRECTIVES**

#### **DESCRIPTION**

##### **Establish integrated, multi-sectoral provincial rehabilitation and habilitation centres**

These must provide and prioritise multi-sectoral screening, early identification and assessment services to determine individualised support programmes and social assistance requirements; a range of specialised independent living and social integration services to all persons with disabilities, irrespective of impairment; an assistive device and technology service, as well as coordination service for community-based personal assistance, peer and parent/family counselling, psychosocial and vocational rehabilitation habilitation and rehabilitation habilitation support services.

##### **Subsidise peer and parent empowerment support**

Peer support empowerment programs for children, youth and adults with disabilities, as well as parents of children with disabilities, must be subsidised and available at community level to strengthen their right to self-representation and advocacy. These programmes must preferably be managed

<b>programmes</b>	by parents' organisations and representative organisations of persons with disabilities.
<b>Subsidise disability-specific services</b>	Subsidisation of any disability-specific services rendered on behalf of government must be congruent with the actual cost of services. Representative organisations of persons with disabilities must be contracted as a central component of trainers.

#### 6.4.1.4 Access to Healthcare and Lifestyle Support

Health as a human rights issue is framed in terms of the "highest attainable standard of health." In other words, persons have a right to the conditions and resources that promote and facilitate a healthy life.

Access to healthcare for persons with disabilities extends well beyond physical access. Persons with disabilities often experience further disadvantage due to the impact of social determinants of health. Health and social services must be accessible, affordable and relevant to persons with disabilities across all impairment and environmental dimensions.

It is important to enhance the capacity of persons with disabilities to access the healthcare system, to ensure that information on available services is easily accessible and affordable, that healthcare workers treat persons with disabilities and their families with dignity and respect, and that the system is able to respond in an appropriate and timely manner to the needs of persons with disabilities.

Affordability of healthcare (including the cost of transport, rehabilitation and assistive devices, consumables and maintenance of devices) is a major deterrent for persons with disabilities receiving social assistance to seek employment.

Persons with disabilities as victims and/or survivors of disability-related and gender-based violence and crime, often struggle to gain access to victim empowerment support services and the broader justice system for victims due to attitudinal, physical, communication and information barriers. This requires that these barriers to mainstream services be removed, and reasonable accommodation support measures be provided where these are required.

Persons with disabilities are often at more risk of contracting HIV due to access barriers to prevention and treatment programmes. Persons with disabilities who have contracted HIV often experience double-discrimination on the basis of disability and their HIV status. Likewise persons with disabilities who are lesbian, gay, bisexual, transgender and intersex (LGBTI) face additional discrimination, persecution and violence simply for expressing who they are, and who they choose to love.



Similarly, access to community sport and recreation facilities and programmes, as discussed in the previous pillar, will contribute significantly to the general health status of persons with disabilities.

<b>DIRECTIVES</b>	<b>DESCRIPTION</b>
<b>Provide access to affordable healthcare services</b>	Integrated and holistic basket of accessible and affordable healthcare services at a district and community level, as well as access to higher levels of care, must be provided to all persons with disabilities.
<b>Provide access to victim empowerment and recourse programmes</b>	All persons with disabilities, and in particular women and girls with disabilities as well as older persons with disabilities, who are victims and/or survivors of disability-related and gender-based violence and crime, must have access to affordable victim empowerment and recourse programmes.
<b>Ensure all HIV and AIDS prevention and treatment programmes are accessible to persons with disabilities</b>	This must include family planning, sexuality/sex education programmes. If it is not possible to remove all access and participation barriers, then accessible disability-specific services must be provided.
<b>Develop and Implement a National Disability Services Quality Framework with a National Quality Assurance system, as well as legislation.</b>	These must determine and provide determined minimum norms and standards for disability services.

#### **6.4.1.5 Supported Decision-Making**

Choice and control are key defining aspects of human dignity. This is also relevant for persons with psychosocial, neurological and intellectual disabilities, who are often denied the right to control decisions over aspects of their lives.

Legislation and policies must recognise and enable the right of persons with psychosocial, neurological and intellectual disabilities to equal recognition before the law. Equality before the law is a basic general principle of human rights protection and is indispensable for the exercise of other human rights. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights specifically guarantee the right to equality before the law.

Persons with disabilities remain the group whose legal capacity is most commonly denied in legal systems worldwide. The right to equal recognition before the law implies that legal capacity is a universal attribute inherent in all persons by virtue of their humanity and must be upheld for persons with disabilities on an equal basis with others. Legal capacity is indispensable for the exercise of economic, social and cultural rights. It acquires a special significance for persons with disabilities in making fundamental decisions regarding their health, education and work.

Legal capacity should always be assumed unless evidence, which must include a range of principled and practical checks and balances, proves the contrary. In such cases, safeguards should be proportionate to the person's circumstances, and to how far the measures affect the person's rights and interests. Additionally, such measures should apply for the shortest time possible, and should be subject to regular review by an independent or judicial body.

Supported decision-making regimes comprise various support options which give primacy to a person's will and preferences and respect human rights norms. It must provide protection for all rights, including those related to autonomy (right to legal capacity, right to equal recognition before the law, right to choose where to live, etc.) and rights related to freedom from abuse and ill-treatment (right to life, right to physical and mental integrity, etc.).

The development of supported decision-making legislation and services, in particular for persons with intellectual, psychosocial, neurological and severe communication disabilities, must coincide with the review of substitute decision-making regimes.

#### **DIRECTIVES**

#### **DESCRIPTION**

##### **Develop supported decision-making services**

The development of supported decision-making support services, in particular for persons with intellectual, psychosocial and neurological disabilities, must coincide with the review of substitute decision-making regimes.

This must include the development of mechanisms to protect persons with disabilities from undue influence, coercion, exploitation and/or neglect in situations where their decisions, choices and preferences are substituted with those of others.

#### **6.4.1.6 Strengthening recourse mechanisms**

The empowerment of persons with disabilities and their families require that:

- they understand what their rights and entitlements are, know what recourse mechanisms are available should they experience discrimination or exclusion, and know how to access these recourse mechanisms; and

- recourse mechanisms are affordable and easily accessible, even in rural communities.

Recourse mechanisms include strengthening enforcement of existing legislation, development of new disability-specific legislation, service delivery and consumer complaint mechanisms and institutions, Chapter 9 institutions such as the SAHRC, CGE, Commission for Promotion and Protection of Rights of Cultural, Religious and Linguistic Communities, NGOs, CBOs, FBOs and the courts.

#### **DIRECTIVES**

#### **DESCRIPTION**

**Develop a national action plan to inform and empower persons with disabilities of their rights**

A national plan should include what the rights of persons with disabilities are, as well as how to access recourse should these be infringed upon.

### **6.5 Pillar 5 – Reducing Economic Vulnerability and Releasing Human Capital**

Poverty is a multi-dimensional concept determined by, among other things, a household's access to health, education and employment. Barriers that prevent persons with disabilities from improving their livelihoods are related to limited access to services such as health and education, negative attitudes from staff and community members, lack of reasonable accommodation and resources as well as increased costs related to health care, transportation, assistive devices and personal assistance. A lack of or insufficient education is often highlighted as a key element and cause of poverty in persons with disabilities. Poverty and disability are related in adulthood and this is associated with a lack of access to education during childhood – if children with disabilities have access to education (schooling) it reduces the likelihood that they will live in poverty as adults.

Reduced earning capacity is often associated with functional limitations, often-substantial costs of accommodating these limitations, high susceptibility to certain financial shocks, lack of financial reserves and extremely limited earning potential, result in them living below or near the poverty line.

However, such vulnerability also has profound implications for persons with disabilities who are financially more secure, but whose resources are limited and whose expenses are extraordinary. Failure to maintain financial stability may therefore trigger a downward spiral resulting in, among others, bankruptcy, diminished physical and mental health, financial dependence on family and friends, and even homelessness or institutionalisation if insufficient family support and resources are available.

The International Labour Organisation (ILO) estimated in 2009 that South Africa loses about 7% of its annual GDP due to exclusion of persons with disabilities from the workplace and the subsequent productivity loss.

Economic security and social protection for persons with disabilities requires a complex web of inter-related interventions. Persons with disabilities must have access to adequate financial resources to cover the additional cost of living associated with disability.

Reducing inequality in economic security by persons with disabilities and their families will require a concerted and coordinated effort by all government departments, municipalities, employers, labour unions, financial institutions, statistical bodies, education and research institutions, organisations of and for persons with disabilities, skills development agencies, regulatory bodies, institutions promoting democracy, as well as international development agencies to synergise legislation, policies, systems, programmes, services, and monitoring and regulatory mechanisms aimed at the creation of decent work, employment schemes, skills development, social protection, environmental accessibility and the reduction of inequality.

Persons with disabilities living in rural and impoverished settlements, and on farms and traditional communities are less likely to access employment opportunities due to (i) the lack of accessible and affordable public transport; and (ii) lack of accessible and affordable specialised services and opportunities in these areas. Traditional communities are also more likely to associate disability with traditional beliefs and practices.

#### RELEVANT UNCRDP ARTICLES

##### Article 27: Work and Employment

The right of persons with disabilities to work, on an equal basis with others, inclusive of the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. To achieve this, specific measures must be taken, including:

- The prohibition of discrimination on the basis of disability across the employment value chain;
- Protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work;
- Enabling persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- Promoting employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

- Promoting opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- Employing persons with disabilities in the public sector;
- Promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace;
- Promoting the acquisition by persons with disabilities of work experience in the open labour market; and
- Promoting vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

**Article 28: Adequate standard of living and social protection**

- Access to social protection programmes and poverty reduction programmes are guaranteed through assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance; access to public housing programmes.

### 6.5.1 Focus Areas

The following four (4) focus areas aim to accelerate reducing the economic vulnerability of persons with disabilities and their families and fostering economic self-reliance:

- Disability, poverty, development and human rights;
- Access to decent work and work opportunities;
- Persons with disabilities as owners of the economy; and
- Reducing the cost of disability for persons with disabilities and their families.

#### 6.5.1.1 Disability, Poverty, Development and Human Rights

While the Millennium Development Goals (MDGs) represented a concerted effort to address global poverty, the MDGs did not address the interface between poverty and disability, and persons with disabilities found themselves invisible in goal-oriented programmes. As a result, persons with disabilities remain excluded from equitable access to resources such as education, employment, healthcare and social and legal support systems, and consequently experience disproportionately high rates of poverty.

This omission is currently receiving attention as the world moves towards finalisation of the Post-2015 Development Agenda, and Catalina Devandas Aguilar, UN Special

Rapporteur on the Rights of Persons with Disabilities, is on record stating that *“The inclusion of persons with disabilities in the Sustainable Development Goals is fundamental if we are to achieve sustainable development that is genuinely rights-based”*.

The National Development Plan acknowledges that *“disability and poverty operate in a vicious circle. Disability often leads to poverty and poverty, in turn, often results in disability”*.

As the whole family is affected by the direct and the indirect cost caused by participation restrictions, the proportion of people affected is much higher than disability prevalence figure indicates.

A pilot study conducted in 2014 on *Elements of the Financial and Economic Costs of Disability to Households in South Africa* highlighted that some households, such as those of women with disabilities, persons with severe disabilities and those of children with disabilities are still disproportionately economically disadvantaged and vulnerable. The study identifies seven key areas for intervention to reduce economic vulnerability of households of persons with disabilities.

The White Paper for Social Welfare, 1996 provides that social security covers a wide variety of public and private measures that provide cash or in kind benefits or both. The provision of these measures takes place, first, in the event of an individual's earning power permanently ceasing, being interrupted, never developing or being exercised only at unacceptable cost and such person being unable to avoid poverty. The White Paper further defines social security as policies which ensure that all people have adequate economic and social protection during unemployment, ill health, maternity, child - rearing, widowhood, disability and old age, by means of contributory and non-contributory schemes for providing for their basic needs.

While uptake of social assistance grants has increased significantly over the past 15 years, medium and long-term emphasis has been on providing social grant beneficiaries with alternative income sources through gainful work and training, among others, through public employment programmes.

Workers are protected through unemployment insurance benefits as well as compensation for injury on duty.

Significant challenges exist in the private insurance industry with placement of benefit limitations and/or total exclusion of persons with disabilities from insurance benefits. A shift is required to reflect the social model paradigm, where insurance aims to enable a person acquiring a disability to maintain lifestyle and employment, rather than the current practice of compensating them for loss of income due to loss of employment.

DIRECTIVES	DESCRIPTION
<b>Align social assistance with cost of disability</b>	Social assistance must be aligned with the actual cost of disability, and must be structured in a way that encourages social assistance beneficiaries with disabilities to transition to sustainable livelihoods and decent work.
<b>Review all insurance benefits to include equitable access to persons with disabilities</b>	Insurance benefits must be reviewed to remove all discriminatory practices on the basis of disability, and to expand benefits for persons with disabilities and their families.
<b>Develop and/or strengthen and broaden the geographic reach of programmes and projects designed to reduce poverty amongst persons with disabilities</b>	<p>The programmes and projects must focus on the following 7 areas:</p> <ul style="list-style-type: none"> <li>• Access to education;</li> <li>• Support for caregivers of children with disabilities and those for adults with severe disabilities;</li> <li>• Accessible and affordable transport;</li> <li>• Increasing household income through employment and work opportunities;</li> <li>• Provision of accessible transport to health care facilities;</li> <li>• Affordable assistive devices and support, including accessibility of information and communication technology; and</li> <li>• The inclusion of persons with disabilities in the design of key developmental areas such as housing and transport.</li> </ul>

#### 6.5.1.2 Access to decent work and employment opportunities

Persons with disabilities must be treated as an asset rather than an expense item, and every effort should be taken, whether formally or informally, to develop skills and abilities and to provide opportunities for people to maximise their contribution.

Work is essential to an individual's economic security and is important to achieving social inclusion. Employment contributes to physical and mental health, personal wellbeing and a sense of identity. Income from employment increases financial independence and raises living standards.

Persons with disabilities are disadvantaged compared to their peers without disabilities as far as their access to decent work opportunities is concerned. This is partly attributed to limited formal education and skills. Persons with disabilities as a result tend to have worse labour market outcomes - unemployment, partial employment or full employment at lower wages than persons without disabilities. The Employment Equity Act, 1997 has not resulted in a significant improvement in



the employment status of persons with disabilities, with very minimal year-on-year improvements reported by the Commission on Employment Equity. Equity targets have been set well below the national disability prevalence by both the public and private sector, and those benefiting from this affirmative action legislation tend to be white and male and often do not require significant reasonable accommodation support measures.

Invisible disabilities (psychosocial, neurological, hearing and intellectual disabilities) often lead to persons with these disabilities not having access to affirmative action, social security and assistance benefits as they are not easily identifiable. These persons are therefore required to present additional proof of impairment.

Women with disabilities are affirmed through a range of targeted programmes and events by a number of government departments, although it recognised that improved co-ordination and targeting of these efforts will significantly strengthen impact.

The following range of supported/subsidised employment placement and support options are currently available in predominantly urban centres, largely due to the high general unemployment rate in South Africa:

- Sheltered work - People working in sheltered settings retain their social welfare benefits, typically a disability grant and usually receive a small discretionary additional weekly payment from the work provider. A weakness in the subsidised supported employment environment has been the lack of financial support for organisations of persons with disabilities who offer income-generating opportunities to their members;
- Integrative enterprises - sheltered workshops paying normal wages;
- Supported employment - a system of support for persons with disabilities in respect of on-going employment in integrated settings, including job coaching; and
- The open labour market.

A higher rate of investment must create employment opportunities for persons with disabilities, and a labour market that is more responsive to economic opportunity should take into account the need to ensure that persons with disabilities are included without discrimination on the basis of disability, race, geographical location or gender. Labour market strategies should embed disability at each level of the value chain, particularly with regards to ensuring that persons with disabilities benefit from reviewed regulations and standards for small and medium enterprises by addressing public sector labour relations; strengthening the application of minimum standards on the employment of persons with disabilities among employers ensuring that innovative recruitment processes target persons with disabilities; strengthening compliance with disability components of active labour market policies.

DIRECTIVES	DESCRIPTION
<b>Determine disability related economic affirmative action targets that are cognisant of disability population demographics</b>	The targets must take into consideration disability population demographics as well as redress requirements to facilitate equality of outcome by 2030.
<b>Provide affordable vocational rehabilitation and related programmes</b>	Employees with disabilities must have access to affordable vocational rehabilitation, skills development, job retention and return-to-work programmes after onset of disability.
<b>Integrate socio-economic development programmes provided to persons with disabilities on the national employment services database</b>	These programmes include social assistance, rehabilitation and habilitation, skills development, entrepreneurial and employment support programmes (e.g. mentorship for start-up business owners, job coaching and placement support). The aim is utilise the national employment support services database for job-seekers to link persons with disabilities to job opportunities.

#### 6.5.1.3 Persons with disabilities as owners of the economy

Persons with disabilities can and should be active players in building the economy, and must therefore be enabled to access opportunities aimed at ownership of the economy. Measures should include:

- Ensuring that persons with disabilities are actively participating in key NDP economic sectors such as mining, construction, mid-skill manufacturing, agriculture and agro-processing, higher education, tourism and business services;
- Persons with disabilities benefit from infrastructure projects that contribute to growth and job creation. There is a need to ensure inclusive planning that guarantees equal business opportunities and access to key services such as commercial transport, energy, telecommunications and water, while ensuring their long-term affordability and sustainability;
- Persons with disabilities must be part of all strategies to reduce the cost of living for low-income and working-class households. Such strategies should take into account the diversified needs of different segments within the population of persons with disabilities;
- Reduced cost of regulatory compliance should be extended to businesses that are owned and managed by persons with disabilities and their families;

- A larger, more effective innovation system should ensure that skills development and businesses owned by persons with disabilities are included and supported;
- Support for small businesses that are owned and managed by persons with disabilities, must be strengthened;
- An expanded skills base that achieves the current target of 4% set in the National Skills Development Strategy, and progressively increase this to 15% by 2030 in line with the increasing number of persons with disabilities, must be supported;
- Strengthened financial services to bring down cost and improve access for small- and medium-sized businesses must be available to persons with disabilities and their business enterprises on an equitable basis;
- The commitment to public and private procurement that fosters the growth of disability empowered business and those owned/managed by persons with disabilities, must be translated into practice and reported on;
- Enhanced commercial diplomatic services should position disability as an integral component of investment and foreign policy; and
- The public procurement system is an important transformation tool, and must include a minimum requirement that all goods and services procured through the public purse, comply with the principles of universal design and disability equity.

**DIRECTIVES****DESCRIPTION**

**Adopt and implement a target of 7% procurement and economic opportunities for emerging SMEs owned by persons with disabilities**

Steps must be taken to ensure that at least 7% of all public and private procurement for bids under R30 000 are allocated to business entities owned by persons with disabilities.

At least 7% of all opportunities in the various economic sectors must be allocated to business entities owned by persons with disabilities. This should include interventions so that farmers with disabilities access, own and cultivate land.

**Strengthen access to, and participation in, SME support programmes**

This must include strengthening all support programmes for entry level SMEs owned by persons with disabilities by implementing affirmative action targets and ensuring that reasonable accommodation support is available across the SME support services value chain.

**Ensure that BBBEE benefits persons with disabilities**

BBBEE creates access and equal opportunities for the economic empowerment of persons with disabilities by eliminating discrimination of all forms. As an example it facilitates access to the labour market by mandating and

rewarding organisations to hire and upskill persons with disabilities. Persons with disabilities must be included in all the BBBEE legislation and related regulatory framework mandates. Specific directives include the following:

- Persons with disabilities to have representation in all Sector Charters.
- Amendments of BBBEE codes to allocate specific targets for all elements of the codes to benefit persons with disabilities, in negotiation with the disability sector.

**Set affirmative action targets for women with disabilities**

Proposed targets are:

- 50% of all affirmative action opportunities targeting persons with disabilities.
- 7% of affirmative action opportunities targeting women empowerment.

**6.5.1.4 Reducing the cost of disability for persons with disabilities and their families**

The extra-ordinary costs of living associated with the high cost of personal assistance services (sign language interpreters, attendant care, reader and note-taking services), assistive devices and technology and transport for some groups, as well as healthcare-related expenses, significantly detract from equality of outcomes despite the availability of affirmative action programmes.

In addition to the direct disability-related expenses noted above, persons with disabilities and their families might need to incur additional costs.

According to data from Stats SA's Community Survey 2007, children with disabilities are more likely to be orphaned than their peers without disabilities. One in four children with disabilities nationwide has lost one or both parents, compared to one in five among children without disabilities.

Taxpayers with disabilities or with disabled dependants, enjoy a significant range of tax rebates for all medical scheme contributions and out-of-pocket medical expenses. These include, among others:

- attendant-care expenses (home, school and work);
- travel and other related expenses (including transport costs specifically incurred in respect of a learner with a disability who attends a specialised school;
- acquisition, insurance and maintenance of assistive devices, artificial limbs and technology required to enable persons with disabilities to perform daily activities

(including computer or other electronic equipment required in order to convert printed material or image files into text, braille, speech or any other accessible format, including peripheral equipment such as scanners, braille printers, speakers and headphones for the personal use by or for a person with a disability); and

- service animals, alterations or modifications to assets acquired or to be acquired.

The challenge with the current taxation system in South Africa is that it is linked to the tax bracket of the individual, rather than on an equitable rebate for the actual expense of the disability-related cost incurred.

DIRECTIVES	DESCRIPTION
<b>Review disability related tax benefits</b>	Disability-related tax benefits must be reviewed to ensure equity in the recovery of disability-related costs.
<b>Measures must be put in place to mediate the disability-related costs to SMMEs owned by persons with disabilities</b>	Adjudication of bids must exclude the disability-related costs associated with reasonable accommodation measures required to run the business to ensure equitable adjudication on price.

## 6.6 Pillar 6 – Strengthening the Representative Voice of Persons with Disabilities

Being able to take decisions that affect one's standard of living – where you go to school, where you live, with whom you live, who you form relationships with, where you work and what work you do – is an unknown concept for many persons with disabilities. The principle of self-representation is therefore paramount in ensuring an adequate standard of living, and goes hand in hand with the concepts of empowerment, participation and independent living.

The first level of self-representation, at individual level, has been covered under the Pillar on Supporting Empowerment of Persons with Disabilities. This Pillar focuses on strengthening the collective representative voice of persons with disabilities.

RELEVANT UNCRPD ARTICLES
<p><b>Article 4: General obligations</b></p> <p>Consultation and active involvement of persons with disabilities, including children with disabilities, through their representative organisations in the development and implementation of legislation and policies to implement the present Convention and</p>

in other decision-making processes concerning issues relating to persons with disabilities.

**Article 29: Participation in political and public life**

Measures to actively promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including forming and joining organisations of persons with disabilities to represent persons with disabilities at national, regional and local levels.

**Article 33: National implementation and monitoring**

Civil society, in particular persons with disabilities and their representative organisations, be engaged and participate fully in monitoring processes.

### 6.6.1 Focus Areas

The following five (5) focus areas require attention in order to strengthen the representative voice of persons with disabilities:

- Strengthening access and participation through self-representation;
- Recognition of representative organisations of persons with disabilities (inclusive of parents organisations);
- Strengthening the diversity and capacity of DPOs and self-advocacy programmes
- Public participation and consultation; and
- Self-representation in public life.

#### 6.6.1.1 Strengthening Access and Participation through Self-Representation

Organisations of persons with disabilities, popularly known as disabled people's organisations or DPOs, are controlled by persons with disabilities themselves. This means that persons with disabilities constitute a majority of the overall staff and board, and are well-represented in all levels of the organisation, and this right is protected in the constitution of the organisation. It includes organisations of parents of children with disabilities where a primary aim of these organisations is empowerment and the growth of self-advocacy of persons with disabilities.

Self-advocacy groups, which often constitute important programmes of disability service organisations, are constituted by persons with disabilities who, as a result of their impairments, might find it difficult to run and manage their own organisations independently. They should however enjoy guarantees of having an independent voice when it comes to advocacy matters; in other words, have the right to express

themselves as a group without interference. These under-represented groups require specific measures to ensure that their voices are heard during advocacy and monitoring processes.

Beneficiaries and participants of disability specific programmes must enjoy self-representation rights on the management committees and governance structures of organisations and/or institutions delivering services to them.

DIRECTIVES	DESCRIPTION
<b>Include persons with disabilities in all design, planning, implementation and monitoring of policies and programmes</b>	Government institutions at all levels and contexts of governance must consult relevant representative organisations of persons with disabilities (inclusive of parents organisations) in the design, budgeting, implementation and monitoring of legislation, programmes and services to the public in general, as well as services and programmes designed specifically for persons with disabilities.
<b>Ensure private entities provide accessible services</b>	Private entities providing services to the public must be encouraged to involve representative organisations of persons with disabilities in developing and assessing the accessibility of their services.

#### **6.6.1.2 Recognition of Representative Organisations of persons with disabilities (inclusive of parents' organisations)**

Representing others requires a process of obtaining mandates from the constituency whose viewpoints are being expressed. The right to represent others, to be recognised as a *representative voice*, therefore comes with responsibilities. It requires of representative organisations to put in place, among others,

- Membership management systems, which enables the organisation to account for the constituency it represents (also in terms of race, gender, age, geographical location, sexual orientation, impairment group etc.);
- Empowerment programmes for members;
- Advocacy and monitoring programmes; and
- Internal consultation and accountability mechanisms which enables them to obtain mandates from their membership.

Recognition of representative organisations furthermore requires of duty-bearers to put in place systems that regulates self-representation for purposes of consultation during policy and programme development, implementation and M&E processes in order to ensure the collective representative voice of persons with disabilities.



DIRECTIVES	DESCRIPTION
<b>Develop minimum norms and standards for consultation of persons with disabilities</b>	Minimum norms and standards for consultation with representative organisations of persons with disabilities at all levels of governance must be developed and regulated.
<b>DPOs must register with their respective co-ordinating bodies at national, provincial and local level</b>	Representative organisations of persons with disabilities must register with the designated national, provincial, district and local disability rights coordinating mechanisms for purposes of participation in policy development, implementation support, monitoring and evaluation processes.

#### **6.6.1.3 Strengthening the Diversity and Capacity of DPOs and Self-advocacy Programmes**

The UNCRPD requires of states parties to contribute towards the strengthening of the representative voice of persons with disabilities. This requires that state funding is made available to support disability organisations in establishing and maintaining self-advocacy and participatory monitoring activities at all levels of governance.

Particular attention is required for funding of self-advocacy programmes that will strengthen the collective voice of under-represented groups, as discussed in the pillar on persons experiencing compounded marginalisation.

DIRECTIVES	DESCRIPTION
<b>Provide funding to DPOs and self-advocacy groups for rights-based advocacy and research programmes</b>	<p>DPOs and self-advocacy groups must be empowered through legislation and financial support to:</p> <ul style="list-style-type: none"> <li>• Do rights-based advocacy and research for the promotion of the rights of persons with disabilities at national, provincial and local level;</li> <li>• Participate in the monitoring of the implementation of the White Paper on the Rights of Persons with Disabilities, sector policies and programmes as well as the domestication of international treaties; and</li> <li>• Monitor the rights of persons with disabilities through the independent monitoring mechanism.</li> </ul>
<b>Provide accessible</b>	Persons with disabilities who experience barriers in

**consultative  
platforms and  
support for self-  
representation**

representing themselves or organising themselves into representative organisations, must be provided with consultative platforms and support to represent themselves.

#### **6.6.1.4 Public Participation and Consultation**

It is important to distinguish between participation and consultation when it comes to the provision of platforms for self-representation.

Public participation constitutes access and full participation by persons with disabilities in community meetings and processes. This requires that reasonable accommodation measures are put in place to ensure that persons with disabilities know about the platforms, are able to get to these meetings, are able to get into and move around in the buildings where the meetings are held, have their specific sensory requirements taken into account (e.g. lighting, noise levels etc.), have accessible ablution facilities, have access to the full range of interpreter services and other assistive technology which provides access to information and communication, and are able to present their viewpoints.

Consultation constitutes a more structured process of self-representation whereby persons with disabilities are provided with access to policy and programme development processes and can participate in M&E processes on issues affecting their lives. This requires that representative organisations/structures of persons with disabilities who are affected by a specific area of focus, apply for recognition with the relevant institutions for purposes of consultation, and that the outcomes of such consultations are shared with management and governance structures.

It is furthermore important that a distinction is made between advocacy (advice on what is required) and expertise (how this should be done) when consulting disability organisations. All participation-related expenditure incurred by disability organisations in state-initiated advocacy and monitoring activities must be covered by the relevant institution, and not by organisations. Expertise should not be provided free of charge, but should be procured through normal supply chain management processes.

#### **DIRECTIVES**

#### **DESCRIPTION**

**All public  
participation  
programmes must  
be fully accessible  
to persons with  
disabilities**

This will include making use only of venues that are fully accessible, and ensuring that reasonable accommodation measures are taken to ensure access to information and communication.

#### 6.6.1.5 Self-representation in public life

It is important that persons with disabilities enjoy direct representation in legislative bodies as well as governance structures of public institutions whose mandates impact on the lives of persons with disabilities.

This includes, among others, that persons with disabilities are enabled to stand for election as public representatives at all levels of governance, that all legislatures have a public representation of persons with disabilities congruent with the disability prevalence percentage, and that their right to self-representation in public institutions is secured through legislation.

DIRECTIVES	DESCRIPTION
<b>Legislate the rights of persons to be represented on legislative bodies</b>	<p>Legislation must be developed to secure the right of persons with disabilities to represent themselves in legislative bodies as well as governance structures of public institutions.</p> <p>Persons with disabilities must be represented on all legislative bodies as well as governing bodies of national, provincial, district and community institutions impacting on the lives of persons with disabilities through nomination by relevant representative organisations of persons with disabilities (inclusive of parents organisations). This will require review of legislation and policies governing the composition of governing structures and eligibility of political party lists for elections.</p> <p>Children with disabilities must be enabled to represent themselves. This can take the form of providing support and platforms to enable them to represent themselves.</p>

### 6.7 Pillar 7 – Building a Disability Equitable State Machinery

*“Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all approach”.*

National Development Plan, 2012

Efficient, effective and development-oriented state machinery that delivers services in an equitable manner is an essential element of a capable and developmental state that pursues a ‘substantive’ rather than ‘formal’ approach to equality, in other words,

that the circumstances of people are taken into account and focus is on ensuring equality of outcomes.

The state machinery includes the legislative, executive across all three spheres of government.

#### **RELEVANT UNCRDP ARTICLES**

##### **Article 4: General obligations**

- Appropriate legislative, administrative and other measures are taken to ensure implementation of the rights.
- The promotion of training of professionals and staff working with persons with disabilities to enable them to give effect to the rights. The need for training is amplified throughout the articles.

##### **Article 31: Statistics and data collection**

- States Parties to collect relevant information, which should include statistical and research data, for the formulation and implementation of policies that will give effect to the Convention.
- The process of collecting and maintaining information collected comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities,
- Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics. Appropriate disaggregation is required to assess progress being made with implementation of States Parties' obligations, as well as to identify and address barriers faced by persons with disabilities in exercising their rights.
- States Parties to take responsibility for the dissemination of these statistics and ensure their accessibility to the general public, and persons with disabilities in particular.

##### **Article 33: National Implementation and Monitoring**

- The maintenance, strengthening, designation or establishment of a framework, to promote, protect and monitor implementation of the UNCRPD, in accordance with the government's legal and administrative systems. This framework might include one or more independent mechanisms, as appropriate.
- The participation of civil society, in particular persons with disabilities and their representative organisations, to be involved and participate fully in the monitoring process.

##### **Article 35: Reports by States Parties**

- Governments which have ratified the UNCRPD to submit periodic reports on progress made with implementation of the obligations contained in the UNCRPD.

**Other Relevant Articles include:**

Article 9 (Accessibility)  
Article 13 (Access to Justice)  
Article 20 (Personal Mobility)  
Article 24 (Education)  
Article 25 (Health)  
Article 26 (Rehabilitation)

**6.7.1 Focus Areas**

Disability must be mainstreamed across the following five focus areas:

- Disability equitable planning, budgeting and service delivery;
- Disability equitable evidence informing policy and programme development (Monitoring, evaluation, reporting, research, data and statistics);
- Public procurement and regulation;
- Capacity building and training; and
- Strengthening accountability.

**6.7.1.1 Disability Equitable Planning, Budgeting and Service Delivery**

An efficient, effective and development oriented public service that delivers services in an equitable manner is an essential element of a capable and developmental state. Disability equitable planning and budgeting is about ensuring that government plans and budgets mainstream disability considerations so that persons with disabilities have equal access to services and opportunities compared to their peers without disabilities.

This requires that disability considerations be mainstreamed in all planning processes, with a particular focus on (i) equality of outcomes; (ii) universal design; (iii) the removal of barriers; (iv) reasonable accommodation measures and (v) redress, and that a M&E system be put in place which provides an assessment of the impact of the implementation of policies, programmes, services and public sector spend on the lives of persons with disabilities.

Principles informing coordination of services, budgeting and resource allocation include:

- Persons with disabilities have a right to participate equally with others in any activity and service intended for the general public;

- Principles of universal design and reasonable accommodation provisioning must inform all new and existing legislation, standards, policies, strategies, plans and budgets;
- Targeted programmes and services aimed at redressing and/or to ensure that the diverse needs of persons with disabilities are adequately met must be underpinned by effective planning, adequate allocation of human resources and sufficient financial investment;
- Persons with disabilities must be consulted on selecting appropriate reasonable accommodation measures, assistive technology and personal support; and
- Representative organisations of persons with disabilities (inclusive of parents' organisations) must be consulted throughout the design-planning-implementation-monitoring-evaluation-regulation value chain.

The development of Universal Design Access Plans at institutional level will ensure that:

- Persons with disabilities have equality of opportunity as other people to access the services, programmes and any events organised by such an institution aligned with the requirements of the UNCRPD and PEPUDA;
- Persons with disabilities have equality of opportunity as other people to access the buildings and other facilities of the institution;
- Persons with disabilities receive information in a format or means that will enable them to access the information as readily as other people are able to access it;
- Persons with disabilities receive equitable levels and quality of service from the staff of the institution as other people receive from the staff of that institution;
- Persons with disabilities have equality of opportunity as other people to make complaints to the institution; and
- Persons with disabilities have equality of opportunity as other people to participate in any public consultation by the institution.

Disability equitable budgeting includes the re-prioritisation of existing budgets to accommodate reasonable accommodation support required to facilitate equality of outcome for persons with disabilities, as well as budgeting for disability-specific services required by persons with disabilities to promote human dignity, empowerment and self-reliance. It also requires that all conditional grants in the division of revenue include a requirement that all infrastructure, technology and programme development complies with the principles of universal design.

DIRECTIVES	DESCRIPTION
<b>Develop disability rights and equity commitment statements</b>	All public institutions must include a commitment statement on disability equity, highlighting the relevant UNCRPD obligations to the respective institution, in their strategic plans.
<b>Implement a disability equitable budgeting model</b>	A disability equitable budgeting model must be developed to ensure that state budgets and expenditure take into account the equality of outcome as it pertains to persons with disabilities.
<b>Develop and implement funded Universal Design Access Plans</b>	All public institutions must include a funded Universal Design Access Plan as an integral component of their annual performance plans and/or Integrated Development Plans. This requires that public institutions are able to illustrate how universal design principles are transforming planning and designing, and what reasonable accommodation support measures are funded.
<b>Incorporate universal design principles in procurement of goods, services and construction of infrastructure</b>	All state grant funding must incorporate a minimum requirement that universal design principles are included in the procurement of goods and services and construction of infrastructure. All service level agreements with state owned enterprises must include a disability dimension that contributes towards equitable outcomes for persons with disabilities.
<b>Review all programmes targeting children for access to children with disabilities</b>	The review must be conducted on all public and private sector programmes. It must include all child-centred services and must focus on the elements of equal access and participation.
<b>Provide top-up budgets for service delivery in deep rural and isolated communities</b>	Subsidies for services delivered in deep rural communities must take into account the additional cost of delivering qualitative services in these communities. There must be specific programmes and micro-scale projects, prioritised for portions of rural areas where persons with disabilities reside, aimed at providing immediate basic services, infrastructure and enabling environments.



### 6.7.1.2 Disability Equitable Evidence informing Policy and Programme

#### Development

Evidence that informs, among others, disability equitable policy and programme development on the one hand, and strengthening accountability on the other, is derived through effective monitoring and improvement processes, research and statistics and data management as described below:

- *Monitoring and Evaluation:* All M&E processes must incorporate the disability dimension, and disability organisations and persons with disabilities must be part of all citizen-based monitoring programmes;
- *Evaluation Feedback and Improvement:* Mechanisms for interpreting and extrapolating feedback gathered from evaluations must be in place. These mechanisms should be aimed at making use of the feedback to ensure on-going improvement of policies and programmes. *Research:* Policy review and design of programmes and services often lack evidence-based research on the exclusion and/or successful inclusion of persons with disabilities, as disability-related research is currently in the main not directed to inform the national disability rights agenda, but is to a large extent still conducted within the medical model approach (impairment-deficit focus), and lack a system of informing government planning. Improved coordination of disability rights-based research that articulates national priorities, and which provides sound evidence for future policy and practice decisions, will ultimately lead to improved outcomes for South Africans with disabilities; and
- *Disability Data and Statistics Management:* Reliable disability statistics play a crucial role in the development of policies and legislation aimed at improving the lives of persons with disabilities, as well as in monitoring progress and evaluating programmes addressing the needs of persons with disabilities.

Participation in monitoring and evaluation processes, as required by the UNCRPD, must be approached, among others, within the context of the Framework for Strengthening Citizen-Government Partnerships for Monitoring Frontline Service Delivery (2013), which emphasises the active participation of citizenry in order to provide key perspectives on service delivery that is vital to responsiveness of government.

Monitoring and evaluation of the rights of persons with disabilities is done within the broader context of the Government-Wide M&E System (GWMES), which encompasses the Policy Framework on the GWMES; National Treasury's Framework for Managing Programme Performance Information (FMPPI); Statistics South Africa's South African Statistical Quality Assessment Framework (SASQAF); and the 2011 National Evaluation Policy Framework (NEPF) produced by DPME.

Measurement of disability is complex, and varies according to the purpose and application of the data, the conceptualisation of disability, the aspects of disability (impairment, barriers or the interaction between these two aspects) being examined, definitions, question design and data collection methods, among others. A primary goal of collecting population data on persons with disabilities must be to identify strategies to improve their well-being and to track trends in changes over time.

The World Report on Disability acknowledges that *“impairment data are not an adequate proxy for disability information”,* and that *“broad ‘groupings’ of different ‘types of disability’ have become part of the language of disability’.* So, *“often, ‘types of disability’ are defined using only one aspect of disability, such as impairments – sensory, physical, mental, intellectual – and at other times they conflate health conditions with disability”.*

Whilst South Africa might need information on impairments for purposes of designing specific services, it is important to acknowledge that the usefulness of such data is limited, as the resulting prevalence rates are (i) not indicative of the entire extent of disability and (ii) diverse health, social, rehabilitation and habilitation, education and support responses might be required depending on the age, gender, geographical location, culture etc. of the individuals in question. Persons with similar impairments can experience very different degrees and types of restrictions and barriers to participation depending on the context.

Persons with disabilities are increasingly constructing their self-identity not by their impairments, but rather independent of it, whereby they accept impairment as a reality that they live with without losing a sense of self.

Disaggregation of categories of disability/impairments data further by for example gender, age, income, occupation, is therefore important to uncover patterns, trends, and other information about ‘sub-groups’ of persons with disabilities. There are three types of disability-related data:

- Impairment data – collection of information about the prevalence of physiological or psychological functions.
- Activity limitation data – collection of information about the capacity of a population to perform daily activities such as mobility, communication, self-care, and interpersonal relations.
- Participation restriction data – collection of information about what members of a population actually are able to do in their lives, and, in particular, what features of their physical, built, interpersonal, or social environment help or hinder them.

Impairment information alone, though obviously relevant to disability statistics, is inadequate for three main reasons:

- Impairment information is only a partial picture of disability - the effects of health conditions on people's lives can differ radically depending on the kinds of

impairments, the effect of these impairments on a person's capacity to act, and most importantly, personal factors particular to the individual and the overall environmental context including social expectations about 'normality';

- Impairment data are inadequate proxies for disability - At the population level, though a few severe impairments can serve as proxies for a fairly large proportion of the overall prevalence of disability, without information about how these impairments play out in people's lives, policy makers would have no idea about the relative seriousness, or cost, of the disability associated with these impairments; and
- Impairments are not predictors of the lived experience of disability - Persons with similar impairments experience different kinds and degrees of incapacity and vastly different restrictions on what actually happens in their lives. Disability is the complete lived experience of non-fatal health outcomes, not merely body level decrements in functioning.

Measuring child disability is inherently much more difficult than measuring disability in adults. While adults have relatively stable characteristics, children go through a natural development process as they grow, learning how to talk, walk, read and write. Their evolving characteristics complicate the task of assessing function and distinguishing significant limitations from variations in normal developmental processes.

DPOs must be an integral part of statistical and data analysis and all disability-related data and statistics must be fully accessible to persons with disabilities.

The set of disability questions developed by the Washington Group (WG), currently utilised by Statistics South Africa for purposes of surveys and census, is generally regarded as a new and improved approach of measuring disability-based on activity limitations and restrictions in social participation. This data collection method is aimed at producing prevalence measures that are internationally comparable even though it is, still inadequate to measure impairment and participation across the entire spectrum.

The World Health Organization's (WHO) International Classification of Functioning (ICF), Disability, and Health is both a classification system and a model of the complete experience of disability. As a classification system, the ICF provides a common language, which guarantees the comparability of disability data between sectors within a country, and between countries. As a model of disability, the ICF offers a conceptual framework for structuring disability data.

## DIRECTIVES

## DESCRIPTION

### **Standardise disability data and statistics**

All public and private institutions must review their data and statistics management systems with the view of incorporating disability disaggregation where relevant. The disability dimension must be included

	in all national census, household, labour and other socio-economic surveys. All research focusing on the general population within the focus areas covered in this WPRPD, must be disability disaggregated.
<b>Develop and implement a national research agenda</b>	A national disability research agenda for purposes of policy and programme development and tracking the reduction of inequality, must be developed at five year intervals to coincide with the MTSF.
<b>Strengthen reporting systems to include disability related reports</b>	Systems must be strengthened to ensure that all periodic reporting on ratified international treaties of the United Nations, African Union and SADC include with the disability-related obligations and dimensions of the UNCRPD.
<b>Disaggregate disability data to reflect gender statistics</b>	All disability-disaggregated data and statistics must be disaggregated according to gender; and all gender-related data and statistics must be disaggregated according to disability.

#### 6.7.1.3 Public Procurement and Regulation

The public procurement system is an important transformation tool, and must include a minimum requirement that all goods and services procured through the public purse, comply with the principles of universal design and disability equity.

The regulatory environment for licensing mining rights, telecommunications, etc. must furthermore ensure that persons with disabilities benefit equally from the social investment requirements attached to such licenses.

#### INTERVENTIONS

#### DESCRIPTION

<b>All public procurement and tender documents and processes must comply with the concept of universal design</b>	Public procurement policies must include dispositions requiring that when public agents purchase products and services with public funds, the agent must purchase the product that best meets accessibility requirements as defined by international standards.
<b>Persons with disabilities must benefit equitably from the social investment requirements attached to the licensing regulatory</b>	Licensing regulations must ensure that social investment requirements prioritise the provisions for persons with disabilities and develop means to ensure persons with disabilities attain sustainable benefits.

**environment**

**State enterprises to include a disability dimension** All service level agreements with state owned enterprises must include a disability dimension that contributes towards equitable outcomes for persons with disabilities.

**6.7.1.4 Capacity Building and Training**

The UNCRPD places a high premium on the investment that should be made in building the capacity of the state machinery to implement the obligations of the UNCRPD.

Equitable service delivery requires well-run and effectively coordinated state institutions with skilled and accountable public servants, as well as functional institutional mechanisms to facilitate effective and efficient cooperative governance. Public institutions therefore need to ensure that they develop in-house capacity to mainstream disability considerations effectively across all programmes and services. This requires that they develop strategies to ensure that the institutions have an in-depth understanding, knowledge and experience of, among others:

- mainstreaming of disability considerations, including infusing universal design principles across the planning-implementation-monitoring value chain of all programmes, and putting in place reasonable accommodation measures aimed at removing barriers to participation of persons with disabilities;
- obligations contained in the Convention on the Rights of Persons with Disabilities and other international and regional rights instruments; and
- working with organs of civil society.

The above must be achieved through a coordinated programme for accredited and non-accredited training across all levels and components of the state machinery. Disability rights mainstreaming must be integrated into all aspects of pre-graduate training, orientation and training offered to personnel of the state machinery, accreditation of disability rights mainstreaming courses must be strengthened, and persons with disabilities must be empowered to participate as trainers.

Whilst employers are responsible for ensuring that they capacitate employees to deliver disability equitable services, it is also the responsibility of every employee to ensure that they equip themselves with the required knowledge and skills to serve all customers equitably.

**DIRECTIVES****DESCRIPTION**

**Train personnel on providing services to persons with**

All public and private institutions must ensure that personnel responsible for frontline service delivery, design and planning, budgeting, service delivery, administration of

<b>disabilities</b>	justice and M&E undergo on-going training on strategies and measures to ensure equality of outcome for persons with disabilities in their programmes. Additionally, disability equity and service delivery improvement training must be included in the annual continuous development programmes of all professional staff that render services to persons with disabilities.
<b>Include modules on disability in all education materials and courses</b>	<p>All education materials across the learning spectrum must include modules on inclusion and disability equity.</p> <p>All disability equity training courses must include persons with disabilities (inclusive of parents) as part of the trainer component.</p>

#### 6.7.1.5 Strengthening Accountability

The onus of ensuring that disability-equitable planning, budgeting, service delivery and M&E becomes the norm in South Africa, rests with the state, and not rights-holders. Duty-bearers must therefore be regarded as having intentionally discriminated on the basis of disability if they cannot illustrate that they:

- Have acknowledged that persons with disabilities experience marginalisation and exclusion (attitude);
- Have identified the barriers/sources of exclusion and marginalisation (baseline);
- Have identified the enablers to remove the barriers (intent);
- Have budgeted to remove the barriers (commitment);
- Can report on results/impact of implementation (accountability); and
- Can demonstrate by taking actions that they are improving (responsibility).

Enforcing compliance with the obligations contained in the UNCRPD as well as Constitution of the Republic of South Africa by both the public and private sector, requires strengthening of disability rights mainstreaming in existing legislation, as well as the development of new disability-specific legislation, with particular attention paid to enforcement mechanisms that are accessible to rights-holders.

<b>DIRECTIVES</b>	<b>DESCRIPTION</b>
<b>Include disability outcomes in performance contracts of senior managers across the state machinery</b>	All performance contracts of state machinery senior managers must articulate appropriate disability equity requirements.
<b>Develop and implement new disability specific</b>	New disability specific legislation to strengthen implementation of the WPRPD must be developed

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<b>legislation</b>	following finalisation of a gap analysis.
<b>Review existing legislation</b>	Existing legislation must be reviewed to ensure compliance with UNCRPD obligations.

## 6.8 Pillar 8 – Promoting International Co-operation

South Africa has acceded to, or ratified, most of the African regional and international human rights instruments in the area of economic, social, cultural, civil and political rights.

The African Union's adoption of the Declaration of the African Decade for Persons with Disabilities in 2000 places responsibilities on African states to implement Decade programme activities. South Africa supports and participates in the African Decade for Persons with Disabilities (2010-2019).

<b>RELEVANT UNCRDP ARTICLES</b>
<p><b>Article 32: International Cooperation</b> States Parties, in recognition of the importance of international cooperation and its promotion, and in support of national efforts for the realisation of the purpose and objectives of the present Convention, will undertake appropriate and effective measures to promote international cooperation.</p> <p><b>Article 40: Conference of States Parties</b> States Parties to participate in the annual Conference of States Parties to the UNCRPD to share good practice and monitor implementation of the UNCRPD at country level.</p>

South Africa is a member of, among others the WHO, the ILO, WIPO and continues to share technical expertise through these channels.

Most national organisations of and for persons with disabilities participate actively in the leadership and programmes of their international and regional counterparts.

South Africa is obliged through a number of ratified treaties to ensure that the rights of asylum-seekers, refugees and displaced persons with disabilities are protected whilst they are in South Africa, and during repatriation processes.

<b>DIRECTIVES</b>	<b>DESCRIPTION</b>
<b>Include disability in all international engagements and agreements</b>	<p>All multi-lateral, bilateral and national engagements, agreements and other bilateral-multi-lateral funding instruments must include a disability dimension and implement their disability inclusive policies in South Africa.</p> <p>Persons with disabilities from South Africa trained and</p>

	recruited to play a significant role in international diplomacy, government-to-government relations and in social/economic bodies.
	Disability mainstreamed in South Africa's international development cooperation, trade and other agreements.
<b>Support disability mainstreaming and strengthening participation in the Pan African Parliament, AU, SADC and other such organisations</b>	<p>SA must support disability rights mainstreaming and strengthening participation in the Pan African Parliament, the African Union and its organs, the Southern African Development Commission (SADC) and other international/intergovernmental bodies based in and outside South Africa.</p> <p>South African policies harmonised with international policy instruments.</p> <p>South Africa is to play a role globally and through the civil society sector in revitalising the civil society sector by exchanging information through international organisations.</p> <p>South Africa is to exchange information bilaterally through partnership agreements with countries on the African Continent.</p>
<b>Develop and implement a national disability agenda on international cooperation</b>	A national disability agenda for purposes of international cooperation and knowledge exchange must be determined at five year intervals to enhance MTSF planning and implementation.

## 6.9 Pillar 9 – Monitoring and Evaluation

The monitoring process involves collecting, analysing, and reporting data on inputs, activities, outputs, outcomes and impacts as well as external factors, in a way that supports effective management of implementation of the WPRPD.

Evaluations will assess relevance, efficiency, effectiveness, impact and sustainability, and thereby provide credible and useful information to answer specific questions to guide decision making by staff, managers and policy makers on accelerating the implementation of the WPRPD.

Impact evaluations will examine whether underlying theories and assumptions were valid, what worked, what did not and why.

Government performance information will triangulate with the tracking of statistical and financial information and citizen's voices.

### 6.9.1 Data terrains and the Disability Inequality Index

#### 6.9.1.1 Data terrains

Monitoring implementation of this WPRPD will draw from three (3) data terrains as explained in the table below.

<b>Tracking Statistical Trends</b>	This involves the tracking of trends (current and evolving features and issues over time) in relation to the rights of persons with disabilities. This data stream shall comprise statistical data on the status of persons with disabilities and their related rights issues. Data will be obtained primarily from the existing data sets; data produced by other government departments and parastatals such as StatsSA, CSIR and the HSRC; and data gleaned from academic research institutes e.g. The National Income Dynamic Study (NIDS) conducted by University of Cape Town.
<b>Programmatic Performance</b>	Performance focuses on the interventions that ensure that outcomes are being met in an effective and efficient manner. This data stream will ensure there is evidence that persons with disabilities are considered and integrated into government programmes and policies. This stream will encompass a largely quantitative evidence base. The data for this stream will be primarily sourced from government's existing performance monitoring frameworks.
<b>Stakeholder Feedback</b>	This participatory data stream and approach is important for the qualitative monitoring and evaluation of human rights, and empowerment of marginalised people, whose voices are often not included in high level documents. It will facilitate the incorporation of qualitative data and evaluation ensuring that stakeholder groups are involved in the system.

#### 6.9.1.2 Disability Inequality Index (DII)

In order to realise the outcomes of the National Development Plan Vision 2030 and beyond, it is important that inequalities between persons with disabilities and persons without disabilities be reduced. Policy improvement cannot bear fruit without systematic and consistent measurement of the inequality gap.

The DII is an index for measurement of inequality between persons with disabilities and persons without disabilities with a gender dimension. The index provides a high level quick scan of the level of inequality with the explicit purpose of managing

government performance more inclusively. This index will be calculated and reviewed annually.

The DII is not a substitute for the disability rights monitoring and evaluation framework that will be embedded in the government-wide monitoring and evaluation system.

Although the DII is new, it operates within the context of the Human Development Index, the Gender Inequality Index and the Development Indicators. The domains include access and participation; the labour market and empowerment.

### 6.9.2 Key Principles

M & E of disability rights will be underpinned by the following key principles:

- *Disability-disaggregation* of all monitoring and evaluation information where it can be used to inform responsive planning, budgeting, implementation and reporting. The aim is to report on meaningful inclusion of persons with disabilities in all government policies and programmes;
- *Involvement of rights-holders* – ensuring the full participation of persons with in the conceptualisation, planning, development, implementation and monitoring of all government policies and programmes that directly or indirectly impact on their lives; and
- *Comparability* requires comparisons to be made between levels of implementation over time. Such comparisons can be made only if monitoring is carried out on an on-going basis. In order to achieve this longitudinal comparison it is necessary to establish baseline measurements of the current situation. Effective monitoring of equality will require comparisons to be drawn between the service delivery to persons with disabilities and persons without disabilities. This is to ensure that persons with disabilities are able to enjoy their human rights on an equal basis with others. Such comparative information can best be obtained through the use of mainstream or generic data collection directed at the general population (i.e. where persons with disabilities are identified by relevant variables in the survey design).

As a point of departure, it is important to reflect on mainstreaming the Medium Term Strategic Framework (MTSF) outcomes in line with the disability-disaggregated National Development Plan.

The existing indicators that are already in the M&E system must be disaggregated to build a baseline for disability-disaggregation data, for example, where data is being collected on children and women.

### 6.9.3 Stakeholder coordination

M & E requires a significant measure of independent and impartial views, and is therefore best managed and conducted by a multi-disciplinary and multi-stakeholder team of people that account and report to the national disability rights coordinating mechanism on the processes engaged in, and the findings of the process. However, the national disability rights coordinating mechanism remains responsible for leading and ensuring that monitoring and evaluation is implemented.

Collaboration and co-operative M & E by all three spheres of government, the private sector and disabled peoples organisations will be facilitated by the national disability rights coordinating mechanism. The provincial and local spheres of government will be supported to set up M & E systems that are aligned and feed into the national system.

The national disability rights coordinating mechanism will establish the necessary co-ordination structures, mechanisms, processes and systems to fulfill its M&E responsibility.

The national disability rights coordinating mechanism and the Department of Planning, Monitoring and Evaluation will ensure alignment between their M&E systems, and that all information gathered through monitoring the implementation of the WPRPD informs government-wide planning and service delivery.

### 6.9.4 Reporting

The designated national disability rights coordinating mechanism will publish an annual report on progress being made in the implementation of the WPRPD, against the targets set in the Implementation Matrix.

South Africa is obliged, as a signatory to international human rights treaties, to submit periodic reports to the UN and AU respectively. Article 35 of the UNCRPD requires States Parties to submit reports at four yearly intervals.

A participatory impact assessment on implementation of the WPRPD will be conducted at four year intervals to inform national MTSF planning and international treaty reporting.

### 6.9.5 Enforcement mechanisms

Persons with disabilities whose rights have been violated currently have access to recourse through a number of existing mechanisms, including:

- The SAHRC, which can, among others, investigate, report and secure appropriate redress where human rights have been violated;

- The Public Protector, which can, among others, investigate complaints on the conduct of a government official which interferes with the enjoyment of economic and social rights;
- The Public Service Commission, which can, among others, investigate complaints against public administration practices;
- The Courts, which play a very important role in the interpretation and enforcement of economic and social rights; and
- Other mechanisms such as the National Consumer Commission.

South Africa also ratified the Optional Protocol to the UNCRPD without reservation in 2007. This provides persons with disabilities with direct access to the UN Committee on the Rights of Persons with Disabilities if persons with disabilities believe that persons with disabilities are victims of a violation of the provisions of the UNCRPD, and where persons with disabilities have exhausted all available domestic remedies such as the Constitutional, Labour and/or Equality Courts.

#### 6.9.6 Outcomes and Long term indicators

The outcome indicators contained in the WPRPD represent high level measurement of the impact of each of the 8 WPRPD pillars on the lives of persons with disabilities. The maintenance of the output, input and process indicator matrix, aligned to the UNCRPD obligations, and which feeds into these high level indicators will be coordinated by the national disability rights coordinating mechanism in government in partnership with all relevant role-players.

The following outcome statements correlate with the focus of pillars in order to streamline the disability rights monitoring and evaluation framework.

The following table reflects some of the high level broad measures that will be used to track outcome improvements for persons with disabilities.

Outcomes	High Level Indicators
<b>Persons with disabilities are accorded and enjoy their full political, human, social and economic rights on par with all other people in South Africa.</b>	<ul style="list-style-type: none"> <li>• Compliance with international treaty obligations.</li> <li>• Percentage of public and private facilities with institutionalised social cohesion and disability sensitivity programmes.</li> <li>• Percentage of post school education and training courses which have a mandatory module on universal design.</li> <li>• Percentage of public and private transport systems complying with universal design principles.</li> <li>• Percentage of newly constructed public and private sector building fully compliant with built environment</li> </ul>



Outcomes	High Level Indicators
	<p>accessibility legislation.</p> <ul style="list-style-type: none"> <li>• Percentage of existing public and private sector building retrofitted to in compliance to the built-environment accessibility norms and standards.</li> <li>• Percentage of websites of public and private sector which complies with universal design principles.</li> <li>• Percentage of television programmes which provide closed captioning and sign language interpretation.</li> </ul>
<p><b>All persons with disabilities; irrespective of their age, gender, type of disability, race and economic status; are participating fully and equally in mainstream social and economic life</b></p>	<ul style="list-style-type: none"> <li>• Compliance with international treaty obligations.</li> <li>• Percentage of emergency services with accessible call centres for persons with hearing disabilities in particular.</li> <li>• Percentage of provincial and disaster management centres with operational plans for evacuation of persons with disabilities requiring assistance during such procedures.</li> <li>• Number of persons with disabilities denied their right to equality before the law.</li> <li>• Number of cases lodged by persons with disabilities and their families to access recourse following violation of their rights.</li> <li>• Percentage of police stations and courts with the full reasonable accommodation support spectrum available when required.</li> <li>• Percentage of victim empowerment services and facilities with the full reasonable accommodation support spectrum available when required.</li> <li>• Number of persons with disabilities subjected to arbitrary detention and wrongful criminal convictions due to lack of reasonable accommodation support available at any point in the justice value chain.</li> <li>• Number of persons with disabilities subjected to torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse.</li> </ul>
<p><b>The rights of all persons with disabilities to live and work in safe and accessible environments, free from discrimination,</b></p>	<ul style="list-style-type: none"> <li>• Compliance with international treaty obligations.</li> <li>• Percentage of persons with disabilities having timeous access to assistive devices and technology and personal assistance.</li> <li>• Number of persons on waiting lists for assistive devices and technology and personal assistance.</li> </ul>

# **ANNEXURE C**

**Michelle Aalbers**

---

**From:** Stuart Grobbelaar  
**Sent:** Tuesday, 06 October 2020 13:07  
**To:** Michelle Aalbers  
**Subject:** RE: [EX] Universal Access Policy

Good day,

I have reviewed [digitalydone.com](https://digitalydone.com) and have taken note of the measures proposed by this company.

We are currently in the final stages of redesigning our municipal website to improve navigation and user-experience.

Kind regards,



**Stuart Grobbelaar**  
 Manager: Communications  
 Department: Governance  
**Office of the Municipal Manager**

T: +27 21 808 8172 | C: +27 840361395  
 Plein Street, Stellenbosch, 7600  
 Private Bag X17, Stellenbosch, 7599  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)




---

**From:** Michelle Aalbers  
**Sent:** Friday, 25 September 2020 11:00  
**To:** 'Mike van Rensburg'  
**Cc:** Stuart Grobbelaar  
**Subject:** RE: [EX] Universal Access Policy

Morning Mike

Thank you for your comments. It is much appreciated. I am including Stuart Grobbelaar in this mail and will communicate with him on the matter as he is responsible for our website. Your comment is noted and will be included in the feedback to council.

*Kind regards,*

**Michelle Aalbers**  
 Manager: Community Development  
**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)

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**From:** Mike van Rensburg <[mike@digitalydone.com](mailto:mike@digitalydone.com)>  
**Sent:** Friday, 25 September 2020 10:34  
**To:** Michelle Aalbers <[Michelle.Aalbers@stellenbosch.gov.za](mailto:Michelle.Aalbers@stellenbosch.gov.za)>  
**Subject:** [EX] Universal Access Policy

Dear Michelle

Congratulations on the draft of the Universal Access Policy for Stellenbosch Municipality.

I would like to submit that you also adjust your municipal website to be accessible to disabled people. As far as I know you will be the first municipality to do so in South Africa.

Digitaly Done has taken the liberty and performed an audit on your website which highlights the shortcomings as measured against the WCAG 2.1 document.

*(Web Content **Accessibility** Guidelines (WCAG) 2.1 defines how to make Web content more accessible to people with disabilities. **Accessibility** involves a wide range of disabilities, including visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities.)*

Please have a look at our website, [digitalydone.com](http://digitalydone.com). An icon on the left hand side midway down the page opens up the disabled options. Feel free to test the different options. In no way does the changes impact on your website to the every day user. It merely makes it accessible to disabled people.

We would love to be involved in implementing the changes.

Will be great to hear from you Michelle

Have a great day

Mike van Rensburg

# **ANNEXURE D**

23 OCTOBER 2020

**Reference: Notice 54/2020**

**Manager: Community Development**

**Michelle Aalbers**

**Email: [michelle.aalbers@stellenbosch.gov.za](mailto:michelle.aalbers@stellenbosch.gov.za)**

**Dear Ms. Aalbers**

**COMMENTS ON THE REVIEW OF THE UNIVERSAL ACCESS POLICY**

**INTRODUCTION**

We would like to commend your department for the leading role it has taken to formulate the initial UA Policy in April 2016 and also for its thorough review of the policy in December 2019. We thank Stellenbosch Municipality for their efforts towards engaging with the disability sector, but also remind the municipality of its responsibility to be responsive and take deliberate action to increase accessibility for people with disabilities to all environments and opportunities.

**BACKGROUND**

Stellenbosch Municipality adopted a Universal Access Policy in April 2016 which states that it is a municipal mission to promote “equal opportunities and full participation or inclusion of people with diverse needs/requirements in the economic, social and political life through the introduction of UA and Universal Design (UD).” This includes the prioritisation and integration of UA and UD principles into the Integrated Development Plan and subsequent budgets of all departments. It further states that any physical, social, economic and other barriers that prohibit or limit access of people with disability should be removed through the creation of conducive and accessible environments.

Unfortunately, four years later, no real progress has been made toward the implementation of your universal access policy. There has also been no formal response to any of the Stellenbosch Disability Network’s memorandums, handed over at the annual Walk with Disability in November, in the past three years. We have raised our concerns and made reasonable suggestions in each of these memorandums, but am still awaiting any response. This while our communities, schools, towns and places of work remain largely inaccessible and out of reach for most people with disabilities. And central to the exclusion of people with disabilities in and around Stellenbosch remains the lack of accessible public transport.

**THE REVIEWED POLICY**

In Oct 2019, representatives from the Stellenbosch Disability Network met with Michelle Aalbers & Portia Jansen and made the following suggestion for improving the 2016 UA policy:

- The importance of setting clear and achievable objectives within the policy;
- Using these objectives to set priorities and targets for municipal employees and representatives;
- Including the new White Paper on the Rights of Persons with Disabilities in the policy throughout.

Upon reading the December 2019 Reviewed Policy, we feel that this policy largely addressed the above suggestions and is generally a good guiding document for the municipality.

We do, however, have the following concerns:

- There is no mention of appointing more people with disabilities within the municipal team;
- There is no suggestion of appointing a dedicated UA officer of disability desk to monitor and enforce the policy;
- Your objectives listed are not necessarily comprehensive and specific enough.

As such, we suggest adding the following specific objectives:

- Performing a comprehensive transport needs assessment and updating of the Transport Register of the CIP with regards to the utilisation of public transport, the status of transport facilities and the utilisation of the various modes of transport as applied to people with limited mobility (i.e people with disabilities, the elderly, parents with infants etc.).
- Establishing a centralised database/system for reporting inaccessible transport services, sidewalks, infrastructure and systems, as well as up-to-date data and maps on where accessible routes are.
- Acquiring/Contracting universally accessible vehicles for transporting people with mobility impairments. These vehicles can be used to transport people to special municipal events (e.g. IDP meetings) as well as within and between communities.
- Mandating sensitisation training as part of any supplier/tender appointment (including transport and taxi licencing) process to ensure that all suppliers that will impact public access and services are sensitised to universal access and that they provide adequate and reasonable accommodation as required.
- Prioritising the provision, accessibility and safety of non-motorised pedestrian routes in communities, especially around service centres such as day clinics, halls and police stations. Also ensuring that sidewalks in the CBD of Stellenbosch and surrounding towns of the municipality are physically accessible and free of obstructions (including safe alternative routes during construction and maintenance of sidewalks).
- Urgently, and in collaboration with the Stellenbosch Mobility Forum, start engaging and planning for the establishment of an integrated and universally accessible public transport system for Stellenbosch.

Yours sincerely,

Dr. Cindy Wiggett-Barnard

Chairperson of the SDN

Contact details: [cindy@changeability.org.za](mailto:cindy@changeability.org.za); 021 882 8852



# **ANNEXURE E**

**Michelle Aalbers**

---

**From:** Van Deventer, Kirchner [kvd@sun.ac.za] <kvd@sun.ac.za>  
**Sent:** Tuesday, 10 November 2020 12:13  
**To:** Stuart Grobbelaar; Michelle Aalbers  
**Subject:** [EX] Re: Universal access policy document

Thank you for attending to this so quickly, much appreciated!

Kirchner van Deventer  
 Head: Carnegie Research Commons | Hoof: Carnegie Navorsingsruimte  
 Library and Information Service | Biblioteek- en Inligtingsdiens  
 Stellenbosch University | Universiteit Stellenbosch  
 e: kvd@sun.ac.za | t: +27 21 808 2623

---

**From:** Stuart Grobbelaar <Stuart.Grobbelaar@ Stellenbosch.gov.za>  
**Sent:** Tuesday, November 10, 2020 12:04:07 PM  
**To:** Michelle Aalbers <Michelle.Aalbers@ Stellenbosch.gov.za>; Van Deventer, Kirchner [kvd@sun.ac.za] <kvd@sun.ac.za>  
**Subject:** RE: Universal access policy document

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Good day,

Here is the notice: <https://www.stellenbosch.gov.za/news/notices/notices-community-development/10149-notice-call-for-public-comments-on-the-universal-access-policy-review/file>

Here is the draft policy: <https://www.stellenbosch.gov.za/documents/municipal-policy/10147-universal-access-policy-draft-review-for-public-comments/file>

The policy was automatically removed from the website as it was set to the initial closing date of 26 October 2020. We have now edited the publishing date to stop publishing after 13 November 2020, as requested by the relevant department.

Kind regards,

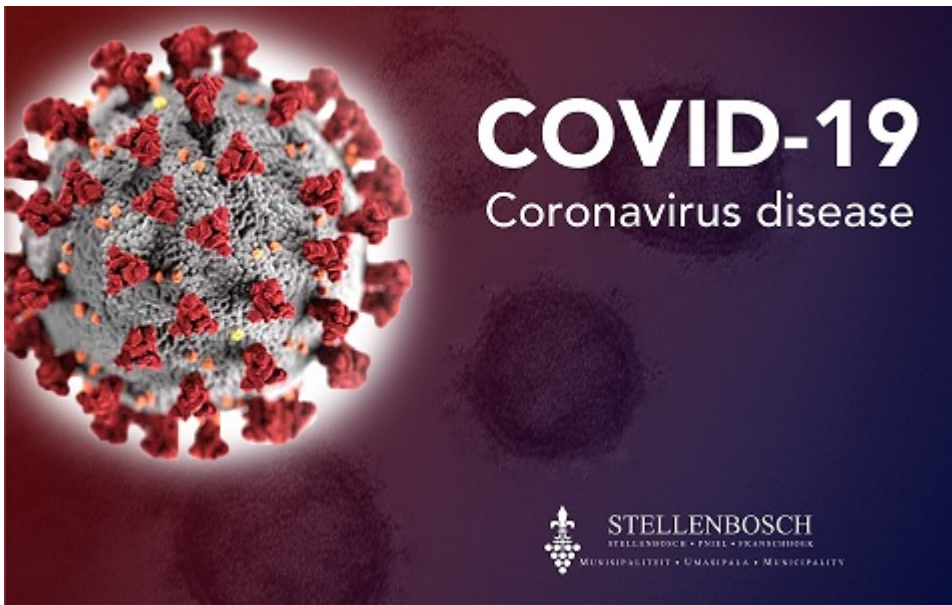


**Stuart Grobbelaar**  
 Manager: Communications  
 Department: Governance  
**Office of the Municipal Manager**

---

T: +27 21 808 8172 | C: +27 840361395  
 Plein Street, Stellenbosch, 7600  
 Private Bag X17, Stellenbosch, 7599  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)





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

Stay alert, stay updated and stay safe.



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

#### Disclaimer:

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**From:** Michelle Aalbers

**Sent:** Tuesday, 10 November 2020 11:37

**To:** 'Van Deventer, Kirchner [[kvd@sun.ac.za](mailto:kvd@sun.ac.za)]'; Stuart Grobbelaar

**Subject:** RE: Universal access policy document

Dear Stuart

Please assist with the problem as indicated below.

*Kind regards,*

**Michelle Aalbers**

Manager: Community Development



Community and Protection Services

---

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**From:** Van Deventer, Kirchner [kvd@sun.ac.za] <[kvd@sun.ac.za](mailto:kvd@sun.ac.za)>  
**Sent:** Tuesday, 10 November 2020 11:35  
**To:** Michelle Aalbers <[Michelle.Aalbers@stellenbosch.gov.za](mailto:Michelle.Aalbers@stellenbosch.gov.za)>  
**Subject:** [EX] RE: Universal access policy document

I just got this message when I tried to follow the link:

## 404 - Not Found

You may not be able to visit this page because of:

1. an out-of-date bookmark/favourite
2. a search engine that has an out-of-date listing for this site
3. a mistyped address
4. you have no access to this page
5. The requested resource was not found.
6. An error has occurred while processing your request.

Please try one of the following pages: [Home Page](#)

If difficulties persist, please contact the System Administrator of this site and report the error below.

Not Found

Also, I can't find it on the Municipality website. This is problematic, since if I, an able bodied person and a librarian have trouble finding it, how would someone who is blind or otherwise impaired be able to find the document and submit reviews prior to the 13<sup>th</sup>?

Regards

### Kirchner van Deventer

Head: Carnegie Research Commons | Hoof: Carnegie Navorsingsruimte

Library and Information Service | Biblioteek- en Inligtingsdiens

Stellenbosch University | Universiteit Stellenbosch

e: [kvd@sun.ac.za](mailto:kvd@sun.ac.za) | t: +27 21 808 2623 | f: +27 21 808 3723



**From:** Michelle Aalbers <[Michelle.Aalbers@ Stellenbosch.gov.za](mailto:Michelle.Aalbers@ Stellenbosch.gov.za)>

**Sent:** Tuesday, 10 November 2020 11:32

**To:** Van Deventer, Kirchner [[kvd@sun.ac.za](mailto:kvd@sun.ac.za)] <[kvd@sun.ac.za](mailto:kvd@sun.ac.za)>

**Subject:** RE: Universal access policy document

CAUTION: This email originated from outside the Stellenbosch University network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Stellenbosch Municipality has reviewed our Universal Access Policy. The reviewed document is available for public comment on the municipal website. The document can be viewed at this link: [bit.ly/3hYoPIN](https://bit.ly/3hYoPIN)

All comments can be submitted to the Manager: Community Development. The closing date for public comments has been extended to 13 November 2020.

Contact Person: Michelle Aalbers

Email: [michelle.aalbers@ Stellenbosch.gov.za](mailto:michelle.aalbers@ Stellenbosch.gov.za)

*Kind regards,*

**Michelle Aalbers**

Manager: Community Development

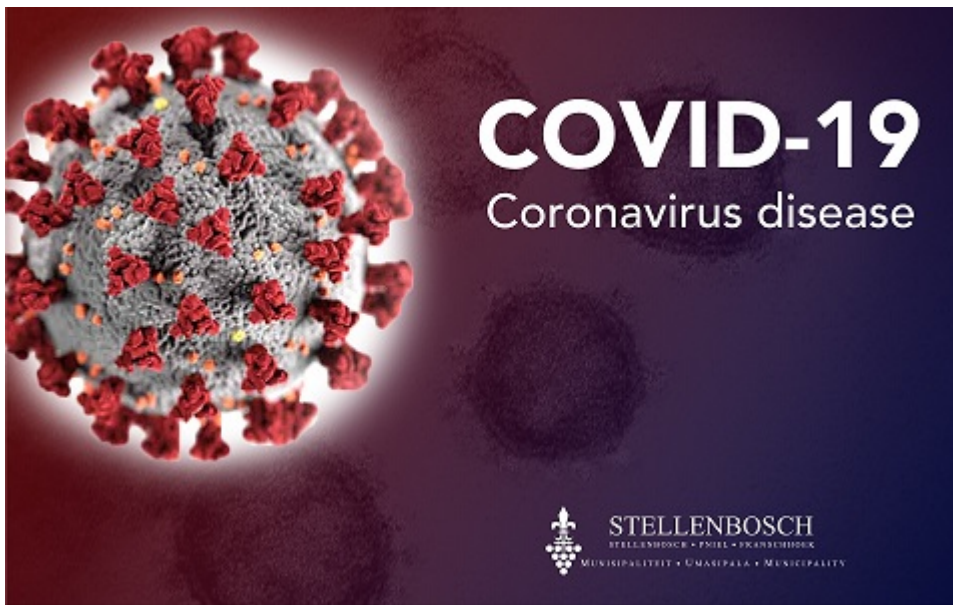
**Community and Protection Services**



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58 Andringa Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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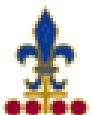


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- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



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

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**From:** Van Deventer, Kirchner [[kvd@sun.ac.za](mailto:kvd@sun.ac.za)] <[kvd@sun.ac.za](mailto:kvd@sun.ac.za)>

**Sent:** Tuesday, 10 November 2020 11:08

**To:** Michelle Aalbers <[Michelle.Aalbers@stellenbosch.gov.za](mailto:Michelle.Aalbers@stellenbosch.gov.za)>

**Subject:** [EX] Universal access policy document

Good day

May I please request a copy of the above mentioned document. Also, where may comments on the document be directed?

Kind regards

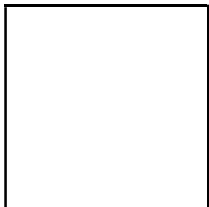
**Kirchner van Deventer**

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# **ANNEXURE F**

**Michelle Aalbers**

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**From:** Lilley Berrington <lilleyberrington@gmail.com>  
**Sent:** Thursday, 12 November 2020 15:53  
**To:** Michelle Aalbers  
**Subject:** Re: [EX] Feedback on Universal Access Policy

Hi Michelle.

I understand. We appreciate that the municipality is trying to learn and improve. We would be more than happy to help.

I don't think we would need that long. Perhaps only until COB on Monday, if we can get the Word doc tomorrow.

Kind regards,

Lilley

On Wed, Nov 11, 2020 at 1:48 PM Michelle Aalbers <[Michelle.Aalbers@stellenbosch.gov.za](mailto:Michelle.Aalbers@stellenbosch.gov.za)> wrote:

Please find the word format as requested attached. Annexure 2 is the White Paper on the Rights of Persons with Disabilities. I only have a pdf that I down loaded from the internet.



*Kind regards,*

**Michelle Aalbers**

Manager: Community Development

**Community and Protection Services**

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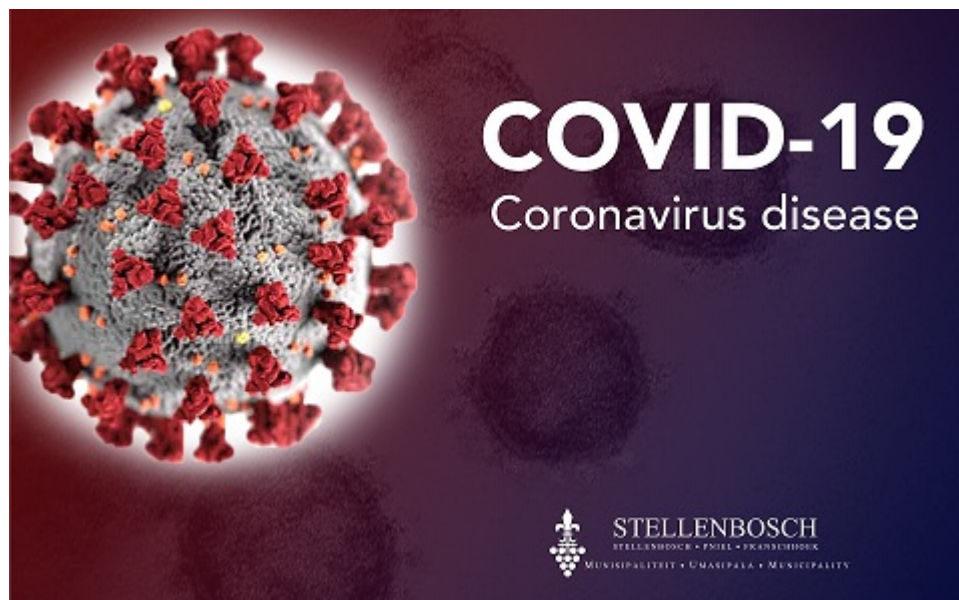
T: +27 21 808 8408 | C: +27 83 560 5935

58 Andringa Street, Stellenbosch, 7600

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



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- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

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**Sent:** Wednesday, 11 November 2020 12:55  
**To:** Michelle Aalbers <[Michelle.Aalbers@stellenbosch.gov.za](mailto:Michelle.Aalbers@stellenbosch.gov.za)>  
**Subject:** [EX] Feedback on Universal Access Policy

Good day.

I hope this mail finds you well.

I am a person with a visual impairment, and some of my other friends with disabilities and I attempted to review

the municipality's universal access policy.

Please note that the PDF document is very inaccessible. Can we please request a Word or HTML version, as well as an extension for feedback?

One of my friends, Rynhardt Kruger, commented:

"The table with the projects is unreadable. It is ironic that they have "accessible education material" as part of the policy, and yet the policy itself is in an untagged PDF. We will need the original Word version from which the pdf was produced (with print to pdf no less). Had they used the export function, it would at least have been tagged."

From what we could read, we also didn't see anything on how people with disabilities can lodge complaints about access issues. However, perhaps it is in the document, but we just couldn't access it.

Please advise.

Kind regards,

Lilley Berrington

# **ANNEXURE G**

**Michelle Aalbers**

---

**From:** Lilley Berrington <lilleyberrington@gmail.com>  
**Sent:** Monday, 16 November 2020 16:50  
**To:** Michelle Aalbers  
**Subject:** Re: [EX] Feedback on Universal Access Policy

Hi Michelle.

I hope you had a great weekend!

Please see our commentary on the UA below:

#### 2.5 Table of Objectives:

##### Location:

Supporting Sustainable integrated Community life:

Provide information on available service to all parents and care-givers of children

Information available in print format in all three of the official languages of the WC

##### Comment:

Suggest adding that information should also be provided as accessible electronic documents. The word print here is ambiguous and might lead to inaccessible material.

#### General Comment on Table of Objectives:

I strongly suggest that accessible digital platforms and information should be added as an objective. All websites, mobile apps, and other platforms should be designed to be compliant with digital accessibility standards, otherwise they will be unusable for print disabled users, users with motor impairments, and others. Digital platforms should be designed in line with the World Wide Web Consortium (W3C) guidelines on accessible web design. I specifically refer to the W3C's Web Content Accessibility Guidelines (WCAG), and the Web Accessibility Initiative's guidelines on Accessible Rich Internet Applications (WAI-ARIA). I realise that the table of objectives includes a general target for accessible products and services. However, in my experience digital platforms are most often overlooked in this context, perhaps because they are not as visible to the general public as the built environment. Accessible platforms also need to interact with assistive technologies like screen readers (for print disabled users) and devices for providing switch access (for motor impaired users), which requires conventions which the general public is not usually aware of.

#### General Comment on the Policy with Regards to Engagement with Disabled People:

The policy emphasises the role of disabled peoples organisations and the Stellenbosch Disability Network with regards to monitoring implementation of UA practices and gaining feedback. However, it should be born in mind that a large number of disabled people are not affiliated with DPO's. I suggest that a strategy should be developed for engaging with individual disabled citizens as well. Perhaps social media and other digital channels could be utilised for this endeavour.

Further comment on engagement: The document doesn't mention where people with disabilities can report inaccessible infrastructure. Is there such a platform, and where might people find out about it?

Final general comment: I would like to suggest that you approach me before the next review of the policy. A group of people with disabilities that I know (including myself) are willing to act as consultants.

Have a great evening!

Kind regards,

Lilley

On Fri, Nov 13, 2020 at 9:46 AM Lilley Berrington <[lilleyberrington@gmail.com](mailto:lilleyberrington@gmail.com)> wrote:  
Hi Michelle.

Thanks very much. Attachment received.

Sorry, I overlooked the attachment yesterday. We will give feedback on Monday.

Have a great weekend!!

Kind regards,

Lilley

On Fri, Nov 13, 2020 at 7:29 AM Michelle Aalbers <[Michelle.Aalbers@ Stellenbosch.gov.za](mailto:Michelle.Aalbers@ Stellenbosch.gov.za)> wrote:

Morning

Monday should be fine. Please find the word document attached. Please confirm receipt as I thought that I did attach it to the previous mail.



*Kind regards,*

**Michelle Aalbers**

Manager: Community Development

**Community and Protection Services**

---

T: +27 21 808 8408 | C: +27 83 560 5935

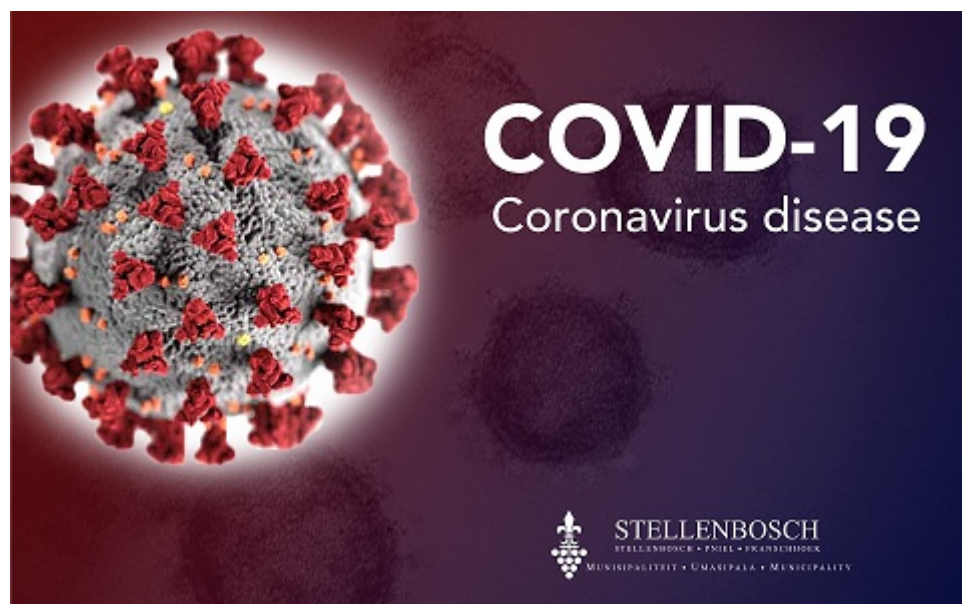
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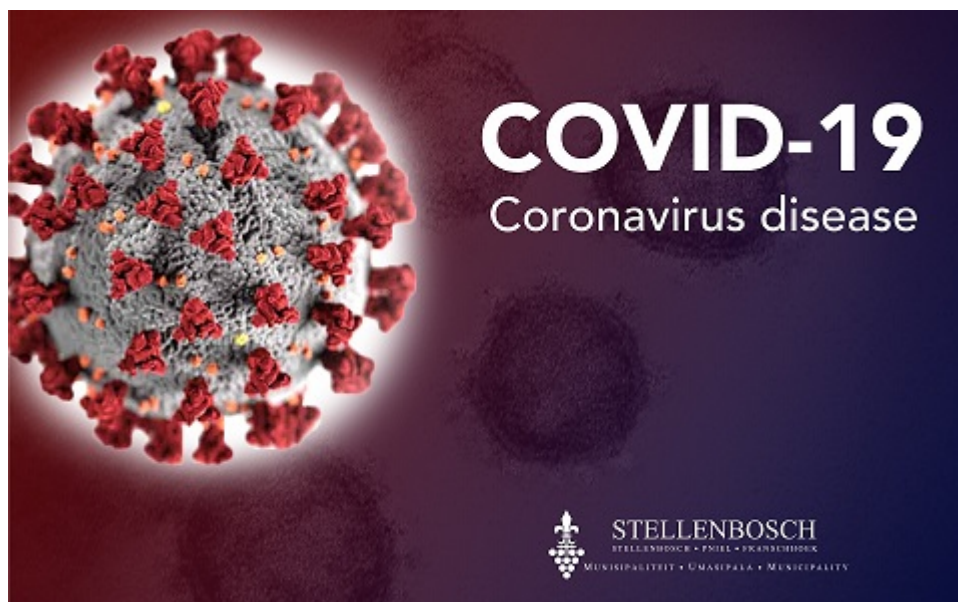
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<b>7.10</b>	<b>MUNICIPAL MANAGER</b>
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<b>7.10.1</b>	<b>ADOPTION OF THE REVISED STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2020/21 FINANCIAL YEAR WITH RISK APPETITE</b>
---------------	--

Collaborator No: 700491  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 20 January 2021

**1. SUBJECT: ADOPTION OF THE REVISED STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2020/21 FINANCIAL YEAR WITH RISK APPETITE**

**2. PURPOSE**

To submit the Strategic and Operational Risk Register for the 2020/21 financial year for Council approval.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Municipal Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2003, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. To this end, Stellenbosch Municipality has undertaken the practice of adopting a Strategic Risk Register which identifies strategic and operational risk at a corporate level to ensure that risks which could hamper service delivery and the strategic objectives are identified and linked to appropriate actions to mitigate the risks.

Due to the changing dynamics in the external environment with impact municipal services, amendments to the Strategic Risk Register were necessitated to ensure that the municipalities remain appropriately responsive to the risk environment.

The Stellenbosch Municipality is committed to effective risk management in order to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community.

**5. RECOMMENDATION**

that Council adopts the Strategic and Operational Risk Register for the 2020/21 financial year.

**6. DISCUSSION**

Municipal Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2003, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. To this end, Stellenbosch Municipality has undertaken the practice of adopting a Strategic Risk Register which identifies strategic and operational risk at a corporate level to ensure that risks which could hamper service delivery and the strategic objectives are identified and linked to appropriate actions to mitigate the risks.

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The Stellenbosch Municipality is committed to effective risk management in order to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community.

### 6.1. Background

In terms of Section 60 of the MFMA the Municipal Manager must take reasonable steps to ensure that the municipality maintain effective financial and risk management as well as internal controls.

The principal aim of the risk assessments process is to:

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

### 6.2. Discussion

During late November 2020 a steady increase was reported with regards to COVID-19 infections reaching a new peak as part of the second wave of infections. This continued through December 2020 and January 2021. At the end of December 2020 the President introduced alert level 3 from alert level 1 with higher restrictions which is likely to have further impact on municipal service delivery. On 10 January 2020 level 3 was extended to 15 February 2020. Further to this increased infections in and around Stellenbosch Municipality will have a negative impact on the risk exposure to the municipality which necessitated adjustments to the Strategic and Operation Risk Register of the Municipality. In light of this, the rating of COVID-19 on the Strategic and Operational Register required adjustment to reflect the current status and impact of the virus.

Risk likelihood and impact of COVID-19 in Stellenbosch Municipality has been impacted (see annexed Risk Register). Further to this, COVID-19 as a risk, has a knock-on effect to other risks for the municipality. In addition to the second COVID-19 wave, loadshedding has also re-emerged, necessitating adjustments to the risk exposure to the availability electricity and costs of electricity.

Certain risks has also been revised to ensure that the municipality can appropriately respond to the impact of these risks to municipal service delivery taking into account the changing external and internal factors. These risks include (see annexed Risk Register for detail):

#### Strategic Risks:

- Increased risk of land invasion – moved up to highest strategic risk;
- Availability and cost of electricity – moved up to 2<sup>nd</sup> highest strategic risk;
- Corona-19 Pandemic – moved up to 3<sup>rd</sup> highest strategic risk;
- Increase in community unrest due to the fact that growth in demand for housing exceeds the resources available for development – moved to 5<sup>th</sup> highest strategic risk.

#### Operational Risks:

- Insufficient burial space in the greater Stellenbosch – amended to take into account increased COVID-19 burials; remain the highest operational risk.

**6.3. Financial Implications**

The financial impact will be quantified as part of the 2020/21 Adjustment Budget.

**6.4. Legal Implications****Section 62 of the MFMA****General Financial Management Functions**

- (1) The accounting officer of a municipality is responsible for the managing of financial administration of the municipality, and must for this purpose take all reasonable steps to ensure –
  - (a) That the resources of the municipality are used effectively, efficient and economically;
  - (b) That full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards;
  - (c) that the municipality has and maintains effective, efficient and transparent systems–
    - (i) of financial and **risk management** and internal control.

**6.5 Staff Implications**

None.

**6.6 Risk Implications**

As indicated in the annexed Strategic and Operational Risk Register.

**6.7 Comments from Senior Management:****6.7.1 Director: Infrastructure Services**

Supported.

**6.7.2 Director: Planning and Economic Development**

Supported.

**6.7.3 Director: Community and Protection Services:**

Supported.

**6.7.4 Director: Corporate Services:**

Supported.

**6.7.5 Director: Planning and Economic development**

Supported.

**6.7.6 Chief Financial Officer:**

Supported.

**6.7.7 Municipal Manager:**

The format and lay-out of the Strategic and Operational Risk Register will be adjusted and certain changes will be made to reflect a wider range of criteria to ensure that all risks as identified reflect current and future scenarios. This will not only assist in the identification of strategic risks but how to mitigate and manage these.

The above-mentioned changes will take into account recommendations in the Quality Assurance Review and will undergo consultation as part of the Risk Policy Review over the coming months.

**ANNEXURES**


**Annexure A:** Strategic and Operational Risk Register for the 2020/21 financial year.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>SHIREEN DE VISSER</b>
<b>POSITION</b>	<b>SENIOR MANAGER: GOVERNANCE</b>
<b>DIRECTORATE</b>	<b>OFFICE OF THE MUNICIPAL MANAGER</b>
<b>CONTACT NUMBERS</b>	<b>X8035</b>
<b>E-MAIL ADDRESS</b>	<b>shireen.devisser@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>13 JANUARY 2021</b>



# **ANNEXURE A**

<div>  <div>STELLENBOSCH STELLENBOSCH • NIEL • FRANSCHHOEK MUNICIPALITEIT • UMASIPALA • MUNICIPALITY</div> </div> <div>STELLENBOSCH MUNICIPALITY (WC 024)</div>										
Assessment Strategic and Operational Risk Register 2021 - 13 January 2021										
Revised Strategic Register										
Risk Item	Risk Description	Risk Background	Strategic Objectives	Impact Rating (1-5)	Likelihood Ratings (1-5)	Residual Risk Exposure (1-25) Risk Appetite	Directorate	Action Plans/Mitigation	Risk Champion	Comments
1	Increased risk of land invasion.	Political environment leading up to the election. Legal precedents set under disaster management declaration limiting municipal scope to evict. Illegal invasions and landgrabs. Compromising housing development and housing opportunities	Dignified Living, Safe Valley, Financial Sustainability, Good Governance and Compliance	5	5	25	Transversal	Legal panel in place to respond to legal matters; Security tender in place; Arms tender currently advertised; housing development continuing in response to housing demand; close relationships with SAPS and other law enforcement agencies, combined control room; utilisation of municipal drones to monitor areas of potential land invasion.	Geraldine Mettler All Directors	New risks. Anticipation that election will result in increased land invasion and utilised as a political tool.
2	Availability and cost of electricity.	Continuous and persistent loadshedding; sustainability of the national power supplier	Green and Sustainable Valley, Dignified Living	4	5	20	Infrastructure Services	Self generation, back-up generators for essential services	Deon Louw	Dependency on national supplier Eskom, encouraging alternative electricity supply methods. <b>Tariffs will be reconsidered after evaluating COVID-19 impact.</b>
3	Corona-19 Pandemic	Manage the Corona-19 pandemic within the context of the prescribed regulations, <b>taking the second wave and intensity of new infections into account.</b>	Safe Valley, Dignified Living	5	4	20	Transversal	Response and preventative plan on corona i.t.o. of the Disaster Management Regulations; PPE in place; screened installed; information distribution; daily screening and sanitising. <b>Revise Risk Adjusted Strategy. Names of essential workers for vaccine submitted to the province.</b>	Geraldine Mettler All Directors	Working with the University, WC Health Department, transversal JOC team in place. Cases currently under control across WC024 area; COVID-19 protocols remain in place for the duration of the pandemic.
4	Scarcity of landfill space.	Unavailability of suitable land; costs of SLA's and alternative waste disposal; legislative requirements i.e EIA applications and approvals etc.	Green and Sustainable Valley	5	4	20	Infrastructure Services	Waste management strategy, finalisation of the agreement with Eskom to move electricity poles for opening space. <b>Mitigation action put in place.</b>	Deon Louw	Constant monitoring of situation; seeking alternatives; cooperation with neighbouring municipalities for solutions and assistance.
5	Increase in community unrest due to the fact that growth in demand for housing exceeds the resources available for development.	Lack of bulk infrastructure; lack of identified and suitable land, unrealistic eviction judgements, housing backlogs, migration.	Dignified Living, Safe Valley	4	5	20	Planning and Economic Development	Housing pipeline, emergency policy, TRA identification, increased monitoring for illegal occupants.	Geraldine Mettler, Acting Director Planning and Economic Development, Gary Boshoff	Idas Valley housing project (mixed housing); ATC and the implementation thereof to establish new housing sites.
6	Financial Sustainability.	Debt management; cashflow; changes patterns in revenue (more off the grid connections w.r.t water and electricity). <b>Financial sustainability exacerbated due to COVID-19.</b>	Good governance and Compliance, Green and Sustainable Valley	5	4	20	Financial Services	Legal framework to lock in customer regarding off grid connections and fix cost charges. Revenue enhancement strategy.	CFO	Constant monitoring of debt management and income ratio; establish and monitor changing patterns in the usage of water & electricity. Influence reasonable standards taking population growth and economic constraints into account.
7	Economic downturn due to civil unrest and crime	Increase in criminal activities, civil unrest, reputational risk due to perceived increase in the said activities.	Safe Valley, Dignified Living	5	4	20	Community and Protection Services	Combined SSI, close relationships with SAPS and other law enforcement agencies, combined control room, strategic camera placings, etc.	Gary Boshoff	Due to the perceived increase in crime, unrest etc, how the Stellenbosch area are perceived has also changed in the media as well as the public. Thus the reference to this being a reputational risk which can have an impact on future developments and investments.
8	Loss of credibility and reputation due to perceived fraud and corruption.	Abuse of legislation; reputational risk and credibility; media statements and role of social media in reports etc.	Good Governance and Compliance	4	4	16	All Directorates	Hotline, fraud prevention policy, SALGA to address unintended consequence of regulations.	Geraldine Mettler All Directors	Council, Municipal Manager as well as Senior Managers actively involved in addressing fraud and corruption; Staff members kept informed via various platforms, active role of labour relations in the disciplinary process and advising on possible cases.
9	Material misstatements in the AFS that constitutes non-compliance with Section 122 of the MFMA.	System errors, transactions and events not recognised as they occur and accordingly nor recorded in the financial period it occurred.	Good Governance and Compliance	4	3	12	Financial Services	8 month AFS, systems upgrade and alignment. Audit readiness is essential with a need for an external audit prior to the formal audit from AGSA. Actions to be reflected in detail in Audit Action Plan.	CFO	Audit action plan developed and monitored by CFO, MM and A&PC; appointment of service provider to manage the quality of the AFS; reporting to MM and A&PC by submitting interim statements; proactive management. The changes in the rating is based on the Auditor-General Report of the 2018/19 financial year.
10	Cyber attacks	Cyber attacks and cyber safety /security has become essential in municipalities. Investigate security gaps. Users opening unsafe/infected attachments	Good Governance and Compliance	4	3	12	Corporate Services	IT to do a gap analysis on security requirements/ gaps to prevent cyber attacks. Staff awareness to not open suspicious email attachments. New electronic system monitoring potential cyber threats.	A De Beer (supported by all Directors)	A new server room has been completed, service provider appointed to assist in streamlining and optimising ICT in the municipality; optimise security; shorter downtimes; disaster recovery centre up and running. Since new back-up has been put in place no further cyber attacks has been observed.
11	Urbanisation and growth.	Comprehensive understanding of the developmental needs in the greater Stellenbosch area; rapid and continued urbanisation; changes in the needs of the community; masterplans; housing pipeline; IDP and SDF alignment.	Valley of Possibility	3	3	9	Infrastructure Services	Approved SDF, approved housing pipeline, DBSA funding will be utilised for updating new CEF with spatial demand quantification.	Deon Louw & Director Planning and Economic Development.	Approval and implementation of the ATC. New consultancy tender in process to assist the municipality with development needs.
Residual Risk Exposure						17.64	A score of 9 to 15 is considered moderate, whereas a score of 16 to 19 is considered high. The risk exposure for Stellenbosch for 2021 has been revised to 17.64 which is considered as high. An action plan is required for some of the strategic risks identified to ensure that the risk exposure is reduced. It should be noted that the risk exposure on some of the strategic risks has worsened and concerted effort is required to bring the risk exposure back into reasonable levels.			

Discuss ratings. Changed from 2 and 4 to 5 and 4

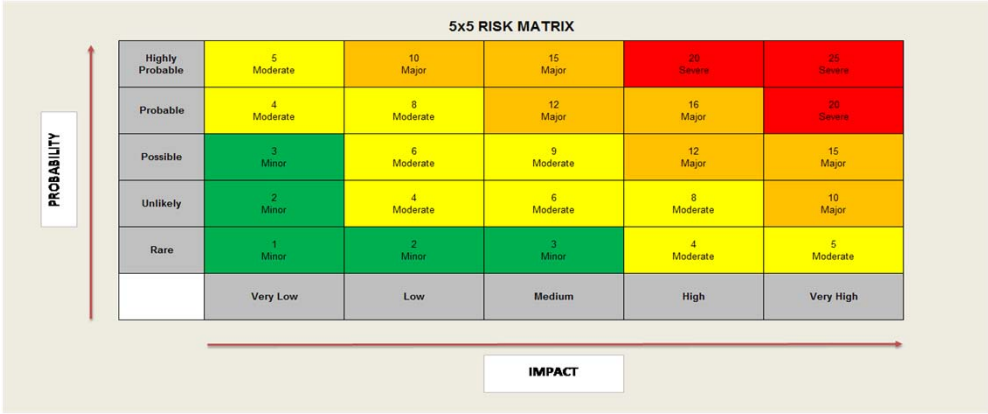
Assessment of the Operational Risk Register 2019/20 - 11 February 2020										
Risk Item	Risk Description	Risk Background	Strategic Objectives	Impact Rating (1-5)	Likelihood Ratings (1-5)	Residual Risk Exposure (1-25) Risk Appetite	Directorate	Action Plans/Mitigation	Risk Champion	Comments
1	Insufficient burial space in the greater Stellenbosch	Planning and funding; land availability. Insufficient funding. Compliance and impact of COVID-19 burials during the 2nd wave.	Dignified Living	4	4	16	Community and Protection Services	Part of approved SDF, feasibility and impact study on suitability for grave yards, discussion and future planning on alternative burial methods, engagements with church groups to establish memorail walls; waiting for clear indication of full costs estimates. COVID Burials??	Gary Boshoff	Remedial plans put into action to adress the risk; continous process to identify possible burial space; Approved SDF.
2	Business Continuity	Disasters, electricity outages; hacking of systems.	Good Governance and Compliance	4	2	8	Corporate Services	Disaster Management Plan for overall service delivery, operational disaster recovery site, JOC, Integrated ERP; off site data center; ICT employee usage tools implemented.	Annelene de Beer	Will require more thought processes and continuity in future, NT and PT already starting with implementation of more formal structures as well as guidelines ito the relevant legislation.
3	Climate Change	Changing weather paterns, unpredictable rainfall/flash floods, drought natural disasters, fires (seasonal and other).	Green and Sustainable Valley; Safe Valley	4	2	12	Office of the Municipal Manager	Drought management plan in place; water warriors; water demand meters; boreholes completed to mitigate drought.	Geraldine Mettler	Succesful drought management plan during the 2017/18 financial year; renewable energy sources that is currently under discussion; conversation with public and private sector to partner in managing this risk going forward, drought no longer of concern at this point; etc.
4	Timeous Capital Spending	Steady increase in budget allocation; growing population and demand for services; demand management.	Good Governance and Compliance	5	2	10	Transversal	Demand Management Plan and Committee; Capex SDBIP indicators developed and monitored.	MM, CFO and All Directors	Implementation and monthly management of the capital monitoring tool; process review iro SCM to streamline appointment of service providers; constant monitoring and planning by senior managers, MM and Council.
5	Water Security	Limited sustainable water sources; Growing population with increase in demand; pollution of sources.	Dignified Living; Valley of possibility; Green & Sustainable Valley	3	2	6	Infrastructure services	Drought management plan in place; water warriors; water demand meters; boreholes.	Deon Louw	Discussion with farmers to exchange water quotas from Theewaters Dam supply. Constant monitoring and planning; average and above rainfall during 2019 and 2020.
6	High Vacancy Rate	A skilled and capable workforce is necessary to support growth objectives, quality and timeous service delivery needs to be provided by all departments.	Good Governance and Compliance	4	2	8	Corporate Services	Filling of posts in the recruitment and selection department to create capacity, communication between the user departments and human resources more stream lined and effective, organsational and operational structure aligned and approved; Fully staffed Recruitment and Selection unit.	A De Beer and All Directors	All departments need to perform optimally to ensure service delivery in terms of growth and IDP opbjectives, recruitment drive for funded posts; Revision of employment costs; discussion regarding the revisions to organisation micro structure, management of the critical vacancy list.
7	Lack of integrated Information and Communication Technology	Disparite systems	Good Governance and Compliance	3	2	6	All Directorates	Position paper on integration; role of ICT SteerCom in managing acquisition of new system and integration, New server room completed.	All Directors	A separate risk register in draft with regards to ICT management. Final meeting regarding the integration to complete position paper for submission to Council beginning of 2021.
8	Losing the historic status of Stellenbosch w.r.t environment (trees, biodiversity, buildings, rivers, etc.)	Keeping the balance - development and the historic status; occurrence of natural disasters.	Dignified Living; Valley of possibility; Green & Sustainable Valley	3	2	6	All Directorates	Heritage asset register completed; adherence to heritage planning legislation for developmental applications, declared heritage zones; maintenance heritage assets; A tree management policy has been approved and implemented..	Director Planning and Economic Development(Primary) Deon Louw, Gary Boshoff (Secondary)	Approval and implementation of the ATC; completion and approval of the SDF.
Residual Risk Exposure						9.0	A score of 9 to 15 is considered moderate. The revised operational risk exposure for Stellenbosch for2021 has been revised to 9.0. This means that the operational risks identified, though important is sufficiently in control. Mitigating factors remains necessary to ensure that these risks are appropriately dealt with. Overall the operation remains similar to the previous financial year, with the addition of "high vacancy rate" and "business continuity". COVID-19 Burials requires attention due to an increase in COVID-19 related deathsBusiness Continuity is a new area receiving focussed attention from national treasury which will be formally required from municipalities in the next 2 years. Stellenbosch does pay attention to business continuity already, however the requirements from national treasury will be more stringent. Eskom electricity interruptions, ICT attacks and the water constraints are some examples of areas that could negatively affect business continuity.			

Critical 20-25	act immediately
High 16-19	action plan
Moderate 9-15	monitor/transfer
Low 1-8	no action required

IMPACT AND LIKELIHOOD RATING		
Likelihood Grading		
5	Highly probable	Will undoubtably happen/recur with high degree of certainty
4	Likely/Probable	Very high likelihood of occurrence/recurrence but not persisting issue
3	Possible	Might occur/recur occasionally
2	Unlikely	Occurrence not exptected with a small possibility that it will happen
1	Rare	May occur but only in exceptional circumstances
Impact Grading		

Revision Date:	
Final Strategic Risk Register 2018/19	Jul-18
Final Strategic Risk Register 2019/20	Aug-19
Final Strategic Risk Register 2019/20 - Revised	Feb-20
Draft Strategic Risk Register 2021	Jan-21

5	Very high	Very high impact with catastrophic and/or irreversable consequences
4	High	Impact is severe with clear and direct consequences on functionality or performance
3	Medium	Significant impact and requires action to minimise exposure
2	Low	Low impact on functionality, performance or delivery
1	Very Low	Very Low impact on functionality, performance or delivery



7.10.2	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 January 2021

# 1. SUBJECT: MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS

## 2. PURPOSE

To confirm the appointment of the two (2) Councillors and two (2) officials to represent Council in the partnership for Human Rights with Jönköping Municipality (JM) and to submit same as entries into the Inception Application to ICLD.

## 3. DELEGATED AUTHORITY

Council

## 4. EXECUTIVE SUMMARY

Stellenbosch Municipality (SM) has been approached by the Swedish International Centre for Local Democracy (ICLD) to explore the possibility of entering into a partnership with a Swedish Municipality selected by ICLD on the topic of Human Rights.

At the Council meeting of 25 November 2020 Council resolved that SM may enter into a partnership agreement (**APPENDIX 1**). This information was passed onto ICLD who identified Jönköping Municipality in the south of Sweden as the preferred municipality to enter into this partnership with SM.

Jönköping Municipality has recently won a prestigious European Union (EU) award which as a by-product unlocks funding and sponsorship from vast array of sources within the European Union (EU) who are interested in human rights and this kind of partnerships. This partnership potentially opens the doors to this funding and could potentially allow SM access to funding sources for human rights projects that were not previously available or accessible.

A Letter of Intent, outlining the broad partnership relations has been concluded and signed by both municipalities subsequent to the Council resolution, **APPENDIX 2**.

In accordance with this letter, as well as subsequent correspondence between the two municipalities the broad terms for the collaboration would be the area of human rights and specific emphasis will be given to the area of social sustainability, with further emphasis on particular issues such as amongst others gender inequality. The collaboration is therefore shaped within ICLD's core areas framework, i.e. equity and inclusion, citizen participation, transparency and the possibility of accountability.

Given the above, it is now required of the two municipalities to submit a joint Inception Application to ICLD. This application must be submitted to ICLD by January 2021.

In order to submit the application there are certain requirements that both municipalities must meet, i.e.

- i. That the application must be submitted in Swedish
- ii. That the suitable participants be confirmed and their details be submitted as part of the Application
- iii. SM's initial understanding of the partnership for Human Rights.

It must be noted that as a result of the Covid-19 pandemic, there are currently and most probably for the foreseeable future, international travel restrictions in place. This situation might result in using alternative methods of communication other than local visits by the representatives the respective municipalities.

## **5. RECOMMENDATIONS**

- (a) that Council takes note of the requirement to identify and confirm the appointment of two (2) suitable Councillors to represent the Municipality in this partnership;
- (b) that Council takes note of the requirement to identify and confirm the appointment of two (2) suitable Officials to represent the Municipality in this partnership;
- (c) that Council take note that the traveling and accommodations requirements for the four (4) staff members will be covered by ICLD;
- (d) that Council takes note of the fact that there currently are international travel restrictions in place as a result of the ongoing Covid 19 pandemic;
- (e) that Council confirms the appointment of two (2) suitable Councillors to represent the Municipality in this partnership, whose particulars will be recorded in the Inception Application; and
- (f) that Council confirms the appointment of two (2) suitable Officials to represent the Municipality in this partnership, whose particulars will be recorded in the Inception Application.

## **6. DISCUSSION / CONTENTS**

### **6.1 Background**

Stellenbosch Municipality has been approached by the Swedish International Centre for Local Democracy (ICLD) to explore the possibility of entering into a partnership with a Swedish Municipality selected by ICLD on the topic of Human Rights.

At the Council meeting of 25 November 2020 Council resolved that SM may enter into a partnership agreement. This information was passed onto ICLD who identified Jönköping Municipality in the south of Sweden as the preferred municipality to enter into this partnership with SM.

A Letter of Intent, outlining the broad partnership relations has been concluded and signed by both municipalities subsequent to the Council resolution.

In accordance with this letter, as well as subsequent correspondence between the two municipalities the broad terms for the collaboration would be the area of human rights and specific emphasis will be given to social sustainability and in particular issues such as amongst other gender inequality. The framework for this partnership is concentrated around ICLD's core areas of collaboration, i.e. equity and inclusion, citizen participation, transparency and the possibility of accountability.

It is now required of the two municipalities to submit a joint Inception Application to ICLD. This application must be submitted to ICLD by January 2021.

In order to submit the application there are certain requirements that both municipalities must meet, i.e.

- i That the application must be submitted in Swedish
- ii That the suitable participants be confirmed and their details be submitted as part of the Application
- iii SM's initial understanding of the partnership for Human Rights.

**a) Participants**

The requirements for participants are extracted from an e-mail from the Jönköping Municipal representative (See extract 1, hereunder). The full e-mail is attached as **APPENDIX 3**.

*Extract 1: Participants*

*"... The inception application will need to be finalised in January as Rikard pointed out. The application is done in Swedish, but I will need your inputs on a number of questions which I include below.*

*Participants:*

*2 politicians elected from the council.*

*2 public officers, one who preferably may be the one main contact for the project..."*

Therefore in order to give effect to Resolution (c) as well as the requirements in terms of the Inception Application the suitable participants must be identified and confirmed prior to the close of the period for submission of Inception Applications.

**b) SM's initial understanding of the partnership for Human Rights**

SM was also required to give its input on the following questions

*Extract 2:*

*Questions: (brief)*

- 6. a) *Describe the problems and challenges (potential areas of cooperation for the partnership Human rights, accessibility, gender equality, inclusion) within the partners' organisations that could be solved within the partnership. (We do have an interest from the perspective of accessibility as it is very broad, however, we are also open to your suggestions as well as we are interested in all areas of social sustainability).*
- 6. d) *Describe how the proposed problems and challenges could relate to one (or if relevant, some) of the initially explained core areas:*
  - *Equity/inclusion*
  - *Citizen participation*
  - *Transparency*
  - *Possibility to demand accountability*

The response to the questions is attached as **APPENDIX 4**.

**6.2 Discussion**

Council must identify and confirm the suitable Councillors and the Municipal Manager in terms Resolution (c) of the Council resolution must identify and confirm the suitable officials to represent Stellenbosch Municipality in this partnership.

It must be noted that as a result of the Covid-19 pandemic, there are currently and most probably for the foreseeable future, international travel restrictions in place. This situation might result in using alternative methods of communication other than local visits by the representatives the respective municipalities.

**6.3 Financial Implications**

ICLD is funding the project.

**6.4 Legal Implications**

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

**6.5 Staff Implications**

No staff implications to the Municipality.

**6.6 Previous / Relevant Council Resolutions:**

Item 11.10.1 of the 39<sup>th</sup> Council meeting of 25 November 2020.

**6.7 Risk Implications**

None.

**ANNEXURES**

**Appendix 1:** Minutes of Item 11.10.1 of the 39th Council meeting of 25 November 2020

**Appendix 2:** E-mail by Jönköping Municipality

**Appendix 3:** SM's Response to e-mail by Jönköping Municipality

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Municipal Manager
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	9 January 2021



# APPENDIX 1

**11.10.1 MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS**

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

**1. SUBJECT: MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS**

**2. PURPOSE**

To obtain Council's approval for entering into a partnership with a Swedish Municipality on the topic of Human Rights. The detail of this project will be discussed and negotiated during the inception phase. This partnership will be undertaken in accordance with the 2030 Agenda for Sustainable Development and its Global Goals.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality (SM) has been approached by the Swedish International Centre for Local Democracy (ICLD) to explore the possibility of entering into a partnership with a Swedish Municipality selected by ICLD on the topic of Human Rights. The Human Rights topic that the Municipality wants to work on with SM will be finalised during the Inception Phase.

SM has over the years developed various programmes premised on enhancing and protecting the Human Rights of its citizens. These programmes allow explicitly for the inclusion of minorities, such as the disabled, the frail and infirm and provide this traditionally marginalised group full access to its attempts at local government. Governmentality refers to the relationship in this case between the local government and its local community. It also refers to inclusivity and an attempt by mostly the local government at moving away from top-down relations and the community having its voice heard on many issues. A good example of governmentality is the Integrated Development Plan's public participation processes. The recent iteration of the IDP saw new innovations being introduced to secure an inclusive process and therewith ensuring that local government meets the community.

In essence, SM has an exportable product which has attracted the attention of in this instance international institutions. It is therefore, incumbent upon us to strengthen our understanding of governmentality by sharing our learnt experiences and learning from an ages old democracy.

The programme consists of various phases and under normal circumstances runs over a four (4) year period. The first phase is the Inception Phase which runs for one (1) year. During this phase the exact collaboration project is finalised for implementation in the 3 outer years.

The project is funded by ICLD and will according to their programme commence in January 2021.

## MINUTES

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

2020-11-25

**39<sup>TH</sup> COUNCIL MEETING: 2020-11-25: ITEM 11.10.1****RESOLVED** (majority vote with abstentions)

- (a) that Council notes the invitation by ICLD annexed hereto as **"APPENDIX 1"**;
- (b) that Council approves that Stellenbosch Municipality enters into a partnership with a Swedish Municipality on the topic of Human Rights;
- (c) that the Municipal Manager be authorized to negotiate the terms of the partnership agreement with the identified Swedish Municipality as per the requirements of the Inception Phase of the partnership; and
- (d) that the Municipal Manager submits a report to Council subsequent to the conclusion of the Inception Phase, i.e. after one (1) year or as soon as practically possible thereafter.

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

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Municipal Manager
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	municipal.manager@stellenbosch.gov.za
<b>REPORT DATE</b>	9 November 2020

# APPENDIX 2

**LETTER OF INTENT****BETWEEN****MUNICIPALITY OF JÖNKÖPING, SWEDEN****AND****MUNICIPALITY OF STELLENBOSCH, SOUTH AFRICA**

The municipality of Jönköping in Sweden and the municipality of Stellenbosch in South Africa have the Intent to develop a cooperation agreement within the municipality partnership program which is sponsored by Swedish International Center for Local Democracy (ICLD) and supported by the Town Councils of both municipalities.

The municipality partnership programme consists of several phases and the first phase or the Inception phase is an exploratory phase undertaken by both municipalities in order to culminate in a cooperation agreement between the municipalities which would outline the projects and programmes that the municipalities would undertake during the subsequent phases.

During the Inception phase the partners will be conducting a site visit in each of the countries respectively, in order to learn more about the partner's organisation, discuss the grounds for the cooperation and develop the basis for a three-year (3) project. A cooperation agreement should be signed during the Inception Phase by both parties. All expenses related to the Inception phase such as travel, accommodation and meetings will be covered by ICLD.

With this "Letter of Intent" I/We give my/our consent to proceed with the compiling and submitting of an application for a one-year (1) Inception Phase (preparatory project) in terms of the municipal partnership programme by sponsored by ICLD, as a first step to establish the basis for the cooperation within the area of human rights.

For Jönköping Municipality

  
**Johan Fritz**

Executive Director

For Stellenbosch Municipality

  
**Geraldine Mettler**

Municipal Manager

Signed at: Jönköping, Sweden

Date:

2020/12/16

Signed at: Stellenbosch, South Africa

Date:

17/12/2020

# APPENDIX 3

## Johru Robyn

**From:** Chantal Coté <chantal.cote@jonkoping.se>  
**Sent:** Friday, 11 December 2020 17:05  
**To:** Johru Robyn  
**Cc:** Rikard Eduards; Ellen Broqvist  
**Subject:** [EX] Inceptive application - Stellenbosch-Jönköping  
**Attachments:** Presentation-kortversion - Stellenbosch 201209.pptx; Letter of intent-JKPG-Stellenbosch-draft.docx

Dear Johru,

It was a pleasure to be introduced to you earlier this week. This is only the first step towards the development of our future cooperation which we really look forward to. I am including as an attachment a brief presentation of Jönköping with some facts so you can understand our organisation a bit better. I also include a draft for the letter of intent for the inception application (preparatory project). You are most welcome to give me your feedbacks as well as send me your logotype and the name of the signatory so I can include it in the letter head. Once it is approved, we can go ahead and have it signed.

The inception application will need to be finalised in January as Rikard pointed out. The application is done in Swedish, but I will need your inputs on a number of questions which I include below.

**Participants:**

- 2 politicians elected from the council.
- 2 public officers, one who preferably may be the one main contact for the project.
- Changes may occur in the future and if necessary due to elections, change of responsibilities etc.)

The funding within the project will cover for 4 participants on each side (2 politicians 2 public officers) who will participate in the study visits (one in South Africa and one in Sweden). Nevertheless, municipalities may see the value to involve more participants at the time of the visits. The expenses for travels of extra participants will have to be covered by each municipality in that case.

**Questions: (brief)**

6. A) Describe the problems and challenges (potential areas of cooperation for the partnership Human rights, accessibility, gender equality, inclusion) within the partners' organisations that could be solved within the partnership.  
 (We do have an interest from the perspective of accessibility as it is very broad, however, we are also open to your suggestions as well as we are interested in all areas of social sustainability).
6. d) Describe how the proposed problems and challenges could relate to one (or if relevant, some) of the initially explained core areas:
  - Equity/inclusion
  - Citizen participation
  - Transparency
  - Possibility to demand accountability

The inception application is broad and it will be the base for the discussions that will take place in order to develop the long term area of interest.

It would be great if you could get back to me in the end of next week or before the holidays with some of the details so I can continue to work on it until the new year.

*Sincerely Yours,*

**Chantal Coté**

*International strategist*

**Jönköping Municipality**  
 City Hall, Rådhusparken 1  
 551 89 Jönköping, Sweden

# APPENDIX 4



## Johru Robyn

**From:** Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>  
**Sent:** Monday, 21 December 2020 11:30  
**To:** chantal.cote@jonkoping.se; Raydine Wenn; Nomie Tshefu; Johru Robyn  
**Subject:** Municipal Partnership on Human Rights

Good morning Chantal,

Pursuant to your email, please find below brief synopsis to your questions raised.

### Participants

#### **2 politicians elected from the council –**

Council resolved that for the purposes of the Inception Application that the details of the politicians would be confirmed at the next Council meeting which is in the last week in January 2021. Should the Inception application be submitted before the Council data, then the Mayor and her assignee will be representing SM until such time that the approved names and details of the politicians can be provided.

#### **2 public officers, one who preferably may be the one main contact for the project.**

The Municipal Manager resolved that for the purposes of the Inception Application that the details of the officials would be confirmed at the next Council meeting which is in the last week in January 2021. Should the Inception application be submitted before the Council meeting, then the Municipal Manager and her assignee will be representing SM until such time that the approved names and details of the officials can be provided.

### Questions

6. A) Describe the problems and challenges (potential areas of cooperation for the partnership Human rights, accessibility, gender equality, inclusion) within the partners' organisations that could be solved within the partnership.

*(We do have an interest from the perspective of accessibility as it is very broad, however, we are also open to your suggestions as well as we are interested in all areas of social sustainability).*

6. d) Describe how the proposed problems and challenges could relate to one (or if relevant, some) of the initially explained core areas:

- *Equity/inclusion*
- *Citizen participation*
- *Transparency*
- *Possibility to demand accountability*

## Problem Statement 1

Stellenbosch Municipality (SM) has for long been an ardent supporter and implementer of the "Triple Bottom Line (3BL)" principles, i.e. Environmental sustainability (e.g. protection of environmentally sensitive areas), economic integrity/sustainability (e.g. Audited income statements) and social sustainability. To this effect SM has implemented strong policies in accordance with international, national and provincial legislation for most notably environmental sustainability and economic sustainability. However, social sustainability is a much harder metric to measure and therefore to date only aspects of social sustainability has been succinctly addressed by our current policies and this is therefore the area that we would like to explore with our Swedish partner municipality, Jonkoping Municipality (JM).

In recognising this SM acknowledges that it has done significant work with respect to hard physical accessibility with respect to the disabled, however the softer, unseen, not-so transparent accessibility in a human rights context extends beyond the disabled and physically infirm, but includes other marginalised groups such as the persistent gender inequality access to municipal services. It is therefore our intention to explore these human rights issues

The Bill of Rights (Chapter 2 of the South African Constitution, Act 108 of 1996) provides the canvas against which the human rights agenda for this partnership must be painted.

**Table 1 -**

Challenge	SM Response	
Equity/inclusion	Disempowerment creates a disingenuous environment which is contradictory to equity and inclusion. SM therefore wants to create policies that empowers.	
Citizen participation	Citizen participation is of utmost importance to SM and SM is always looking at ways and means to include the marginalised and disenfranchised. The COVID 19 pandemic has seen SM develop innovative ways of providing inclusivity to its inhabitants.	
Transparency	SM (as every other municipality in SA) is audited every year and the results of same	

	are available, unobscured for public scrutiny.	
- Possibility to demand accountability	Accountability and Responsibility is important to SM to the effect that most of our policies requires that these to functions are adhered to at all times.	

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)

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7.10.3	<b>DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 OCTOBER 2020 UNTIL 31 DECEMBER 2020</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 January 2021

**1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 OCTOBER 2020 UNTIL 31 DECEMBER 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 October 2020 until 31 December 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.

**5. RECOMMENDATION**

that Council takes note of the decisions taken, for the period 01 October 2020 until 31 December 2020, by the following Section 56 Managers:

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

**6. DISCUSSION / CONTENTS**

**6.1 Background**

Section 63 of the Local Government Municipal Systems Act 32 of 2000 reads as follows:  
*"A political structure, political office bearer, Councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."*

**6.2    Discussion**

The report outlines the delegations exercised as delegated by Council to the various Senior Managers

**6.3.   Financial Implications**

As per approved budget

**6.4    Legal Implications**

Council's System of Delegation and all applicable legislation

**ANNEXURES:****Annexure 1: Delegations exercised by Directorates 01 October 2020 – 31 December 2020**

<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	14 January 2021

# **ANNEXURE 1**

## DELEGATIONS EXERCISED FOR PERIOD OCTOBER 2020

## OFFICE OF THE MUNICIPAL MANAGER: G METTLER

Date	Delegation	Category	Report subject and Recommendations	Date Received	Date Resolved	Resolution and Comments
06/10/2020	SB8	Streets By-Law (2010) S2	Outcome of appeal against refusal of an encroachment – Erf 654 Pniel	06/10/2020	06/10/2020	Dismissed
07/10/2020		ICT	Appeal removal of restrictive title deed Erf 1197 Stellenbosch	07/10/2020	07/10/2020	Approved
07/10/2020	LUP93	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	Temporary departure and deletion portion 16 of farm Bellegam No 1012 Paarl	07/10/2020	07/10/2020	Approved
07/10/2020	MM84	Section 66, MFMA	Approval of Cellphone allowance: Roads & Strom water	07/10/2020	07/10/2020	Approved
08/10/2020	BC2	Sections 4, 7(a) and (b), NHRBSA	Erf 6301 Stellenbosch: Approval of building plan	08/10/2020	08/10/2020	Approved
08/10/2020	MM24	Section 66(1)(d), Systems Act	PAC outcomes: Communications Department	08/10/2020	08/10/2020	Approved
08/10/2020	HR2	Conditions of Service (SALGBC)	Leave approval: Director Community and Protection Services	08/10/2020	08/10/2020	Approved
08/10/2020	MM18	Section 62(4)(a), Systems Act	Response to grievance – Ref 4/5/5/1	08/10/2020	08/10/2020	Approved
08/10/2020	LEG	General	Offer to lease – Eikestad Mall	08/10/2020	08/10/2020	Approved
08/10/2020	SB8	Streets By-Law (2010) S2	Approval of cession of encroachment permit Hamman Street Trust	08/10/2020	08/10/2020	Approved
09/10/2020	MM64	Section 62(1)(f)(iv), MFMA	Cancellation of Tender BSM 13/20 – Maintenance and operation of public ablution facilities at Franschhoek and Klappmuts informal settlement – Awarded to Primaj	09/10/2020	09/10/2020	Approved



			Construction Works			
09/10/2020		MFMA	Pre award Letter – Discretionary Grant Allocation for 2020/2021	09/10/2020	09/10/2020	Approved
09/10/2020		MFMA	ABSA – Release of investment	09/10/2020	09/10/2020	Approved
09/10/2020	MM9	Section 55(1)(e), Systems Act	Appointment of administrators with joint general authority	09/10/2020	09/10/2020	Approved
09/10/2020	PRA	Property Rates Act 6 of 2004	Municipal Property Rates Act 6 of 2004 - Reporting	09/10/2020	09/10/2020	Approved
09/10/2020		SCM	Demand Management Plan 2020/2021 Financial year Quarter 1	09/10/2020	09/10/2020	Approved
12/10/2020	MM64	Section 62(1)(f)(iv), MFMA	BSM 74/20: Annual electrical labour tender for a contract ending 30/06/2023	12/10/2020	12/10/2020	Approved: Award made by SCM will be final and not subject to any appeal periods. Please ensure fair spread of projects allocation to successful bidders
13/10/2020	TR2	Skills development Act	LGSETA funding Agreement: Adult Education and Training programme	13/10/2020	13/10/2020	Approved
13/10/2020	AD3	General	Approval of advertisement – Governance – Knowledge and information officer	13/10/2020	13/10/2020	Approved
13/10/2020	HR2	Conditions of Service (SALGBC)	Leave approval - Governance	13/10/2020	13/10/2020	Approved
14/10/2020	LEG	General	MOU – Stellenbosch Mun and Valerida Beleggings	14/10/2020	14/10/2020	Signed. It is confirmed that the agreement was vetted by Legal services and the pty is available to the municipality at no charge
14/10/2020		MFMA	NT – Financial Management Grant – September 2020	14/10/2020	14/10/2020	Approved
14/10/2020		MFMA	Response to AG – AG finding SC Adams	14/10/2020	14/10/2020	Approved
15/10/2020	MM84	Section 66, MFMA	MOA – Transport allowance - Governance	15/10/2020	15/10/2020	Approved
15/10/2020	MM84	Section 66, MFMA	MOA – Transport allowance – Communications department	15/10/2020	15/10/2020	Approved
15/10/2020	LEG6	General	Payment of compensation ito arbitration award – L Moses/Stellenbosch Municipality	15/10/2020	15/10/2020	Approved
15/10/2020	MM64	Section 62(1)(f)(iv), MFMA	BSM 91/18 – Supply, installation and management of STS complaint prepayment electricity vending	15/10/2020	15/10/2020	Approved

15/10/2020	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Appeal ito Section 79 LU 9724	15/10/2020	15/10/2020	Approved
15/10/2020	MM43	Section 12(4), MFMA	Request to transfer funds from current account to investment portfolio	15/10/2020	15/10/2020	Approved
15/10/2020	APP3	Section 62 MSA	Section 62 Appeal – BSM 68/20 – Appointment of SP for the provision of powder activated carbon	15/10/2020	15/10/2020	Approved
15/10/2020		MFMA	Quarterly Report Irregular expenditure 1 <sup>st</sup> quarter	15/10/2020	15/10/2020	Approved
16/10/2020	C50	Section 14(2) of the MFMA (read with section 90, MFMA)	Agreement Erf 320 Pniel	16/10/2020	16/10/2020	Approved
19/10/2020	SC13	17(C)	Deviation: Schuilplaats Road – Safe disposal of Hazardous waste	19/10/2020	19/10/2020	Approved
19/10/2020	MM82	Section 65(2)(c), MFMA	Invoice: ETG Group – August 2020	19/10/2020	19/10/2020	Approved
19/10/2020	MM31	Schedule 2, Systems Act	Declaration for benefit and interest Internal Audit	19/10/2020	19/10/2020	Approved
19/10/2020		MFMA	Confirmation of cashflow transfer report Nov 2020	19/10/2020	19/10/2020	Approved
19/10/2020		ICT	Request for ICT equipment - IDP	19/10/2020	19/10/2020	Approved
20/10/2020	TR2	Skills development Act	LGSETA 2020/2021 – Declaration of intent – Letter of acceptance	20/10/2020	20/10/2020	Approved
21/10/2020	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Appeal ito Section 79 Erven 139, 140, 141-165, 143-170 & 185 Stellenbosch	21/10/2020	21/10/2020	Approved
22/10/2020	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Land use appeal and development appeal assessment report – Farm 85 and Erf 14425 Stellenbosch	22/10/2020	22/10/2020	Approved
22/10/2020	MM18	Section 62(4)(a), Systems Act	Response to grievance: SCM	22/10/2020	22/10/2020	Approved
23/10/2020	SB4	Streets By-Law (2010) S 4	Poster application – Kersmark Familie kerk	23/10/2020	23/10/2020	Approved

23/10/2020	SB4	Streets By-Law (2010) S 4	Poster application – Huis Horison Kermis	23/10/2020	23/10/2020	Approved
23/10/2020	APP3	Section 62 MSA	Appeal ito 62 MSA – BSM 26/20 – Appointment of SP of off grid electricity to Enkanini informal settlement	23/10/2020	23/10/2020	Approved
23/10/2020	SB4	Streets By-Law (2010) S 4	Poster application Franschoek uncorked	23/10/2020	23/10/2020	Approved
23/10/2020	SB4	Streets By-Law (2010) S 4	Poster application – Kamers Makers	23/10/2020	23/10/2020	Approved
23/10/2020	LPC3	GATHERINGS ACT 205 OF 1993 EVENTS BY-LAW PN7564 DATED 12/02/2016	Record of strike, lock-out or protest action ito LRA 1995	23/10/2020	23/10/2020	Approved
23/10/2020	MM71	Section 64(2)(c), MFMA	Approval of water leakage rebate: Hassie Property Pty Ltd	23/10/2020	23/10/2020	Approved
23/10/2020	C50	Section 14(2) of the MFMA (read with section 90, MFMA)	Deed of Sale	23/10/2020	23/10/2020	Approved
23/10/2020	HR2	Conditions of Service (SALGBC)	Approval of Flexi hours – PED	23/10/2020	23/10/2020	Approved
23/10/2020	MM71	Section 64(2)(c), MFMA	Approval of water leakage rebate: Account no 10842641	23/10/2020	23/10/2020	Approved
23/10/2020	MM64	Section 62(1)(f)(iv), MFMA	BSM 52/20 – Klapmuts bulk water supply and associated works	23/10/2020	23/10/2020	Approved
26/10/2020	CL10	Section 59(1) of MSA	Opposing affidavit - Application of condonation submitted by a Mogolegeng	23/10/2020	23/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Approval of flexi-hours - PED	26/10/2020	26/10/2020	Approved
29/10/2020	MM82	Section 65(2)(c), MFMA	Invoice: Keep the Dream 285	29/10/2020	29/10/2020	Approved
29/10/2020	MM24	Section 66(1)(d), Systems Act	Task outcomes: Office of the Municipal Manager	29/10/2020	29/10/2020	Approved. For implementation as discussed with HR Manager
29/10/2020	MM24	Section 66(1)(d), Systems Act	Task outcomes: ICT	29/10/2020	29/10/2020	Approved. For implementation as discussed with HR Manager
30/10/2020	LEG9	General	Power of attorney – 9 beneficiaries -	30/10/2020	30/10/2020	Approved

			Kayamandi			
<b>ACTING MUNICIPAL MANAGER: G BOSHOFF</b>						
02/10/2020		MFMA	Financial Management capacity building grant	02/10/2020	02/10/2020	Approved
	C70	Section 34(1), MFMA	Transfer payment agreement to review our update the integrated transport plans for the 2020/2021 financial year	02/10/2020	02/10/2020	Approved
02/10/2020	LEG9	General	Power of Attorney	02/10/2020	02/10/2020	Approved
02/10/2020	Delegation	Category	Report Subject and Recommendations	02/10/2020	02/10/2020	Approved
			2020/2021 Section 66 programme only report September 2020 Enkanini & EPWP projects	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
02/10/2020	MM84	Section 66, MFMA	Approval of Cellphone allowance – Water Treatment	02/10/2020	02/10/2020	Approved
02/10/2020	VPR2	Paragraph 6f	Virementation: Governance	02/10/2020	02/10/2020	Approved
02/10/2020	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Memorandum: Appeal application for the removal of restrictive title deed conditions Erven 141/2, 163-165 Stellenbosch	02/10/2020	02/10/2020	Approved

**DELEGATIONS EXERCISED FOR PERIOD NOVEMBER 2020**

**OFFICE OF THE MUNICIPAL MANAGER: G METTLER**

02/11/2020	MM24	Section 66(1)(d), Systems Act	PAC Outcome SCM Staff	02/11/2020	02/11/2020	Approved, 1, 2, 3, 4, 6 need further details on 5
02/11/2020	MM24	Section 66(1)(d), Systems Act	PAC outcome – Environmental Education Officer	02/11/2020	02/11/2020	Approved
02/11/2020	EL14	Section 3(1)	Electrification programme monthly report – October 2020	02/11/2020	02/11/2020	Approved
02/11/2020	MM10	Section 55(1)(f)- (h), Systems Act	Implementation of Disciplinary action – Infrastructure Services	02/11/2020	02/11/2020	Approved
02/11/2020	MM9	Section 55(1)(e), Systems Act	Appointment of Senior Heritage Officer	02/11/2020	02/11/2020	Approved. Candidate from under representative group withdrew. Approved candidate Indian female is the highest scoring candidate as well
02/11/2020	MM18	Section 62(4)(a), Systems Act	Response to grievance: Land use management	02/11/2020	02/11/2020	Approved
02/11/2020	MM18	Section 62(4)(a), Systems Act	Response to grievance: Infrastructure Services	02/11/2020	02/11/2020	Approved
02/11/2020		DoRA	IUDG Report – October 2020	02/11/2020	02/11/2020	Approved
04/11/2020	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Remove validity Appeal ito Section 79(2) of the Stellenbosch Municipal Planning By-law – Erf 6685, Cloetesville Stellenbosch	04/11/2020	04/11/2020	Approved
04/11/2020			Application ito Section 16 of the Act 47 of 1937 – Pniel 851	04/11/2020	04/11/2020	Approved
04/11/2020		Regulations on Cost containment	Request for catering services – Housing Administration	04/11/2020	04/11/2020	Approved. Please adhere to COVID-19 protocols and the cost containment policy approved by Council
05/11/2020	MM109	Section 79(1)(b), MFMA	Monthly Delegations October – Infrastructure Services	05/11/2020	05/11/2020	Approved
05/11/2020	SB4	Streets By-Law (2010)	Poster application – Stellenbosch University COVID-19 awareness campaign	05/11/2020	05/11/2020	Approved

		S 4				
05/11/2020	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Appeal ito Section 79(2) LU9002	05/11/2020	05/11/2020	Approved
06/11/2020	SC6	5 (2)(a)	Regulation 5 Reporting – October 2020	06/11/2020	06/11/2020	Approved
06/11/2020	MM64	Section 62(1)(f)(iv), MFMA	BSM99/20: Supply and delivery of electrical equipment and material until 30/06/2022	06/11/2020	06/11/2020	Approved
06/11/2020	HR2	Conditions of Service (SALGBC)	Appointment of Senior Spatial Planner	06/11/2020	06/11/2020	Approved
06/11/2020	HO1	Housing Act, 1997	Response – Longlands Phase 3 – Subsidised housing development Project funding	06/11/2020	06/11/2020	Approved
09/11/2020	MM10	Section 55(1)(f)-(h), Systems Act	Approval of disciplinary action – Roads and Storm water Department	09/11/2020	09/11/2020	Approved
09/11/2020	MM84	Section 66, MFMA	Approval of cellphone allowance – Water Services X2	09/11/2020	09/11/2020	Approved
09/11/2020	MM84	Section 66, MFMA	Approval of cellphone allowance - Metering	09/11/2020	09/11/2020	Approved
09/11/2020	MM18	Section 62(4)(a), Systems Act	Response to grievance: Creditors Department	09/11/2020	09/11/2020	Approved
09/11/2020	MM10	Section 55(1)(f)-(h), Systems Act	Review of disciplinary hearing I Nkunkumana	09/11/2020	09/11/2020	Approved
10/11/2020	LEG3	Schedule 2, Systems Act	Appointment of a SP to institute legal action against all parties cybersquatting on the Technopark website	10/11/2020	10/11/2020	Approved
10/11/2020	MM10	Section 55(1)(f)-(h), Systems Act	Institution of disciplinary action against Snr Manager Water Services	10/11/2020	10/11/2020	Approved
10/11/2020	LEG6	General	Mediation Agreement - Aurecon	10/11/2020	10/11/2020	Approved
	HR2	Conditions of Service	Special leave - SCM			Approved

		(SALGBC)				
11/11/2020	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Land use and development Appeal assessment Report ito Section 79(2) Erf 1197 Stellenbosch	11/11/2020	11/11/2020	Approved
11/11/2020	HO5	Housing Act 107 of 1997	Application for additional funding – Title restoration project	11/11/2020	11/11/2020	Approved
12/11/2020	H02		Allocation of rental units to Ms L Claassen	12/11/2020	12/11/2020	Approved
13/11/2020		MFMA	Quality certificate: Monthly Budget Monitoring Report – Oct 2020	13/11/2020	13/11/2020	Approved
13/11/2020	LEG12	General	Request for access to security footage – CL 13323	13/11/2020	13/11/2020	Approved. Full investigation to be done.
13/11/2020		Regulations on Cost containment	Request for approval for catering services – Governance	13/11/2020	13/11/2020	Approved
13/11/2020	MM82	Section 65(2)(c), MFMA	Invoice – Stellenbosch Travel	13/11/2020	13/11/2020	Approved
16/11/2020	NEMA5	Chapter 7 of NEMA	Appeal form ito of National Appeal Regulation – Form No 2019 – Appeal against the administrative fine ito Section 24G of the NEMA 19998, (Act 107 of 1988)	16/11/2020	16/11/2020	Approved
16/11/2020	MM31	Schedule 2, Systems Act	Declaration of confidentiality by selection panel members, observers & secretariat – Langeberg Municipality	16/11/2020	16/11/2020	Approved
16/11/2020	SB4	Streets By-Law (2010) S 4	Poster application – Anton Smit Solo Exhibition – The gallery at Grande Provence	16/11/2020	16/11/2020	Approved appointment Y Snyders agree with Director Corporate
16/11/2020	MM9	Section 55(1)(e), Systems Act	Appointment of Traffic Officers X3	16/11/2020	16/11/2020	Approved
16/11/2020		Regulations on Cost containment	Request for approval of catering services – MPT - PED	16/11/2020	16/11/2020	Approved. In future pleas include the relevant provisions in the Cost Containment policy approved by Council
17/11/2020	MM84	Section 66, MFMA	Travel allowance – Library Services	17/11/2020	17/11/2020	Approved

17/11/2020	HR2	Conditions of Service (SALGBC)	Termination of services; Elizabeth Williams – Section 189	17/11/2020	17/11/2020	Approved
19/11/2020	MM84	Section 66, MFMA	Transport allowance – Office of the Municipal Manager	19/11/2020	19/11/2020	Approved
23/11/2020	PRA2	Section 23, PRA	Rates clearance Stellenbosch Holdings Erven 7620, 11330, 7269	23/11/2020	23/11/2020	Approved
23/11/2020	MM18	Section 62(4)(a), Systems Act	Response to grievance – Support staff Ward Administrators	23/11/2020	23/11/2020	Approved
23/11/2020	LEG9	General	Power of attorneys - Stellenbosch	23/11/2020	23/11/2020	Approved
23/11/2020	MM24	Section 66(1)(d), Systems Act	PAC outcomes – SCM Staff	23/11/2020	23/11/2020	Approved for implementation
23/11/2020	DM3	(Section 55 (2a) of the Disaster act)	Request for release of available property in Stellenbosch for restitution purpose (Brand family claim)	23/11/2020	23/11/2020	Approved
24/11/2020		(Section 55 (2a) of the Disaster act)	Constellation campfire gatherings	24/11/2020	24/11/2020	Approved
24/11/2020	MM10	Section 55(1)(f)-(h), Systems Act	Plea Agreement – SALGB Disciplinary procedure and Collective agreement – Stellenbosch municipality and G Manuel	24/11/2020	24/11/2020	Approved
24/11/2020	MM84	Section 66, MFMA	Suspension ito Clause 16 of DPCA – Roads and Storm water Department	24/11/2020	24/11/2020	Approved
24/11/2020	MM84	Section 66, MFMA	Approval of cellphone allowance - PMU	24/11/2020	24/11/2020	Approved
24/11/2020	EL14	Section 3(1)	2020/2021 Electrification programme monthly report – Nov 2020	24/11/2020	24/11/2020	Approved
24/11/2020	MM84	Section 66, MFMA	Approval of cellphone allowance - IDP	24/11/2020	24/11/2020	Approved
25/11/2020	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Appeal ito Section 79(2) Erf 614 Franschoek	25/11/2020	25/11/2020	Approved
25/11/2020	MM9	Section 55(1)(e), Systems Act	Appointment of Operator Collections	25/11/2020	25/11/2020	Approved with amended recommendation. Rule is



						that when both candidates come from over representative group, best candidate must be appointed. Furthermore, the group between the 2 scores is high (more than 20%). Candidate first to be appointed if he declines, Mr January to be appointed
25/11/2020	HO2		Housing consumer Education Grant progress report	25/11/2020	25/11/2020	Approved
27/11/2020	LEG	General	EPWP Protocol Agreement – Phase 4 of the EPWP programme 2019/20 – 2023/24	27/11/2020	27/11/2020	Approved
27/11/2020	CL10	Section 59(1) of MSA	Application for donation – Franschhoek Valley Funeral	27/11/2020	27/11/2020	Recommended for approval
27/11/2020	HR2	(Section 55 (2a) of the Disaster act)	Proposed amendment to Clerk Reconciliations	27/11/2020	27/11/2020	Approved
27/11/2020	MM43	Section 12(4), MFMA	Request for transfer of funds from the current account to investment portfolio	27/11/2020	27/11/2020	Approved
30/11/2020	MM9	Section 55(1)(e), Systems Act	Appointment of Traffic Chief	30/11/2020	30/11/2020	Approved as per recommendation
<b>ACTING MUNICIPAL MANAGER – A DE BEER</b>						
20/11/2020	MM64	Section 62(1)(f)(iv), MFMA	BSM 85/20 Pipe replacement using conventional and trenchless methods until June 2023	20/11/2020	20/11/2020	Approved. Explained that all contractors' prices are populated into work project. Limited to top 3 scores for doing the work
20/11/2020	CL6	Section 59(1) of MSA	Application for permission to host a memorial service – Community and Protection Services	20/11/2020	20/11/2020	Approved

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
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DELEGATIONS EXERCISED FOR PERIOD DECEMBER 2020

OFFICE OF THE MUNICIPAL MANAGER: G METTLER

01/12/2020	MM24	Section 66(1)(d), Systems Act	PAC outcomes: Financial Services	01/12/2020	01/12/2020	Approved
01/12/2020	LEG	General	Master Service Agreement between Gijima Holding (Pty) Ltd and Stellenbosch Municipality	01/12/2020	01/12/2020	Approved
01/12/2020	HR2	Conditions of Service (SALGBC)	Standby allowance – ICT 01/12/2020	01/12/2020	01/12/2020	Approved
01/12/2020	LEG	General	MOA of Transfer – Portion of portion 15 of Farm 292 Stellenbosch – Rhenish School	01/12/2020	01/12/2020	Approved
03/12/2020	LEG	General	Agreement of termination of employment: Ref No 4/1/4/ Section 189	03/12/2020	03/12/2020	Approved
04/12/2020	MM18	Section 62(4)(a), Systems Act	Response to grievance: Alternative Offer - Ref no 4/1/4	04/12/2020	04/12/2020	Approved
07/12/2020	MM10	Section 55(1)(f)-(h), Systems Act	Appointment of Presiding Officer and Initiator	07/12/2020	07/12/2020	Approved
10/12/2020	TR1	Skills Development Act /MSA	Open day 30 January 2021 – IMM Graduate School	10/12/2020	10/12/2020	Approved
10/12/2020	MM64	Section 62(1)(f)(iv), MFMA	BSM 79/20 Electrification and subsequent LV maintenance of informal houses in the Enkanini informal settlement of Stellenbosch for the period ending 30/06/2023	10/12/2020	10/12/2020	Approved

10/12/2020	HO2		Appointment – Capacity Building Clerk for Housing Consumer Education Programme	10/12/2020	10/12/2020	Approved
11/12/2020	CL10	Section 59(1) of MSA	Application for donation Dare to Care	11/12/2020	11/12/2020	Not recommended for approval
12/11/2020		MFMA	NT Monthly Report FMG – Nov 2020	12/11/2020	12/11/2020	Approved
12/11/2020		MFMA	Monthly Budget Monitoring Report – Nov 2020	12/11/2020	12/11/2020	Approved
12/11/2020	HR2	Conditions of Service (SALGBC)	Application for annual leave – Office of the Municipal Manager	12/11/2020	12/11/2020	Approved
15/12/2020	RS1	MSA	Acting appointment and acceptance of acting mandate: Director Infrastructure Services	15/12/2020	15/12/2020	Approved
15/12/2020	HR2	Conditions of Service (SALGBC)	Overtime, Standby and Scarcity allowance – Infrastructure Services	15/12/2020	15/12/2020	Approved
15/12/2020	MM84	Section 66, MFMA	Approval of Cellphone allowance – Infrastructure Services	15/12/2020	15/12/2020	Approved
15/12/2020	SB4	Streets By-Law (2010) S 4	Poster application – K&A Marketing	15/12/2020	15/12/2020	Approved
15/12/2020	MM84	Section 66, MFMA	Approval of Cellphone allowance – Building Development Management	15/12/2020	15/12/2020	Approved

15/12/2020	MM84	Section 66, MFMA	Essential Motor Vehicle Scheme Application – Solid Waste	15/12/2020	15/12/2020	Approved
15/12/2020	RS1	Section 7(2), Roads Ordinance (19/1976)	Report NMT facilities constructed between July and November 2020.	15/12/2020	15/12/2020	Approved
15/12/2020	HR2	Conditions of Service (SALGBC)	Motivation for scarcity allowances – Infrastructure Services	15/12/2020	15/12/2020	Approved. Adequate notice to management on scarcity allowances, scarcity to provide in line with LGSETA scares skills analysis. Scarcity policy to be reviewed.
15/12/2020	MM84	Section 66, MFMA	MOA – Transport allowance – Building Development Management	15/12/2020	15/12/2020	Approved
15/12/2020		MFMA	Cape Winelands unspent grant allocation R2 030 541	15/12/2020	15/12/2020	Approved
15/12/2020	EL14	Section 3(1)	INEP grant allocation 2020/21: Stellenbosch Municipality: Request for permission to use own funds to bridge finance connections	15/12/2020	15/12/2020	Approved
17/12/2020	HR2	Conditions of Service (SALGBC)	Resignation – Library Services	17/12/2020	17/12/2020	Approved
17/12/2020	CL1	Section 59 (1) of MSA and section 56 (4) of Structures Act	Letter of intent Stellenbosch Municipality with Jonkoping, Sweden Municipality	17/12/2020	17/12/2020	Approved
17/12/2020	MM84	Section 66, MFMA	Approval of cellphone allowance – Infrastructure Services	17/12/2020	17/12/2020	Approved

18/12/2020	SB4	Streets By-Law (2010) S 4	Poster application – New Ad Media	18/12/2020	18/12/2020	Approved
18/12/2020	MM82	Section 65(2)(c), MFMA	Invoice Stellenbosch University #363220	18/12/2020	18/12/2020	Approved
18/12/2020	VPR2	Paragraph 6f	Virementation – Operating leases machinery and equipment	18/12/2020	18/12/2020	Approved
21/12/2020	HR2	Conditions of Service (SALGBC)	Fixed Term Agreement – Local Economic Development Manager	21/12/2020	21/12/2020	Approved. Position should be expedited for filling. HR to do shortlisting and interviews asap. Following conditions apply strictly 3 months with T16 – manager level
21/12/2020	MM100	Section 72(1)(a), MFMA	Annual 2019/20 and Mid-year 2020/21 Performance Assessment	21/12/2020	21/12/2020	Approved
21/12/2020	MM84	Section 66, MFMA	Approval of Cellphone allowance – Community and Protection Services	21/12/2020	21/12/2020	Approved
21/12/2020			SOP – Booking out of electrical cables from Stores	21/12/2020	21/12/2020	Approved
22/12/2020		Regulations on Cost containment	Request for catering services – Strategic Session Office of the Municipal Manager	22/12/2020	22/12/2020	Approved
23/12/2020	SC13	17(C)	Deviation: Provision of traffic law enforcement equipment, back office system and related services	23/12/2020	23/12/2020	Approved. Appeal was late. Negotiation team to be appointed asap.

23/12/2020	SC13	17(C)	Deviation: Provision of banking services	23/12/2020	23/12/2020	Approved, month -to-month and not exceeding 12 months
23/12/2020	HR2	Conditions of Service (SALGBC)	Motivation Standby allowance – Community Development January 2021	23/12/2020	23/12/2020	Approved
23/12/2020	HR2	Conditions of Service (SALGBC)	Motivation Standby allowance – Community Services – January 2021	23/12/2020	23/12/2020	Approved
23/12/2020	HR2	Conditions of Service (SALGBC)	Motivation Standby Protection Services – Dec 2020 and Jan 2021	23/12/2020	23/12/2020	Approval only granted for Dec 2020 and Jan 2021. Management to discuss the way forward
<b>ACTING MUNICIPAL MANAGER: K CAROLUS</b>						
08/12/2020	HO1	Housing Act, 1997	Human settlements Development Grant 2021/22 Business Plan project readiness matrix			Approved

**DELEGATION EXERCISED FOR PERIOD OCTOBER 2020****DIRECTORATE: FINANCIAL SERVICES**

<b>Date</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
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02/10/2020	VPR2	Paragraph 6f	Capital Virementations – All Directorates	02/10/2020	02/10/2020	Approved
06/10/2020	HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores	06/10/2020	06/10/2020	Approved
16/10/2020	MM122	Section 115(1)(a), MFMA	B/SM 74/20 Annual Electrical Labour Tender for a Contract Period ending 30 June 2023	16/10/2020	16/10/2020	Approved
16/10/2020	MM122	Section 115(1)(a), MFMA	B/SM 86/20 Supply and Delivery of Temporary Structure Kits, Covering Materials and Photoelectric Smoke Alarms/Detectors for a Contract Period Ending 30 June 2023	16/10/2020	16/10/2020	Approved
16/10/2020	VPR2	Paragraph 6f	Capital Virementations – All Directorates	16/10/2020	16/10/2020	Approved
16/10/2020	M122	Section 115(1)(a), MFMA	B/SM 04/20 Provisions of Traffic Law Enforcement Equipment, Back Office Systems and Related Services for the Stellenbosch Municipality Including NRTA and All Municipal By-Law Infringements Contraventions for a Period Ending 30 June 2023	16/10/2020	16/10/2020	Approved
16/10/2020	MM122	Section 115(1)(a), MFMA	B/SM 90/20 Upgrading Klapmuts Taxi Rank	16/10/2020	16/10/2020	Approved
19/10/2020	CM3	General provisions	SCM letters approved Tenderers	19/10/2020	19/10/2020	Approved
20/10/2020	VAL 1	Section 23 MPRA	General Valuation Roll	20/10/2020	20/10/2020	Approved
22/10/2020	REV 1	Irrecoverable Debts Policy, Section 3	Write off Accounts 700762826 & 10796897 R36 763, 56	22/10/2020	22/10/2020	Approved
22/10/2020	MM71	Section 64(2)(c), MFMA	Water leakage rebate Account 10763746	22/10/2020	22/10/2020	Approved
23/10/2020	MM125	Section 116(2)(b), MFMA	B/SM 52/20 Klapmuts Bulk Water Supply and Associated Works	23/10/2020	23/10/2020	Approved
26/10/2020	CM3	General provisions	SCM letters approved Tenderers	26/10/2020	26/10/2020	Approved
28/10/2020	HR2	Conditions of Service (SALGBC)	Overtime preapproval – November Salaries & Creditors	28/10/2020	28/10/2020	Approved
28/10/2020	AD3	General	Advert approval tender above R10million	28/10/2020	28/10/2020	Approved
30/10/2020	M122	Section	B/SM 97/20 Supply and Delivery of Festival	30/10/2020	30/10/2020	Approved



		115(1)(a), MFMA	Lights Until 30 June 2023			
30/10/2020	MM122	Section 115(1)(a), MFMA	B/SM 77/20 Supply and Delivery of Refuse Bags for a Period Ending 30 June 2023	30/10/2020	30/10/2020	Approved
30/10/2020	MM125	Section 116(2)(b), MFMA	B/SM 09/21 "Appointment of Suitably, Qualified and Experienced Supplier for the Provision, Service and Maintenance of Chemical Toilets within the Stellenbosch Jurisdiction for a Period Up To 30 June 2023	30/10/2020	30/10/2020	Approved
30/10/2020	M122	Section 115(1)(a), MFMA	B/SM 92/20 Provision of a Hazardous Waste Classification, Collection, Transport and Disposal Service for Hazardous Waste as well as Fluorescent Tubes and Compact Fluorescent Lamps from the Stellenbosch Landfill and Hazardous Chemicals from the Stellenbosch Laboratory from Date of Award to 30 June 2023	30/10/2020	30/10/2020	Approved
30/10/2020	MM122	Section 115(1)(a), MFMA	B/SM 07/21 Supply and Installation of a Digital Management Platform with Training, Maintenance and Support for a Period Ending 30 June 2023	30/10/2020	30/10/2020	Approved
30/10/2020	MM125	Section 116(2)(b), MFMA	B/SM 14/20 Maintenance Contract of Electrical, Telemetry, Chlorine and Hvac Equipment for Water and Sanitation Infrastructure at Stellenbosch Municipality for Period Ending 30 June 2022	30/10/2020	30/10/2020	Approved
30/10/2020	CM3	General provisions	SCM letters approved Tenderers	30/10/2020	30/10/2020	Approved
31/10/2020	MM136	Section 122(1)/ Section 126(1)(a), MFMA	Submission of Annual Financial Statements 19/20	31/10/2020	31/10/2020	Approved
31/10/2020	HR2	Conditions of Service (SALGBC)	Acting instruction J van der Heyde – Manager Financial Statements and Reporting	31/10/2020	31/10/2020	Approved
31/10/2020	HR2	Conditions of Service (SALGBC)	Acting Instruction Ilhaam Pillay – Manager Budget and Costing	31/10/2020	31/10/2020	Approved
31/10/2020	HR2	Conditions of Service	Acting Instruction Jamie Lee Bruce – SCM	31/10/2020	31/10/2020	Approved

(SALGBC)

## DELEGATION EXERCISED FOR PERIOD NOVEMBER 2020

## DIRECTORATE: FINANCIAL SERVICES

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
02/11/2020	VPR2	Paragraph 6f	Capital Virementations – All Directorates	02/11/2020	30/11/2020	Approved
06/11/2020	HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores	02/11/2020	06/11/2020	Approved
06/11/2020	MM122	Section 115(1)(a), MFMA	B/SM 99/20 Supply and Delivery of Electrical Equipment and Material Until 30 June 2022	06/11/2020	06/11/2020	Approved
06/11/2020	MM122	Section 115(1)(a), MFMA	B/SM 98/20 Laundry Services for Stellenbosch Municipality until 30 June 2021.	06/11/2020	06/11/2020	Approved
09/11/2020	CM3	General provisions	SCM letters approved Tenderers	09/11/2020	09/11/2020	Approved
17/11/2020	VPR2	Paragraph 6f	Capital Virementations – All Directorates	17/11/2020	17/11/2020	Approved
17/11/2020	M122	Section 115(1)(a), MFMA	B/SM 01/21 Provision of Professional Services for The Compilation of The Draft Adam Tas Corridor Local Spatial Development Framework	17/11/2020	17/11/2020	Approved
20/11/2020	MM122	Section 115(1)(a), MFMA	B/SM 101/20 .Design, Manufacture, Testing, Supply, Delivery And Offloading Of 2 20mva 66/11 KV Transformers For Jan Marais Substation.	20/11/2020	20/11/2020	Approved
20/11/2020			B/SM 11/21 Supply, Delivery and Off-Loading of Cleaning Materials and Personal Protection Related Items Until 30 June 2022	20/11/2020	20/11/2020	Approved
27/11/2020	MM122	Section 115(1)(a), MFMA	B/SM 23/21 Appointment of A Service Provider or Employee Group life Scheme for A Period Until June 2023	27/11/2020	27/11/2020	Approved
27/11/2020	MM122	Section 115(1)(a), MFMA	B/SM 24/21 Cloeteville Library Upgrade.	27/11/2020	27/11/2020	Approved
27/11/2020	CM3	General provisions	SCM letters approved Tenderers	27/11/2020	27/11/2020	Approved

31/11/2020	HR2	Conditions of Service (SALGBC)	Acting instruction J van der Heyde – Manager Financial Statements and Reporting	30/11/2020	30/11/2020	Approved
31/11/2020	HR2	Conditions of Service (SALGBC)	Acting Instruction Ilhaam Pillay – Manager Budget and Costing	30/11/2020	30/11/2020	Approved
31/11/2020	HR2	Conditions of Service (SALGBC)	Acting Instruction Jamie Lee Bruce – SCM	30/11/2020	30/11/2020	Approved

**DELEGATION EXERCISED FOR PERIOD DECEMBER 2020**

**DIRECTORATE: FINANCIAL SERVICES**

<b>Date</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
15/12/2020	VPR2	Paragraph 6f	Capital Virementations – All Directorates	16/12/2020	18/12/2020	Approved
06/12/2020	HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores	01/12/2020	04/12/2020	Approved
06/12/2020	MM122	Section 115(1)(a), MFMA	B/SM 03/21 "Appointment of An Electrical Engineer to Undertake The Design And Construction Monitoring Of Internal Electrical Services For The Development Of Approximately +/- 258 Temporary Relocation Housing Units On Erf 3229, Mooiwater."	04/12/2020	04/12/2020	Approved
09/12/2020	CM3	General provisions	SCM letters approved Tenderers	04/12/2020	04/12/2020	Approved
06/12/2020	MM122	Section 115(1)(a), MFMA	B/SM 82/20 "Purchasing of Small Plant Equipment for A Period of Three Years Until 30 June 2023"	06/12/2020	06/12/2020	Approved
06/12/2020	CM3	General provisions	SCM letters approved Tenderers	04/12/2020	04/12/2020	Approved
04/12/2020	VPR2	Paragraph 6f	Capital Virementations – All Directorates	04/12/2020	04/12/2020	Approved
10/12/2020	M122	Section 115(1)(a), MFMA	B/SM 34/21 Supply, Delivery and Installation of Clear Safety Protective Screens On an As and When Basis, Until 30 June 2021	10/12/2020	10/12/2020	Approved
10/12/2020	MM122	Section 115(1)(a), MFMA	B/SM 79/20 Electrification and Subsequent LV Maintenance of Informal Houses In The Enkanini Informal Settlement Of Stellenbosch	10/12/2020	10/12/2020	Approved

			For The Period Ending 30 June 2023			
10/12/2020	CM3	General provisions	SCM letters approved Tenderers	10/12/2020	10/12/2020	Approved
15/12/2020			B/SM 21/21 Supply Delivery and Fit of Furniture for Stellenbosch Municipality (Wco24), For A Contract Period Ending 30 June 2023	15/12/2020	15/12/2020	Approved
	MM122	Section 115(1)(a), MFMA				
23/12/2020	CM3	General provisions	SCM letters approved Tenderers	15/12/2020	15/12/2020	Approved
23/12/2020			B/SM 12/21 Recyclable Waste Collection and Processing of The Recyclable Material at A Licensed Mrf Up Until 30 June 2023.	23/12/2020	23/12/2020	Approved
	MM122	Section 115(1)(a), MFMA				
23/12/2020	CM3	General provisions	SCM letters approved Tenderers	23/12/2020	23/12/2020	Approved

**DELEGATIONS EXERCISED FOR PERIOD: OCTOBER 2020**

**DIRECTORATE: COMMUNITY AND PROTECTION SERVICES**

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
30/09/2020	SC3	4(1)	Questionnaire: Provide private armed security tender for a period of 3 financial years ending 30 June 2023	30/09/2020	01/10/2020	Approved

30/09/2020			Hand out of equipment	30/09/2020	01/10/2020	Approved
30/09/2020	RM2	Risk Management Policy, 2018	Revised Departmental Risk Register: Fire and Disaster	30/09/2020	01/10/2020	Approved
30/09/2020	SC3	4(1)	Questionnaire: Access Control	30/09/2020	01/10/2020	Approved
30/09/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed term contract: K Smith	30/09/2020	01/10/2020	Approved
30/09/2020			Form 7: Permit to travel to perform a service – Regulation 66 (Traffic Services)	01/10/2020	01/10/2020	Approved
01/10/2020	RM2	Risk Management Policy, 2018	Revised Departmental Risk Register: Law Enforcement	01/10/2020	01/10/2020	Approved
01/10/2020			SOP: Flow chart for purchasing forestry / wood permits: Revenue Management	01/10/2020	01/10/2020	Approved
29/09/2020	HR2	Conditions of Service (SALGBC)	Memo: Standby approval – D Leibrandt (September 2020)	01/10/2020	01/10/2020	Approved
30/09/2020	LEG	General	Illegal tuckshop 83 Davy Street, Idas Valley	01/10/2020	01/10/2020	Approved
01/10/2020	SC3	4(1)	Questionnaire: Supply and deliver of growing medium and decorative stone	01/10/2020	01/10/2020	Approved
01/10/2020	SC3	4(1)	Questionnaire: Uniforms and PPE for Traffic, Law Enforcement, Fire and Rescue and Disaster Management	01/10/2020	01/10/2020	Approved
06/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Pre-approval of standby (Traffic Services)- October 2020	06/10/2020	07/10/2020	Approved
23/09/2020	HR2	Conditions of Service (SALGBC)	Memo: Overtime Pre-approvals (Traffic Services) – October 2020	06/10/2020	07/10/2020	Approved
06/10/2020	LEG	General	Memo: Refreshments mini workshop – Shared Services Agreement between municipalities	06/10/2020	07/10/2020	Approved
06/10/2020	MM22	Section 66(1)(b), Systems Act	Job Descriptions – Security Officer, General Worker Snr Inspector Law Enf Pound, Principal Inspector Pound	06/10/2020	07/10/2020	Approved
05/10/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting allowance: A Royi (11-31 August 2020)	06/10/2020	07/10/2020	Approved
30/09/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting allowance and acceptance: M Chettiar (5-31 October 2020)	06/10/2020	07/10/2020	Approved
30/09/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting allowance and acceptance: A George (1-31 October 2020)	06/10/2020	07/10/2020	Approved
25/09/2020	HR2	Conditions of Service (SALGBC)	Memo: Overtime and standby – Sport and Facilities (October 2020)	06/10/2020	07/10/2020	Approved
		Conditions of Service	Memo: Approval of overtime and standby – Halls (October 2020)			

25/09/2020	HR2	(SALGBC)		06/10/2020	07/10/2020	Approved
03/10/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting appointment and acceptance – G Africa (1-30 September 2020)	06/10/2020	07/10/2020	Approved
06/10/2020	HR2	Conditions of Service (SALGBC)	Attendance Register – K Alkaster (September 2020)	06/10/2020	07/10/2020	Approved
06/10/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed terms contract worker – K Smith	06/10/2020	07/10/2020	Approved
06/10/2020	TR1	Skills Development Act /MSA	Memorandum of agreements: R Matthyse, Stefan van Zyl, T Pietersen, R Jacobs, D Roman, J Tyatyeka, M Williams, T Malgas, C Arendse, S Jagers, T Nomeva, C Telemachus, L Williams, S Abrahams, M Okkers, C Williams	06/10/2020	07/10/2020	Approved
01/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Exceeding the allotted 40 hours overtime per month (Community Development0	06/10/2020	07/10/2020	Approved
06/10/2020	HR2	Conditions of Service (SALGBC)	Attendance Register: M Aalbers (September 2020)	06/10/2020	07/10/2020	Approved
06/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Form 7: Permit to travel to perform a service – A de Mink, L Wilson	06/10/2020	07/10/2020	Approved
30/09/2020		DoRA	Letter: Integrated Urban Development Grant Monthly Progress Report	06/10/2020	07/10/2020	Approved
06/10/2020		Finance	RSEP/VPUU Programme: Allocation of transfer funds 2020/21	06/10/2020	07/10/2020	Approved
06/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Questionnaire: Supply, delivery and installation play equipment across Stellenbosch	07/10/2020	08/10/2020	Approved
05/10/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting appointment and acceptance – A Royi (1-30 September 2020)	07/10/2020	08/10/2020	Approved
09/10/2020	HR	General	Resignation of EPWP worker – Shannon Groenewald	07/10/2020	08/10/2020	Approved
07/10/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting allowance: E Beukes (1-30 September 2020)	07/10/2020	08/10/2020	Approved
07/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Form7: Permit to travel to perform a service: Hermien Swanepoel	07/10/2020	08/10/2020	Approved
06/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Exceeding 40-hour overtime threshold	07/10/2020	08/10/2020	Approved
07/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Memo + Specifications- Deviation: Emergency Work: Pine in Plantations	07/10/2020	08/10/2020	Approved
07/10/2020	HR2	Conditions of Service (SALGBC)	Attendance Register: L Pedro (September 2020)	07/10/2020	08/10/2020	Approved
			MBD 7.2 Contact for – rendering of services – BSM 39/18 The			

07/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Establishment of a Roster for Professional Engineering services	09/10/2020	13/10/2020	Approved
08/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Standby motivation – Fire and Disaster (November 2020)	09/10/2020	13/10/2020	Approved
08/10/2020		Finance	Financial Management Capacity Building Grant – Supplementary form	09/10/2020	13/10/2020	Approved
08/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Questionnaire: FQ: Broadleaf spray for various sport grounds	09/10/2020	13/10/2020	Approved
08/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Questionnaire: FQ: Repair container van der Stel sport grounds	09/10/2020	13/10/2020	Approved
26/09/2020	HR	General	Memo: Encashment of leave (Library personnel)	12/10/2020	13/10/2020	Approved
12/10/2020	VRP2	Paragraph 6f	Veriment: Specialised Equipment (R350 000)	12/10/2020	13/10/2020	Approved
02/10/2020	C70	Section 34(1), MFMA	Transfer payment agreement: to review or update the integrated transport plans for the 2020/21 financial year	12/10/2020	13/10/2020	Approved
09/10/2020	MM22	Section 66(1)(b), Systems Act	Job Description: Operator (Parks & Cemeteries)	12/10/2020	13/10/2020	Approved
13/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Questionnaire: Tender Description – Building of skateboard park in Cloetesville	13/10/2020	14/10/2020	Approved
06/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Exceeding of 40-hour overtime threshold	13/10/2020	14/10/2020	Approved
14/10/2020	MM22	Section 66(1)(b), Systems Act	Job Description: General Worker – Ornamental Horticulture - Nursery	13/10/2020	14/10/2020	Approved
14/10/2020		ICT	Request for ICT Resources – Ndamase Wisemen	15/10/2020	15/10/2020	Approved
07/10/2020	VRP2	Paragraph 6f	Veriment: Horticulture, Furniture, Tools & Equipment (R200 000)	15/10/2020	15/10/2020	Approved
15/10/2020	MM82	Section 62(2) (c), MFMA	Tax invoice: Toyota (R394 277.50)	15/10/2020	15/10/2020	Approved
15/10/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed term – M Claasen, N Nkunkumana, Z Qongo	15/10/2020	15/10/2020	Approved
15/10/2020	MPF9	Section 59 of MSA	Agreement for the use of the Groendal Community Hall – Spirit World Revival Ministries	15/10/2020	15/10/2020	Approved
15/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Contract form: Sale of goods/works	15/10/2020	15/10/2020	Approved
15/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Memo: Technical Evaluation – Sale of timber	15/10/2020	15/10/2020	Approved
15/10/2020	VRP2	Paragraph 6f	Creation of Ukey: Sale of Goods and rendering of services	15/10/2020	15/10/2020	Approved
		Skills Development	Memorandum of Agreement: Cecil Abrahams, Glynis Manuel	15/10/2020	15/10/2020	Approved

15/10/2020	TR1	Act/MSA				
15/10/2020	VRP2	Paragraph 6f	Veriment: Licenses - Motor Vehicle Registrations (R1500)	15/10/2020	15/10/2020	Approved
14/10/2020			Memo: Opening of 16 days of activism summit and festive season safety launch: 25 November 2020	15/10/2020	15/10/2020	Approved
26/10/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed term contract	26/10/2020	27/10/2020	Approved
22/10/2020	VRP2	Paragraph 6f	Veriment: Vehicle Fleet Fire Services (R316 000)	26/10/2020	27/10/2020	Approved
26/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Approval of final tender invitation document – Building of a skateboard park at Cloetesville	26/10/2020	27/10/2020	Approved
22/10/2020	HR2	Conditions of Service (SALGBC)	Extension of existing EPWP contract – Petros Mambhubulu, Zayne Rhode, Masibulele Goloza, Chanel Olivier, Chester Schuder, Lucas Masiza	26/10/2020	27/10/2020	Approved
26/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Approval of final tender invitation document: Appointment of private arms security service	26/10/2020	27/10/2020	Approved
26/10/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting appointment – Angelique George (1-30 November 2020)	26/10/2020	27/10/2020	Approved
26/10/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting appointment – Maindren Chettiar (2-20 November 2020)	26/10/2020	27/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Leave in lieu of overtime – A van der Merwe	26/10/2020	27/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Approval of overtime and standby – November 2020 (Workshop)	26/10/2020	27/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Approval of overtime and standby – November 2020 (Urban Forestry)	26/10/2020	27/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Approval of overtime and standby – November 2020 (Environmental Management)	26/10/2020	27/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Approval of overtime and standby – November 2020 (Nature Conservation)	26/10/2020	27/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Approval of overtime and standby – November 2020 (Ornamental Horticulture)	26/10/2020	27/10/2020	Approved
26/10/2020	MM9	Section 55(1)(e), Systems Act	Shortlisting: Control Room Operator	26/10/2020	27/10/2020	Approved
26/10/2020	MM9	Section 55(1)(e), Systems Act	Shortlisting: Examiner of Vehicles	26/10/2020	27/10/2020	Approved
26/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Questionnaire: Supply of uniform (Environmental Implementation)	29/10/2020	29/10/2020	Approved



21/10/2020	VRP2	Paragraph 6f	Veriment: Motor vehicle licence and registration (R3000)	29/10/2020	29/10/2020	Approved
21/10/2020	VRP2	Paragraph 6f	Veriment: Motor vehicle licence and registration (R1000)	29/10/2020	29/10/2020	Approved
20/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Approval of overtime and standby – Cemeteries (November 2020)	29/10/2020	29/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Approval of overtime and standby – Halls (November 2020)	29/10/2020	29/10/2020	Approved
27/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Approval of overtime and standby – Parks Franschhoek (November 2020)	28/10/2020	29/10/2020	Approved
28/10/2020	MPF7	Section 59 of MSA	Memorandum of Understandingx3: SASSA	28/10/2020	29/10/2020	Approved
28/10/2020	MFP10	MFMA	Hall deposit refund: Women on farms	28/10/2020	29/10/2020	Approved
28/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Questionnaire: Law Enforcement Uniforms	28/10/2020	29/10/2020	Approved
28/10/2020	MM64	Section 62(1)(f)(iv) MFMA	Questionnaire: Supply and install intrusion detection alar systems	28/10/2020	29/10/2020	Approved
26/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Overtime pre-approvals – Traffic (November 2020)	29/10/2020	29/10/2020	Approved
28/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Overtime pre-approvals – Fire and Disaster (November 2020)	29/10/2020	29/10/2020	Approved
29/10/2020	TR1	Skills Development Act/MSA	Memorandum of Agreement – O Jumat	29/10/2020	29/10/2020	Approved
28/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Overtime and Standby Pre-approvals – Parks (November 2020)	29/10/2020	29/10/2020	Approved
28/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Overtime and Standby Pre-approvals – Sport and Facilities	29/10/2020	29/10/2020	Approved
29/10/2020	MM9	Section 55(1)(e), Systems Act	Confirmation of appointment Certificate: Roger Benn	29/10/2020	29/10/2020	Approved
29/10/2020	HR2	Conditions of Service (SALGBC)	Memo: Overtime Pre-approvals – Traffic (November 2020)	29/10/2020	29/10/2020	Approved
26/10/2020	VRP2	Paragraph 6f	Veriment: Operating Leases: Machinery and Equipment (R230 000)	29/10/2020	29/10/2020	Supported
30/10/2020	HR2	Conditions of Service (SALGBC)	Attendance Register: L Pedro (October 2020)	29/10/2020	29/10/2020	Approved
30/10/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed terms contract worker	30/10/2020	30/10/2020	Approved

## DELEGATIONS EXERCISED FOR PERIOD: NOVEMBER 2020

## DIRECTORATE: COMMUNITY AND PROTECTION SERVICES

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
02/11/2020	HR2	Conditions of Service (SALGBC)	Attendance Register & Standby: C Kitching (October 2020)	02/11/2020	02/11/2020	Approved
03/11/2020	SC3	4(1)	Questionnaire: FQ: Supply, delivery and installation of play equipment in various parks across Stellenbosch	03/11/2020	04/11/2020	Approved
03/11/2020	SC3	4(1)	Questionnaire: FQ: Repairs to Doornbos Borehole Pump	03/11/2020	04/11/2020	Approved
03/11/2020	SC3	4(1)	Questionnaire: FQ: Supply and install cobblestone	03/11/2020	04/11/2020	Approved
03/11/2020	SC3	4(1)	Questionnaire: FQ: Supply and delivery artificial plants, flowers and decorations	03/11/2020	04/11/2020	Approved
03/11/2020	HR2	Conditions of Service (SALGBC)	Attendance Register: A van der Merwe (October 2020)	03/11/2020	04/11/2020	Approved
03/11/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting allowance – A Royi (1-31 October 2020)	04/11/2020	05/11/2020	Approved
03/11/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting allowance – E Beukes (1-31 October 2020)	04/11/2020	05/11/2020	Approved
04/11/2020	MPF9	Section 59 of MSA	Agreement: For the use Kylemore Community Hall (Church of Christ)	04/11/2020	05/11/2020	Approved
04/11/2020	SC3	4(1)	Questionnaire: FQ: Repair container van der Stel Sport grounds	04/11/2020	05/11/2020	Approved
04/11/2020	SC3	4(1)	Questionnaire: FQ: Supply and deliver rugby and soccer combination poles	04/11/2020	05/11/2020	Approved
04/11/2020	MM64	Section 62(1)(f)(iv) MFMA	Contract BSM 86/20: Supply and delivery of temporary structures	04/11/2020	05/11/2020	Approved
04/11/2020			Notice to SSRA wrt training at sport facilities	06/11/2020	06/11/2020	Approved
28/10/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed term contract worker – B Janathan, H Hofman, B King	06/11/2020	06/11/2020	Approved
03/11/2020	VRP2	Paragraph 6f	Creation of Ukey: Cleaning Services	06/11/2020	06/11/2020	Approved
03/11/2020	VRP2	Paragraph 6f	Veriment: Cleaning Services (R2 000)	06/11/2020	06/11/2020	Approved
03/11/2020	VRP2	Paragraph 6f	Creation of Ukey: Gardening Services	06/11/2020	06/11/2020	Approved
03/11/2020	VRP2	Paragraph 6f	Veriment: Gardening Services (R2 000)	06/11/2020	06/11/2020	Approved

05/11/2020	HR2	Conditions of Service (SALGBC)	Extension of EPWP contact: S Mafunuka	06/11/2020	06/11/2020	Approved
09/11/2020	MM82	Section 62(2) (c), MFMA	Tax invoice – Toyota (R394 277.50)	09/11/2020	09/11/2020	Approved
09/11/2020			Ignite access: E Nontyi	09/11/2020	09/11/2020	Approved
05/11/2020	VRP2	Paragraph 6f	Veriment: Uniform and Protective Clothing (R30 026)	09/11/2020	10/11/2020	Supported
05/11/2020	VRP2	Paragraph 6f	Veriment: Uniform and Protective Clothing (R3600)	09/11/2020	10/11/2020	Supported
05/11/2020	VRP2	Paragraph 6f	Veriment: Uniform and Protective Clothing (R10 500)	09/11/2020	10/11/2020	Supported
10/11/2020	MM9	Section 55(1)(e), Systems Act	Approval of appointment: Traffic Officers	09/11/2020	10/11/2020	Approved
10/11/2020	MM9	Section 55(1)(e), Systems Act	Shortlisting: Chief Traffic Services	09/11/2020	10/11/2020	Approved
09/11/2020	VRP2	Paragraph 6f	Veriment: Street Treesx3: Forestry (R108 000)	11/11/2020	11/11/2020	Supported
11/11/2020			Memo: Request to access security footage	11/11/2020	12/11/2020	Approved
11/11/2020	AD3	General	Approval of advertisement: Principal Inspectorsx2; Law Enforcement Officer	11/11/2020	12/11/2020	Approved
09/11/2020	HR2	Conditions of Service (SALGBC)	Memo: Pre-approval of overtime (Examiner of driving licenses – December 2020)	11/11/2020	12/11/2020	Approved
10/11/2020	HR	General	Memo: Request for assistance – extra heavy-duty learners and licences (Fire Services)	11/11/2020	12/11/2020	Approved
10/11/2020	HR2	Conditions of Service (SALGBC)	Memo: Standby January to March 2021 (Protection Services)	11/11/2020	12/11/2020	Approved
12/11/2020			Signing off of the Stellenbosch Management Plan (RSEP) November 2020	11/11/2020	12/11/2020	Approved
05/11/2020	MM82	Section 62(2) (c), MFMA	Tax Invoice: Bidvest Waltons – Order nr 362328 (R334.97)	11/11/2020	12/11/2020	Approved
09/11/2020	MM82	Section 62(2) (c), MFMA	Tax Invoice: Bidvest Waltons – Order nr 361053 (R1227.92)	11/11/2020	12/11/2020	Approved
12/11/2020	VRP2	Paragraph 6f	Creation of Ukey: Covid Related Projects	11/11/2020	12/11/2020	Supported
12/11/2020	VRP2	Paragraph 6f	Veriment: Ward Projects (Covid) Consumables Standard Rated (R321 245.00)	11/11/2020	12/11/2020	Supported
12/11/2020	MPF9	Section 59 of MSA	Agreement for the use of the Pniel Banquet Hall: Pniel Baptist Church	11/11/2020	12/11/2020	Approved
12/11/2020	TR1	Skills Development Act /MSA	Memorandum of Agreement: P Bailey, S Abrahams, S Neels, O Jumat, R Banies, S van Zyl, C Peteni, T Nomeva, G Botes, M Williams, L Williams	12/11/2020	13/11/2020	Approved

11/11/2020	MM9	Section 55(1)(e), Systems Act	Termination of existing EPWP contracts: L Williams, A Muller, S Mvulo, P Msutwana, J Maimela, M Skeyi, C Paulse, D Fortuin, M Wanza, M Dina, A van Rooyen, M Lokwe, W Adams, J Paulse, N Florist, Z Kalimashe, J Lewis, C Esau	13/11/2020	16/11/2020	Approved
11/11/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed term contract: M Claasen	13/11/2020	16/11/2020	Approved
16/11/2020	HR2	Conditions of Service (SALGBC)	Memo: Standby Law Enforcement (December 2020)	16/11/2020	17/11/2020	Approved
13/11/2020	MM82	Section 62(2) (c), MFMA	Tax invoice: Flowers in the Foyer (R500)	16/11/2020	17/11/2020	Approved
17/11/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed term contract workers	18/11/2020	19/11/2020	Approved
17/11/2020	TR1	Skills Development Act /MSA	Memorandum of Agreement: S Paulse, R Lindoor, S Weerdenburg, R Stokwe, B Mangele, G De Mink	18/11/2020	19/11/2020	Approved
11/11/2020	VRP2	Paragraph 6f	Veriment: Gardening Services (R4000)	18/11/2020	19/11/2020	Supported
16/11/2020	MFP10	MFMA	Hall deposit refund: Rocklands High School	18/11/2020	19/11/2020	Approved
16/11/2020		Finance	Impoundment: Towing and Storage Fees	18/11/2020	19/11/2020	Approved
16/11/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed terms contract worker – R America	18/11/2020	19/11/2020	Approved
17/11/2020	HR2	Conditions of Service (SALGBC)	Memo: Overtime approvals – Fire and Disaster (December 2020)	18/11/2020	19/11/2020	Approved
18/11/2020	RM2	Risk Management Policy, 2018	Departmental Risk Register: Law Enforcement (November 2020)	18/11/2020	19/11/2020	Approved
19/11/2020		EPWP	Registration of Project: EPWP (Traffic Services – General gardening and maintenance)	19/11/2020	20/11/2020	Approved
19/11/2020	HR	General	Updating/Changing of payday reporting lines – Traffic Services	19/11/2020	20/11/2020	Approved
19/11/2020	VRP2	Paragraph 6f	Veriment: Contractors: Gardening Services (R9000)	19/11/2020	20/11/2020	Supported

**DELEGATIONS EXERCISED FOR PERIOD: DECEMBER 2020****DIRECTORATE: COMMUNITY AND PROTECTION SERVICES**

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if
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						any)
04/12/2020	RM2	Risk Management Policy, 2018	Risk Register: Fire and Disaster	11/12/2020	11/12/2020	Approved
04/12/2020	MM64	Section 62(1)(f)(iv) MFMA	Questionnaire: Tree Purchase Tender	11/12/2020	11/12/2020	Approved
30/11/2020	MM23	Section 6(1)(c), Systems Act	Memo: Acting appointment: Angelique George (1-31 January 2021)	11/12/2020	11/12/2020	Approved
30/11/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting appointment: Angelique George (1-31 December 2020)	11/12/2020	11/12/2020	Approved
30/11/2020	VRP2	Paragraph 6f	Veriment: Material and Supplies (R1500)	11/12/2020	11/12/2020	Supported
11/12/2020	MM9	Section 55(1)(e), Systems Act	Appointment letters: OHS First Aiders	11/12/2020	11/12/2020	Approved
10/12/2020	MM23	Section 66(1)(c), Systems Act	Memo: Acting appointment – D Leibrandt (14-31 December 2020)	11/12/2020	11/12/2020	Approved
01/12/2020	HR	General	Resignation letter: JI Young	14/12/2020	15/12/2020	Approved
01/12/2020	Section 67(5.2)	Section 67(5.2)	Conditional Grant Draft Business Plan 2021/22	14/12/2020	15/12/2020	Approved
10/12/2020	MM82	Section 62(2) (c), MFMA	Tax invoice: Bidvest Waltons (R166.75)	14/12/2020	15/12/2020	Approved
14/12/2020	MM82	Section 62(2) (c), MFMA	Tax invoice: Safran and CO (R240.00)	14/12/2020	15/12/2020	Approved
30/11/2020	MM82	Section 62(2) (c), MFMA	Tax invoice: Coffee MM (R3600.00)	14/12/2020	15/12/2020	Approved
14/12/2020		Finance	Memo: Write off of Dhelmini account (Fire Services)	14/12/2020	15/12/2020	Approved
14/12/2020	MM9	Section 55(1)(e), Systems Act	Letter of appointment: EPWP fixed term contract worker:	14/12/2020	15/12/2020	Approved
14/12/2020	VRP2	Paragraph 6f	Veriment: Plants, Flowers & Decorations (R350 000)	15/12/2020	15/12/2020	Supported
15/12/2020	LPC3	Gatherings Act 205 of 1993 Events bylaw pn 7564 dated 12/02/2016	Letter: Protest March and gathering – Stellies Movement – 16 December 2020	15/12/2020	15/12/2020	Approved
14/12/2020	VRP2	Paragraph 6f	Veriment: Pathways on Parks & Gardens (R20 000)	15/12/2020	15/12/2020	Supported

## DELEGATIONS EXERCISED FOR PERIOD: OCTOBER 2020

## DIRECTORATE: COPRORATE SERVICES

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
01/10/2020	MM82	Section 65(2)(c), MFMA	Memorandum - Payment for Ward Committee Members	01/10/2020	01/10/2020	Approved
01/10/2020	MM82	Section 65(2)(c), MFMA	Invoice: Windeed refer to order 360832 for the amount of R242.82. Windeed database and deeds office property searches.	01/10/2020	01/10/2020	Approved
01/10/2020	MM82	Section 65(2)(c), MFMA	Invoice: Polorama refer to order 361723 for the amount of R479.94. - filter coffee - java: packaging (25 x 80g)	01/10/2020	01/10/2020	Approved

01/10/2020	MM82	Section 65(2)(c), MFMA	Invoice: Madge computers refer to order 361460 for the amount of R28 217.55. Mecer xtreme mini Jupiter coffee lake pc.	01/10/2020	01/10/2020	Approved
01/10/2020	MM82	Section 65(2)(c), MFMA	Invoice: Innovo Network refer to order 360960 for the amount of R626 070.81. Internal access points.	01/10/2020	01/10/2020	Approved
01/10/2020	MM82	Section 65(2)(c), MFMA	Invoice: Premier attraction refer to order 361205 for the amount of R829 918.75. BSM 90/18: upgrading of Cloetesville flats, erf 67.	01/10/2020	01/10/2020	Approved
01/10/2020	MM9	Section 55(1)(e), Systems Act	Memorandum – Approval of appointment traffic officer x 2	01/10/2020	01/10/2020	Approved
02/10/2020	MM9	Section 55(1)(e), Systems Act	Offer of employment for Technician Metering and loss control	02/10/2020	02/10/2020	Approved
02/10/2020	MM9	Section 55(1)(e), Systems Act	Offer of employment for Public participation officer	02/10/2020	02/10/2020	Approved
02/10/2020	MM9	Section 55(1)(e), Systems Act	Offer of employment for IDP Officer	02/10/2020	02/10/2020	Approved
02/10/2020	AD3	GENERAL	Advertisement – Senior Clerk Electrical Services	02/10/2020	02/10/2020	Approved
	AD3	GENERAL	Advertisement – Forman Pump station and tanker services			
02/10/2020	HR2	Conditions of Service (SALGBC)	Attendance register Alexander Kannemeyer	02/10/2020	02/10/2020	Approved
02/10/2020	MM82	Section 65(2)(c), MFMA	Requisition for Drakenstein Municipality (R7622.01) SAMWU union contributions.	02/10/2020	02/10/2020	Approved
02/10/2020	HR2	Conditions of Service (SALGBC)	Standby pre-approvals for Facility Management team	02/10/2020	02/10/2020	Approved
05/10/2020	HR2	Conditions of Service (SALGBC)	Addendums for Financial services (D Jansen, M Booyesen and L Nteta)	05/10/2020	05/10/2020	Approved
05/10/2020	MM82	Section 65(2)(c), MFMA	Invoice bidvest waltons refer to purchase order 361721 for the amount of R106.26	05/10/2020	05/10/2020	Approved
05/10/2020			FQ: Supply and deliver (Off-loading) of Vinyl tiles at Beltana Depot.	05/10/2020	05/10/2020	Approved
05/10/2020			Memorandum – Computes requirements for the division Integrated Human Settlements.	05/10/2020	05/10/2020	Approved
05/10/2020	MM82	Section 65(2)(c), MFMA	Invoice for Avalon Group refer to order 360651 for the amount of R159390.00. (SLA agreement – Wireless network and Corporate IT network.	05/10/2020	05/10/2020	Approved
05/10/2020	MM82	Section 65(2)(c),	Invoice for XON Systems PTY (Ltd) refer to purchase	05/10/2020	05/10/2020	Approved

		MFMA	order 361540 ICT equipment.			
05/10/2020	MM82	Section 65(2)(c), MFMA	Invoice for liquid telecom for the amount of R11 963.98	05/10/2020	05/10/2020	Approved
06/10/2020	MM82	Section 65(2)(c), MFMA	LJA construction refer to order 361758 for the amount of R1 811 025.60 (Lamotte Club House)	06/10/2020	06/10/2020	Approved
06/10/202	MM82	Section 65(2)(c), MFMA	Bidvest Execuflo purchase order 360796 for R3790.40 for Pot and Plant Rental.	06/10/202	06/10/202	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Witzenburg Municipality purchase order 355754 SAMWU Union contributions – R3637.50	07/10/2020	07/10/202	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Pro Meetse & Environmental Services refer to order 360887 (Training: Water Sampling for 29 & 30 Sept as well as 1 & 2 Oct 2020) R58 200.00	07/10/2020	07/10/202	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Pro Meetse & Environmental (Training: Water sampling 21 & 25 Sep 2020) R48 500.00	07/10/2020	07/10/202	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Coalition Training purchase order 360759 for R13310.00 (Brush cutter operator training) 21 – 23 Sept 2020	07/10/2020	07/10/202	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Coalition Training purchase order 360759 for R9982.50. (Brush cutter operator training)	07/10/2020	07/10/202	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Media 24 (Die burger) for advertising of vacancies in the amount of R13 965.00	07/10/2020	07/10/202	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Leibrandt training purchase order 360830 (Novice training on 31 August – 2 September) for R8625.00	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Leibrandt training purchase order 360830 (Cherry picker training) R 6900.00	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Tjek training purchase order 360799 for R17 269.58 tractor training.	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	ACS training purchase order 360780 for R9584.00 (Health and Safety rep training).	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Telkom usage services for the month of September 2020	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Vodacom usage services in the amount of R2590.90	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Avalon purchase order 361018 for R859.99 (ICT equipment/gadgets)	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Avalon purchase order 360651 for the amount of R159 390.00 (SLA agreement)	07/10/2020	07/10/2020	Approved



07/10/2020	MM82	Section 65(2)(c), MFMA	First technology purchase order 360645 for R22 489.95 (WAN and Internet)	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Vox telecom purchase order 361191 for R2584.63 site labour (business hours).	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Blueline industries purchase 361302 for R165.00 coffee cup set of 6	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Media24 purchase order 361773 advert: Supply and deliver of office furniture for R8694.00	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Bfect refer to order 361699 for R600.00 – Paper filter coffee	07/10/2020	07/10/2020	Approved
07/10/2020	MM82	Section 65(2)(c), MFMA	Red landscape purchase order 361029 for R5626.63	07/10/2020	07/10/2020	Approved
07/10/2020			Resignation of Mr V Zwelendaba	07/10/2020	07/10/2020	Approved
07/10/2020	MM9	Section 55(1)(e), Systems Act	Senior clerk – Senior Protection Services	07/10/2020	07/10/2020	Approved
08/10/2020	MM82	Section 65(2)(c), MFMA	Media 24 refer to order 361773 for R8694.00 (Supply and deliver of office furniture)	08/10/2020	08/10/2020	Approved
08/10/2020	MM82	Section 65(2)(c), MFMA	ACS training purchase order 360780 for R11 980.00 (OHS Rep).	08/10/2020	08/10/2020	Approved
08/10/2020	HR2	Conditions of Service (SALGBC)	Standby pre-approval for ICT technicians	08/10/2020	08/10/2020	Approved
08/10/2020	HR2	Conditions of Service (SALGBC)	Award letter discretionary Grant allocation for 2020/2021	08/10/2020	08/10/2020	Approved
09/10/2020	MM82	Section 65(2)(c), MFMA	Payday Software systems (SLA consultations as per SLA contract) purchase order 350735 for R7590.00	09/10/2020	09/10/2020	Approved
09/10/2020	HR2	Conditions of Service (SALGBC)	Timesheets for Council support staff	09/10/2020	09/10/2020	Approved
09/10/2020	HR2	Conditions of Service (SALGBC)	Standby approval for M Hendricks	09/10/2020	09/10/2020	Approved
09/10/2020	MM82	Section 65(2)(c), MFMA	Bidvest Walton's (Office stationery) purchase order 361721 for R106.26	09/10/2020	09/10/2020	Approved
09/10/2020	MM82	Section 65(2)(c), MFMA	Bidvest Walton's (Office stationery) purchase order 361653 for R483.83	09/10/2020	09/10/2020	Approved
12/10/2020	MM82	Section 65(2)(c), MFMA	Business engineering purchase order 361994 for the monthly usage (July, August and September 2020) R55 731.99 Collaborator support agreement	12/10/2020	12/10/2020	Approved
12/10/2020	HR2	Conditions of Service	Time and attendance registers forward administrators	12/10/2020	12/10/2020	Approved

		(SALGBC)	and office cleaners for October 2020.			
12/10/2020	HR2	Conditions of Service (SALGBC)	Mandate for payment of death benefit T Nyangiwe (9009070836087)	12/10/2020	12/10/2020	Approved
12/10/2020	MM82	Section 65(2)(c), MFMA	Vodacom refer to order 361628 for the amount of R226 720.88	12/10/2020	12/10/2020	Approved
13/10/2020	HR2	Conditions of Service (SALGBC)	LGSETA funding agreement – Adult Education and training programme.	13/10/2020	13/10/2020	Approved
14/10/2020	HR2	Conditions of Service (SALGBC)	Timesheets for Municipal court	14/10/2020	14/10/2020	Approved
14/10/2020	MM82	Section 65(2)(c), MFMA	Evolution technology invoices for Corporate Services for the month of August 2020.	14/10/2020	14/10/2020	Approved
14/10/2020	MM82	Section 65(2)(c), MFMA	Vodacom refer to purchase order 361628 for the amount of R226 720.88	14/10/2020	14/10/2020	Approved
14/10/2020	MM82	Section 65(2)(c), MFMA	Pro Meetse and Environmental services Africa purchase order 360830 for the amount of R58 200.00 (Water Sampling training 6 – 9 October 2020).	14/10/2020	14/10/2020	Approved
14/10/2020	MM82	Section 65(2)(c), MFMA	Masikila Training purchase order 360917 for R36 430.20 (Maintain turf cricket pitches and outfields.	14/10/2020	14/10/2020	Approved
14/10/2020	MM82	Section 65(2)(c), MFMA	ACs Training purchase order 360780 for R10 782 (Workplace OHS inspection).	14/10/2020	14/10/2020	Approved
14/10/2020	MM82	Section 65(2)(c), MFMA	Leibrandt Training purchase order 360830 for R6900.00 (Novice training – 5 – 7 October 2020).	14/10/2020	14/10/2020	Approved
14/10/2020	MM82	Section 65(2)(c), MFMA	Dr Meyer purchase order 355756 for R1748.836 (direct payment, ophthalmic surgeon)	14/10/2020	14/10/2020	Approved
16/10/2020	MM82	Section 65(2)(c), MFMA	Bidvest Waltons purchase order 360798 for R7580.80 (Stationery)	16/10/2020	16/10/2020	Approved
16/10/2020	MM82	Section 65(2)(c), MFMA	Dynamic toner purchase 361881 for R195.96	16/10/2020	16/10/2020	Approved
16/10/2020	MM82	Section 65(2)(c), MFMA	Western Cape Stationers purchase order 361885 for R156.35 (Stationary)	16/10/2020	16/10/2020	Approved
21/10/2020	HR2	Conditions of Service (SALGBC)	LGSETA 2020/2021 declaration of intent letter of acceptance	21/10/2020	21/10/2020	Approved
21/10/2020	MM82	Section 65(2)(c), MFMA	Staff Training purchase order 361987 for R26 098.49 (Customer care training)	21/10/2020	21/10/2020	Approved
21/10/2020	MM82	Section 65(2)(c), MFMA	Masikila training solutions purchase order 360919 for R15 999.40 (Invasive plant identification)	21/10/2020	21/10/2020	Approved

21/10/2020	MM82	Section 65(2)(c), MFMA	Mahanyela construction purchase order 361586 for R20 000.00	21/10/2020	21/10/2020	Approved
21/10/2020	MM82	Section 65(2)(c), MFMA	Mr Moosa purchase order 361899 for R190.92 (BSM 61/18)	21/10/2020	21/10/2020	Approved
21/10/2020	MM82	Section 65(2)(c), MFMA	Telkom usage payment for R938.90 (October 2020)	21/10/2020	21/10/2020	Approved
21/10/2020	MM82	Section 65(2)(c), MFMA	Telkom usage payment for R13 502.35 (September 2020)	21/10/2020	21/10/2020	Approved
21/10/2020	MM82	Section 65(2)(c), MFMA	Indumiso cleaning purchase order 361993 for R21 400.00	21/10/2020	21/10/2020	Approved
22/10/2020	MM82	Section 65(2)(c), MFMA	Madge computers refer to order 361945 for R6274.40 Dell Latitude	22/10/2020	22/10/2020	Approved
22/10/2020	MM82	Section 65(2)(c), MFMA	Izwe bridge communications purchase order 361937 for R34040.00	22/10/2020	22/10/2020	Approved
22/10/2020	MM82	Section 65(2)(c), MFMA	TQ&S Holdings purchase order 360998 for R18 000.00 (motor gate at the toy museum)	22/10/2020	22/10/2020	Approved
22/10/2020	MM82	Section 65(2)(c), MFMA	PHK trading purchase order 361585 for R19 00.00 (repairs and maintenance of teen die Bult).	22/10/2020	22/10/2020	Approved
22/10/2020	HR2	Conditions of Service (SALGBC)	Addendums for Engineering services	22/10/2020	22/10/2020	Approved
22/10/2020	HR2	Conditions of Service (SALGBC)	Addendums for Financial Services	22/10/2020	22/10/2020	Approved
22/10/2020	HR2	Conditions of Service (SALGBC)	Addendums for Corporate services	22/10/2020	22/10/2020	Approved
23/10/2020	MM82	Section 65(2)(c), MFMA	Staff training purchase order 361987 for R23725.94 (Customer care training).	23/10/2020	23/10/2020	Approved
23/10/2020	MM82	Section 65(2)(c), MFMA	Masikila training solutions purchase order 360919 for R15 999.40 (Invasive plan identification).	23/10/2020	23/10/2020	Approved
23/10/2020	MM82	Section 65(2)(c), MFMA	Pro Meetse purchase order 360887 for R67900 (Training water sampling).	23/10/2020	23/10/2020	Approved
23/10/2020	MM82	Section 65(2)(c), MFMA	Leibrandt training purchase order 360830 for R8625 (Novice training).	23/10/2020	23/10/2020	Approved
23/11/2020	MM82	Section 65(2)(c), MFMA	Park Avenue stationers purchase order 362884 for the amount R690.58 (Stationary for Property Management)	23/10/202	23/10/202	Approved
23/11/2020	MM82	Section 65(2)(c), MFMA	Skye Elevators purchase order 361884 (Elevator repairs)	23/10/2020	23/10/2020	Approved

23/11/2020	MM82	Section 65(2)(c), MFMA	Octofin (Rent of offices) November 2020 for R677 688.85	23/10/2020	23/10/2020	Approved
23/10/2020	MM82	Section 65(2)(c), MFMA	Attacq (direct payment) for R302 647.93 (August 2020) office accommodation, water and electricity consumed.	23/10/2020	23/10/2020	Approved
23/11/2020	SB4	Streets By-Law (2010) S 4	Approval of posters- Kamer Makers an amount of R1200 to be paid.	23/10/2020	23/10/2020	Approved
23/11/2020	SB4	Streets By-Law (2010) S 4	Approval of posters (Kersmark, Franschoek uncorked and Huis Horison Kermis)	23/10/2020	23/10/2020	Approved
27/10/2020	MM82	Section 65(2)(c), MFMA	Evolution technology (invoices) for Corporate directorate (September 2020) for the usage and Rental of Office printers.	27/10/2020	27/10/2020	Approved
27/10/2020	MM82	Section 65(2)(c), MFMA	Theresa van Rooyen (Individual trauma counselling/debriefing)	27/10/2020	27/10/2020	Approved
28/10/2020	MM82	Section 65(2)(c), MFMA	BEAP Group purchase order 362017 for an amount of R378196.82	28/10/2020	28/10/2020	Approved
28/10/2020	MM82	Section 65(2)(c), MFMA	Avalon Technology purchase order 360651 for an amount of R9390.00	29/10/2020	29/10/2020	Approved
29/10/2020	HR2	Conditions of Service (SALGBC)	Time off request For SAMWU shop stewards to attend regional executive council meeting on 30 October 2020 in Worcester.	29/10/2020	29/10/2020	Approved
30/10/2020	HR2	Conditions of Service (SALGBC)	Memo for trauma counselling sessions	30/10/2020	30/10/2020	Approved
30/10/2020	MM82	Section 65(2)(c), MFMA	Staff training purchase order 361987 for R18 980.75	30/10/2020	30/10/2020	Approved
30/10/2020	MM82	Section 65(2)(c), MFMA	Pro meetse & Environmental purchase order 360887 for R58 200.00	30/10/2020	30/10/2020	Approved

### DELEGATIONS EXERCISED FOR PERIOD: NOVEMBER 2020

#### DIRECTORATE: CORPORATE SERVICES

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
02/11/2020	MM82	Section 65(2)(c), MFMA	Memorandum for Ex gratia payments	02/11/2020	02/11/2020	Approved

03/11/2020	MM82	Section 65(2)(c), MFMA	Invoice: Ismail Davids (INV721) 361634 for R1110 and R206.00 – upgrading Eikestad Hall Cloetessville	03/11/2020	03/11/2020	Approved
03/11/2020	HR2	Conditions of Service (SALBC)	Attendance register Snr Manager Human Resource Management	03/11/2020	03/11/2020	Approved
03/11/2020	MM82	Section 65(2)(c), MFMA	Invoice: Pro Meetse (360887) R58 200.00 (B/SM 29/20: conduct sampling for w & WW treatment processes training)	03/11/2020	03/11/2020	Approved
03/11/2020	MM82	Section 65(2)(c), MFMA	Invoice: Northlink college (361985) R15 860. Artisan training: bricklayer & plumbing - organ of state-Northlink college	03/11/2020	03/11/2020	Approved
03/11/2020	MM82	Section 65(2)(c), MFMA	Invoice: Leibrandt Training: APF training for the amount of R6900.00	03/11/2020	03/11/2020	Approved
03/11/2020	MM82	Section 65(2)(c), MFMA	Invoice: Staff training: Customer Care for an amount of R21 353.35	03/11/2020	03/11/2020	Approved
03/11/2020	MM82	Section 65(2)(c), MFMA	Stores refer to order 369894 for refreshments for the amount of R27 731.30	03/11/2020	03/11/2020	Approved
03/11/2020	MM82	Section 65(2)(c), MFMA	Zenith Consulting refer to order 362178 for an amount of R33 000.00. FQ 193/19 land surveyor: sub-division of various properties.	03/11/2020	03/11/2020	Approved
03/11/2020	MM82	Section 65(2)(c), MFMA	Media 24 refer to order 361785 for an amount of R8694.00. Advert: Stellenbosch flying club	03/11/2020	03/11/2020	Approved
04/11/2020	SB4	Streets By-Law (2010) S 4	Approval of posters – Stellenbosch University for Covid-19 awareness campaign.	04/11/2020	04/11/2020	Approved
04/11/2020	MM82	Section 65(2)(c), MFMA	Contempt of court October 2020 for R22 500.00	04/11/2020	04/11/2020	Approved
04/11/2020	MM82	Section 65(2)(c), MFMA	Mr Moosa refer to order 362193 for R8.97 (Giant paper clips)	04/11/2020	04/11/2020	Approved
04/11/2020	MM82	Section 65(2)(c), MFMA	Bidvest office refer to order 362194 for R313.28 whiteboard markers	04/11/2020	04/11/2020	Approved
04/11/2020	MM82	Section 65(2)(c), MFMA	Bidvest office refer to order 362173 for R181.11 and R132.76 (Office stationery)	04/11/2020	04/11/2020	Approved
04/11/2020	HR2	Conditions of Service (SALBC)	Standby pre-approval for ICT team	04/11/2020	04/11/2020	Approved
05/11/2020	MM82	Section 65(2)(c), MFMA	First technology refer to order 360645 for R122 489.95. WAN and Internet	05/11/2020	05/11/2020	Approved

05/11/2020	MM82	Section 65(2)(c), MFMA	Altron bytes refer to order (362266 for R106 183.33. SLA service level agreements	05/11/2020	05/11/2020	Approved
05/11/2020	MM82	Section 65(2)(c), MFMA	Cape seating manufacturers refer to order (360060) for an amount of R943.00	05/11/2020	05/11/2020	Approved
05/11/2020	MM82	Section 65(2)(c), MFMA	Media 24 refer to order 361787 for R7824.60. Advert for Tender For Procurement Of Goods For Ward Projects - Covid Related.	05/11/2020	05/11/2020	Approved
05/11/2020	MM82	Section 65(2)(c), MFMA	Evolution technology refer to order 361787 for R55 999.66 (printer usage and rent)	05/11/2020	05/11/2020	Approved
05/11/2020	MM82	Section 65(2)(c), MFMA	Contempt of court October 2020 for R22 500.00	05/11/2020	05/11/2020	Approved
05/11/2020	HR2	Conditions of Service (SALBC)	Addendum for specifications for training period ending June 2023	05/11/2020	05/11/2020	Approved
06/11/202	HR2	Conditions of Service (SALBC)	Memorandum for offer of employment for Manager: building Management	06/11/202	06/11/202	Approved
06/11/2020	HR2	Conditions of Service (SALBC)	Memorandum for offer of employment - Senior Professional officer: Water and wastewater	06/11/2020	06/11/202	Approved
06/11/2020	HR2	Conditions of Service (SALBC)	Senior clerk payroll – Revenue and expenditure	06/11/2020	06/11/202	Approved
06/11/2020	MM82	Section 65(2)(c), MFMA	Invoice: Windeed refer to order 360688 for the amount of R663.99	06/11/2020	06/11/202	Approved
07/11/2020	MM82	Section 65(2)(c), MFMA	Invoice: Sanitec refer to order 360798 for an amount of R79 649.00. BSM81/20: Year 1 - Hygienic Services for Stellenbosch Municipality	07/11/2020	07/11/202	Approved
09/11/2020	HR2	Conditions of Service (SALBC)	Senior Clerk (payroll, Revenue and Expenditure) confirmation//acceptance of employment	09/11/2020	09/11/202	Approved
09/11/2020	HR2	Conditions of Service (SALBC)	Senior Heritage Planner (Offer of employment)	09/11/2020	09/11/202	Approved
09/11/2020	HR2	Conditions of Service (SALBC)	Project Manager (Infrastructure Services) final offer of employment	09/11/2020	09/11/2020	Approved
09/11/2020	HR2	Conditions of Service	Manager: Building development Management – final offer of employment	09/11/2020	09/11/2020	Approved

		(SALBC)				
09/11/2020	HR2	Conditions of Service (SALBC)	Time and attendance sheets for Council Support staff	09/11/2020	09/11/2020	Approved
09/11/2020	HR2	Conditions of Service (SALBC)	Time and attendance sheets for Municipal Court staff	09/11/2020	09/11/2020	Approved
09/11/2020			Aurecon south Africa / Stellenbosch Municipality (Mediation Agreement)	09/11/2020	09/11/2020	Approved
09/11/2020	MM82	Section 65(2)(c), MFMA	Invoice for Eskom (La Motte offices) energy consumed for an amount of R5 917.68	09/11/2020	09/11/2020	Approved
09/11/2020	HR2	Conditions of Service (SALBC)	Memorandum: Stellenbosch Municipality Adriaan Kurtz institution/disciplinary action	09/11/2020	09/11/2020	Approved
09/11/2020			Memorandum – Appointment of a service provider to institute legal action against all parties on the Technopark website	09/11/2020	09/11/2020	Approved
09/11/2020			Memorandum – Nomzi Renee Mlenze and Stellenbosch Municipality.	09/11/2020	09/11/2020	Approved
11/11/2020	MM82	Section 65(2)(c), MFMA	Invoice – TVR Consulting refer to order 362260 for an amount of R668.00 – Psychological debriefing.	11/11/2020	11/11/2020	Approved
12/11/2020	SC13	17(C)	Memorandum – Deviation appointment of a professional architect and team specialist – Klein Libertas	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Timber City refer to order 362084 for an amount of R25 569.44	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Invoice for Green outdoor Gyms for an amount of R56 374.33	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Ace Consulting refer to order 362456 for an amount of R86 880.00. Refer to Order 357652: FQ 47/20 Qs: Rebuild Kleine Libertas	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Element Consulting refer to order 361246 for an amount of R14 950.00. BSM 44/20 Appointment Of Structural Engineers For Various Projects: Raithby.	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Credo business college refer to order 362142 for an amount of R210600.00. B/SM 29/20: Local Government Accounting Certificate (LGAC).	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	DM Turnkey refer to order 359787 for an amount of R36 455.00	12/11/2020	12/11/2020	Approved

12/11/2020	MM82	Section 65(2)(c), MFMA	DBI Consulting refer to order 361338 for an amount of R40 969.56. BSM 44/20 Appointment Of Structural Engineers For Various Projects: Jamestown.	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Ismail Davids & Associated refer to order 360723 for an amount of R357 763.97	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Masikila training (Cricket pitches) refer to order 360917 for an amount of R36 430.20	12/11/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Masikila training (Cricket pitches) R36 430.20.	01211/2020	12/11/2020	Approved
12/11/2020	MM82	Section 65(2)(c), MFMA	Masikila training refer to order 360918 (safe handling pesticides) for an amount of R29 904.60	12/11/2020	12/11/2020	Approved
12/11/2020			Parking (Acceptance of the conditions stipulated in the parking policy) Corporate Services employees	12/11/2020	12/11/2020	Approved
13/11/2020	HR2	Conditions of Service (SALBC)	Fixed term contract addendum for D Jansen (financial Services)	13/11/2020	13/11/2020	Approved
13/11/2020	MM82	Section 65(2)(c), MFMA	Innovo Network refer to order 362310 for an amount of R 54 613.60	13/11/2020	13/11/2020	Approved
13/11/2020	MM82	Section 65(2)(c), MFMA	Telkom October 2020 payments	13/11/2020	13/11/2020	Approved
13/11/2020	HR2	Conditions of Service (SALBC)	Addendums for Infrastructure Services	13/11/2020	13/11/2020	Approved
13/11/2020	HR2	Conditions of Service (SALBC)	Standby for R Hendricks Facility Management	13/11/2020	13/11/2020	Approved
13/11/2020	HR2	Conditions of Service (SALBC)	Memorandum: offer of employment for Traffic officers x 3	13/11/2020	13/11/2020	Approved
13/11/2020	MM82	Section 65(2)(c), MFMA	Media 24 refer to order 362054 for an amount R5216.40	13/11/2020	13/11/2020	Approved
16/11/2020	SB4	Streets By-Law (2010) S 4	Approval of posters for Solo exhibitions – Anton Smit	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	Telkom monthly payment (October 2020) R947.15	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	Madge computers refer to order 361945 for an amount of R4326.59. ICT equipment.	16/11/2020	16/11/2020	Approved



16/11/2020	MM82	Section 65(2)(c), MFMA	Madge computers refer to order 361005 for an amount of R422914.55. ICT equipment.	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	Altron (SAMRAS) for an amount of R2080 973.81	16/11/2020	16/11/2020	Approved
16/11/202	MM82	Section 65(2)(c), MFMA	ESRI group south Africa refer to order 360684 for an amount of R575 494.50	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	Business Engineering refer to order 360685 for an amount of R93 150.00. Collaborator services.	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	TVR consulting refer to order (362314) R1318 (counselling debriefing).	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	Premier attraction refer to order 361205 for R549 986.42. BSM 90/18: Upgrading Of Cloetesville Flats, Erf 67, Stellenbosch, and Year 3.	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	Premier attraction for an amount of R133 571.48. Upgrading Of Cloetesville Flats, Erf 67, Stellenbosch, and Year 3.	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	MMPA refer to order 360963 for an amount of R16393.25. Refer To Order 356720 BSM 15/18 Appointment Of Quantity Surveyor: Upgrade Of Cloetesville Flats.	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	MMPA refer to order 362241 for an amount of R14 116.28. Refer To Order 356720 BSM 15/18 Appointment Of Quantity Surveyor: Upgrade Of Cloetesville Flats.	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	Brikclad CC refer to order 361704 for an amount of R19 550.00. Repairs Nd Fixing Of Roller Shutter Doors.	16/11/2020	16/11/2020	Approved
16/11/2020	MM82	Section 65(2)(c), MFMA	TQ & Holding refer to order 361667 for an amount of R8910.00. Supply And Installation Of 300mm X 300mm Ceramic Tiles At Waterworks Reception Office.	16/11/2020	16/11/2020	Approved
17/11/2020	HR2	Conditions of Service (SALBC)	Memorandum – Funding for injured employee Mr G Belem	17/11/2020	17/11/2020	Approved
17/11/2020	MM82	Section 65(2)(c), MFMA	ACS training refer to order 361232 for an amount of R10 426	17/11/2020	17/11/2020	Approved
17/11/2020	CM3	General provisions	FQ: Appointment of contractor: upgrading of Brandweer huis	17/11/2020	17/11/2020	Approved
17/11/2020	MM82	Section 65(2)(c), MFMA	Skye Elevators refer to order 361624 for an amount of R1450.00. BSM 73/20 KMPC Lift Year 1: Schedule A Monthly Inspection & Lubrication Service - 30 June 2021.	17/11/2020	17/11/2020	Approved
17/11/2020	MM82	Section 65(2)(c), MFMA	Cape seating manufacturers refer to order 362067 for an amount of R24 207.50	17/11/2020	17/11/2020	Approved

17/11/2020	CM3	General provisions	The appointment of a service provider to institute legal action against all parties cyber squalling on the Technopark	17/11/2020	17/11/2020	Approved
18/11/2020	MM82	Section 65(2)(c), MFMA	Dynamic toner solutions for an amount of R19.60	18/11/2020	18/11/2020	Approved
18/11/2020	MM82	Section 65(2)(c), MFMA	Park Avenue stationers for an amount of R86.38	18/11/2020	18/11/2020	Approved
18/11/2020	MM82	Section 65(2)(c), MFMA	Coalition training refer to order 360759 for an amount of R16 637.50	18/11/2020	18/11/2020	Approved
18/11/2020	MM82	Section 65(2)(c), MFMA	Coalition training refer to order 360759 for an amount of R16 637.50	18/11/2020	18/11/2020	Approved
18/11/2020	MM82	Section 65(2)(c), MFMA	Gene Louw traffic refer to order 361206 for an amount of R11 988.83	18/11/2020	18/11/2020	Approved
18/11/2020	MM82	Section 65(2)(c), MFMA	Gene Louw Traffic refer to order 361206 for R12 807.87	18/11/2020	18/11/2020	Approved
18/11/2020	MM82	Section 65(2)(c), MFMA	Siyazama & Sons refer to order 362273 for an amount of R10 307.00	18/11/2020	18/11/2020	Approved
20/11/2020	HR2	Conditions of Service (SALBC)	Offer of employment for traffic officer x 3	20/11/2020	20/11/2020	Approved
20/11/2020			Internal memorandum – request for approval for accommodation: Cllr Nyaniso	20/11/2020	20/11/2020	Approved
20/11/2020	MM82	Section 65(2)(c), MFMA	Direct payment for Eskom for an amount of R8809.45	20/11/2020	20/11/2020	Approved
20/11/2020			Lease agreement for Bergzicht training Centre.	20/11/202	20/11/202	Approved
23/11/2020	HR2	Conditions of Service (SALBC)	Memorandum – CBD safety project – recruitment shortlisting	23/11/2020	23/11/2020	Approved
23/11/2020	MM64	Section 62(1)(f)(iv), MFMA	Memorandum: design, manufacture, testing, supply delivery & offloading of 2 20mva 66/11 kw transformers for Jan Marais substation BSM 101/20	23/11/2020	23/11/2020	Approved
23/11/2020	AD3	GENERAL	Advertisement approvals for: Knowledge and information officer, performance Management officer: Admin officer, Governance: IDP officer, Capacity Building clerk and Senior ED Informal trading officer,	23/11/2020	23/11/2020	Approved
23/11/2020	MM82	Section 65(2)(c), MFMA	Bidvest Waltons refer to order 362394 for an amount of R510.44	23/11/2020	23/11/2020	Approved
23/11/2020	MM82	Section 65(2)(c),	Graylink media refer to order 362088 for an amount of R5023.00	23/11/2020	23/11/2020	Approved

		MFMA	(Toner HP Black)			
23/11/2020			Master service level agreement between Stellenbosch Municipality and Gijima Holdings	23/11/2020	23/11/2020	Approved
23/11/2020	HR2	Conditions of Service (SALGBC)	Senior Inspector – operation unit A law enforcement	23/11/2020	23/11/2020	Approved
23/11/2020	MM82	Section 65(2)(c), MFMA	JC refrigeration refer to order 362443 for invoices (11105,11106, 11107, 11108, 11109, 11110 and 11111, 11112, 11113, 11114, 11115, 11116, 11117)	23/11/2020	23/11/2020	Approved
23/11/2020	MM82	Section 65(2)(c), MFMA	IKG refer to order 362397 for invoice numbers (756, CN 770, INV 769)	23/11/2020	23/11/2020	Approved
24/11/2020	MM82	Section 65(2)(c), MFMA	ACS training refer to order 361232 for an amount of R8822.00	24/11/2020	24/11/2020	Approved
24/11/2020	MM82	Section 65(2)(c), MFMA	Masikila training solutions refer to order 362275 for an amount of R29 904.60	24/11/2020	24/11/2020	Approved
24/11/2020	HR2	Conditions of Service (SALGBC)	Employment offer of Senior Spatial Planner	24/11/2020	24/11/2020	Approved
24/11/2020	HR2	Conditions of Service (SALGBC)	Employment offer of Clerk: Revenue and expenditure reconciliations	24/11/2020	24/11/2020	Approved
25/11/2020	HR2	Conditions of Service (SALGBC)	Memorandum – Request for approval for time off for SAMWU shop stewards	25/11/2020	25/11/2020	Approved
25/11/2020	MM82	Section 65(2)(c), MFMA	Invoice for Broll for the amount of R23 806	25/11/2020	25/11/2020	Approved
25/11/2020	MM82	Section 65(2)(c), MFMA	Invoice for Attacq for the amount of R326 752.30 – hire of office space.	25/11/2020	25/11/2020	Approved
26/11/2020	HR2	Conditions of Service (SALGBC)	Alternative offer for R van Niekerk	26/11/2020	26/11/2020	Approved
26/11/2020	MM82	Section 65(2)(c), MFMA	Vodacom monthly payment for the amount of R65 385.30	26/11/2020	26/11/2020	Approved
27/11/2020	MM82	Section 65(2)(c), MFMA	Coalition training skills refer to order 360759 for R13 310.00	27/11/2020	27/11/2020	Approved
27/11/2020	MM82	Section 65(2)(c), MFMA	Masikila training refer to order number 360917 for an amount of R30 358.50	27/11/2020	27/11/2020	Approved

27/11/2020	MM82	Section 65(2)(c), MFMA	Pro Meetse & Environmental services refer to order 362535 for an amount of R67 900.00	27/11/2020	27/11/2020	Approved
30/11/2020	HR2	Conditions of Service (SALGBC)	Offer of employment – Clerk Reconciliation	30/11/2020	30/11/2020	Approved
30/11/2020	HR2	Conditions of Service (SALGBC)	Offer of employment – Senior heritage planner	30/11/2020	30/11/2020	Approved
30/11/2020	MM82	Section 65(2)(c), MFMA	Coalition training and skills development for R19965.00	30/11/2020	30/11/2020	Approved
30/11/2020	MM82	Section 65(2)(c), MFMA	Sanitec refer to order 360708 for R80 626.50	30/11/2020	30/11/2020	Approved
30/11/2020	MM82	Section 65(2)(c), MFMA	Windeed refer to order 60832 for R331.08	30/11/2020	30/11/2020	Approved
30/11/2020	HR2	Conditions of Service (SALGBC)	Addendums for: Infrastructure services	30/11/2020	30/11/2020	Approved
30/11/2020	HR2	Conditions of Service (SALGBC)	Addendum for S Adams and N Kati	30/11/2020	30/11/2020	Approved
30/11/2020	MM82	Section 65(2)(c), MFMA	First technology western cape refer to order 360645 for R122 489.95. (ICT equipment)	30/11/2020	30/11/2020	Approved
30/11/2020	MM82	Section 65(2)(c), MFMA	Izwe bridge communications refer to order 361937 for R34040.00	30/11/2020	30/11/2020	Approved
30/11/2020	MM82	Section 65(2)(c), MFMA	Avalon Technology group refer to order 360651 for R159 390.00	30/11/2020	30/11/2020	Approved

**DELEGATIONS EXERCISED FOR PERIOD: DECEMBER 2020**

**DIRECTORATE: CORPORATE SERVICES**

<b>DATE</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
2/12/2020	HR2	Conditions of Service	Fixed term contract – Shannon Groeneveld	2/12/2020	2/12/2020	Approved

		(SALBC)				
212/2020	HR2	Conditions of Service (SALBC)	Fixed term contract – Land Use Management	2/12/2020	2/12/2020	Approved
2/12/2020	HR2	Conditions of Service (SALBC)	Attendance register of Snr Manager HR	2/12/2020	2/12/2020	Approved
2/12/2020	HR2	Conditions of Service (SALBC)	Standby for Facility and maintenance team	2/12/2020	2/12/2020	Approved
2/12/2020	MM82	Section 65(2)(c), MFMA	Invoice for Avalon technology group in the amount of R29 184.93	2/12/2020	2/12/2020	Approved
2/12/2020			Master agreement for Gajima holdings	2/12/2020	2/12/2020	Approved
2/12/2020	MM82	Section 65(2)(c), MFMA	Invoices: <ul style="list-style-type: none"> <li>• Post office refer to order 362612 for R2330.00</li> <li>• Post office refer to order 362614 for R2330.00</li> <li>• Post office refer to order 362621 for R585.00</li> <li>• Hasler refer to order 362657 for R7667.00</li> <li>• Hasler refer to order 362657 for R6027.41</li> <li>• Sasfin refer to order 362666 for R949.97</li> <li>• Sasfin refer to order 362624 for R2949.97</li> </ul>			Approved
3/12/2020	HR2	Conditions of Service (SALBC)	Fixed term contract – M Jacobs	3/12/2020	3/12/2020	Approved
3/12/2020	MM82	Section 65(2)(c), MFMA	Crayon Hardware refer to order 362356 for R7674.83	3/12/2020	3/12/2020	Approved
4/12/2020	MM82	Section 65(2)(c), MFMA	Premier attraction refer to order 361205 (Certificate 14)	4/12/2020	4/12/2020	Approved
7/12/2020	MM82	Section 65(2)(c), MFMA	Invoices: <ul style="list-style-type: none"> <li>• Ismail davids and associates (upgrading of Eikestad hall and Cloetesville) R981 381.73</li> <li>• MMPA for R24 753.75 (Upgrading of Cloetesville flats)</li> <li>• MMPA for R16 393.25 (Upgrading of Cloetesville flats)</li> </ul>	7/12/2020	7/12/2020	Approved
7/12/2020	MM82	Section 65(2)(c),	Contempt of Court – November 2020 for R36 000.00	7/12/2020	7/12/2020	Approved

		MFMA				
7/12/2020	HR2	Conditions of Service (SALBC)	Timesheets for Municipal court staff	7/12/2020	7/12/2020	Approved
7/12/2020	MM82	Section 65(2)(c), MFMA	Invoices: <ul style="list-style-type: none"> <li>Media 24 refer to order 362810 (Advertisements) for R12 751.20</li> <li>Payday software (SLA consultations) for R7590.00</li> <li>Payday software (Payroll Oct 2020) R7590.00</li> <li>Payday software (Payroll Dec 2020) R7590.00</li> </ul>	7/12/2020	7/12/2020	Approved
7/12/2020	HR2	Conditions of Service (SALBC)	Timesheets for Ward administrators and office cleaners for December 2020.	7/12/2020	7/12/2020	Approved
7/12/2020	MM82	Section 65(2)(c), MFMA	Auditor General – R147 845.38	7/12/2020	7/12/2020	Approved
7/12/2020	MM82	Section 65(2)(c), MFMA	Invoices: <ul style="list-style-type: none"> <li>Dick crane architect refer to order 360876 for R8256.00</li> <li>Carry on hardware refer to order 362356 for R7674.85</li> <li>Carry on hardware refer to order 361222 for R11275.00</li> <li>LJA construction refer to order 360693 for R1 165 226.92</li> <li>Skye elevators refer to order 361624 for R1450.00 (multi-purpose centre Klapmuts)</li> </ul>	7/12/2020	7/12/2020	Approved
7/12/2020	MM82	Section 65(2)(c), MFMA	Flowers in the foyer – R1300 refer to order 362934.	7/12/2020	7/12/2020	Approved
7/12/2020	HR2	Conditions of Service (SALBC)	Timesheets for Council support	7/12/2020	7/12/2020	Approved
8/12/2020	MM82	Section 65(2)(c), MFMA	Invoices: <ul style="list-style-type: none"> <li>Liquid Telecom refer to order 362760 for R11 903.98</li> <li>Dala Tegra refer to order 361810 for R3040.76</li> <li>Microsoft Ireland operation refer to order 363011</li> </ul>	8/12/2020	8/12/2020	Approved

9/12/2020	CM3	General provisions	Addendum – Tender B/SM 13/21 the establishment of roster for professional engineering services.	9/12/2020	9/12/2020	Approved
9/12/2020	MM82	Section 65(2)(c), MFMA	Auditor general – R147 845.38	9/12/2020	9/12/2020	Approved
9/12/2020	HR2	Conditions of Service (SALBC)	Certificate of participation for group life solutions for local authority to the Stellenbosch municipality	9/12/2020	9/12/2020	Approved
9/12/2020	HR2	Conditions of Service (SALBC)	OHS Representative certificate training for K Woodman, P Snell and T Gwintsa	9/12/2020	9/12/2020	Approved
9/12/2020	HR2	Conditions of Service (SALBC)	Counter performance agreement for W van Kerwel and P Snell	9/12/2020	9/12/2020	Approved
9/12/2020	MM82	Section 65(2)(c), MFMA	Zongala connect refer to order 362312 for R88 961.08	9/12/2020	9/12/2020	Approved
9/12/2020	MM82	Section 65(2)(c), MFMA	Business engineering for R55 731.99 (Dec 2020)	9/12/2020	9/12/2020	Approved
10/12/2020	MM82	Section 65(2)(c), MFMA	Blueline industries refer to order 361901 for R218.00 (flash drive)	10/12/2020	10/12/2020	Approved
10/12/2020	SB4	Streets By-Law (2010) S 4	Poster application – Open day 30 January 2021 for IMM Graduate School. Poster application – Registration day 27 Feb 2021 for IMM Graduate School.	10/12/2020	10/12/2020	Approved
11/12/2020	MM82	Section 65(2)(c), MFMA	Direct payment Hessequa Municipality for R806.00	11/12/2020	11/12/2020	Approved
14/12/2020	MM82	Section 65(2)(c), MFMA	Invoices: <ul style="list-style-type: none"><li>Pro Meetse and Environmental services refer to order 362535 for R67 900 (training Water and sampling)</li><li>Coalition training refer to order 362272 for R16 637.56 (brush cutter operator training).</li></ul>	14/12/2020	14/12/2020	Approved
15/12/2020	HR2	Conditions of Service (SALBC)	Counter Performance agreement – Z Arnolds for HRM diploma	15/12/2020	15/12/2020	Approved
15/12/2020	MM82	Section 65(2)(c), MFMA	Direct payment – Spec savers for employee G Belem: R1850.00	15/12/2020	15/12/2020	Approved
15/12/2020	HR2	Conditions of Service	Addendums for J Julius, D Macotoza, S Hlwayi, M Makapa and P Novella	15/12/2020	15/12/2020	Approved

		(SALBC)				
15/12/2020	HR2	Conditions of Service (SALBC)	Standby for ICT staff	15/12/2020	15/12/2020	Approved
15/12/2020	HR2	Conditions of Service (SALBC)	Memorandum – ICT standby allowances for 2020/2021	15/12/2020	15/12/2020	Approved
15/12/2020	HR2	Conditions of Service (SALBC)	Addendums for L Lakay, E Linders and W Taphu	15/12/2020	15/12/2020	Approved
15/12/2020	HR2	Conditions of Service (SALBC)	Addendum for TH de Koker	15/12/2020	15/12/2020	Approved
15/12/2020	HR2	Conditions of Service (SALBC)	Fixed term contract MJ Jacobs	15/12/2020	15/12/2020	Approved
17/12/2020	MM82	Section 65(2)(c), MFMA	Invoices: <ul style="list-style-type: none"> <li>• Octofin refer to order 350408 for R681 695.47 (Rent of Ecclesia for Jan 2021).</li> <li>• Attacq refer to order 356267 for R301 238.94 (Rental of offices)</li> <li>• Eskom direct payment for R505.90 energy consumed</li> </ul>	17/12/2020	17/12/2020	Approved
17/12/2020	SB4	Streets By-Law (2010) S 4	Poster application for WCBS donate blood, Stellenbosch North Dr Church. Poster application for WCBS donate blood, Stellenbosch Eikestad mall	17/12/2020	17/12/2020	Approved
18/12/2020	MM82	Section 65(2)(c), MFMA	Payment of ward committee members for R100 450.00	18/12/2020	18/12/2020	Approved



**DELEGATIONS EXERCISED FOR PERIOD: OCTOBER 2020**

**DIRECTORATE: INFRASTRUCTURE SERVICES**

<b>Date</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
09/10/2020 – 01/10/2020	To authorize a staff member, co to gain access to any property for the purpose of	EL18  Section 10	<b>MUNICIPAL NOTICE:</b>  Supply of electricity disconnected on 14 October 2020 Area affected: Johannesdal and nearby Farms		09/10/2020	Approved

	conducting inspection, tests or maintenance works		Interruption in water supply Le Roch, Old Helshoogte Road, Stellenbosch – 6 October 2020		01/10/2020	Approved
02/10/2020 – 08/10/2020	To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	WS1  Section 11, WSA	<b>Water restrictions exemption:</b>  1 - applications approved  0 - application not approved  0 - applications pending  <b>Water restrictions transgressions:</b>  0 - reported and notices served by Law Enforcement  <b>Borehole registrations:</b>  1 - Application to drill 0 - Residential Applications 0 - Commercial Applications 0 - Public Buildings Applications 0 - Grey water Applications	02/10/2020          06/10/2020	02/10/2020       08/10/2020	Approved       Approved

#### DELEGATIONS EXERCISED FOR PERIOD NOVEMBER 2020

#### DIRECTORATE: INFRASTRUCTURE SERVICES

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
24/11/2020 – 27/11/2020	To authorize a staff member, co to gain access to	EL18  Section 10	<b>MUNICIPAL NOTICE:</b>  Supply of electricity disconnected on 10	27/11/2020	30/11/2020	Approved

	any property for the purpose of conducting inspection, tests or maintenance works		<p>December 2020 Area affected: Johannesburg and Lumley Streets</p> <p>Supply of electricity disconnected on 03 December 2020 Area affected: Parts of Tydemanhof, Starking, Lindida, Packham and Le Clerc Street</p> <p>Supply of electricity disconnected on 30 November 2020 Area affected: Stellenbosch Golf Course</p> <p>Supply of electricity disconnected on 30 November 2020 Area affected: Fairways Street, Die Boord</p> <p>Supply of electricity disconnected on 02 December 2020 Area affected: Tassenwyk Complex</p>	<p>24/11/2020</p> <p>24/11/2020</p> <p>24/11/2020</p> <p>24/11/2020</p>	<p>24/11/2020</p> <p>24/11/2020</p> <p>24/11/2020</p> <p>24/11/2020</p>	<p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
09/11/2020 – 13/11/2020	To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	WS1 Section 11, WSA	<p>Water restrictions exemption:</p> <p>0 - applications approved</p> <p>0 - application not approved</p> <p>0 - applications pending</p> <p>Water restrictions transgressions:</p> <p>0 - reported and notices served by Law Enforcement</p> <p>Borehole registrations:</p>	<p>09/11/2020</p>	<p>10/11/2020</p>	<p>Approved</p> <p>Not approved</p> <p>Pending</p> <p>Approved</p> <p>Approved</p>

			1 - Application to drill 0 - Residential Applications 0 - Commercial Applications 0 - Public Buildings Applications 0 - Grey water Applications  Notice 66/2020  Interruption in water supply Banhoekweg, Stellenbosch on 19/11/2020  Notice 65/2020  Water restrictions and tariffs notice		17/11/2020  13/11/2020	Approved Approved Approved Approved   Approved  Approved
12/11/2020 – 30/11/2020	To authorise the connection of any electrical installation or part thereof to the supply mains or to a service connection	571	SMALL-SCALE EMBEDDED GENERATION (SSEG) APPROVAL  Connect a 60 KVA installation – Vuurberg, Erf 1217/1, Helshoogte way  Connect a 990 W peak installation – Erf 2420, 163A, Banghoek Street		19/11/2020  12/11/2020	Approved  Approved
	To allocate resources to ensure compliance with license conditions re electricity metering	EL7  Code of Practice for Electricity Metering NRS 057	<b>CRITICAL NOTICE AFFECTING ALL STS ELECTRICITY PRE-PAID METERS</b>  NOTICE 74/2020		30/11/2020	Approved

## DIRECTORATE: INFRASTRUCTURE SERVICES

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
03/12/2020 – 09/12/2020	To authorize a staff member, co to gain access to any property for the purpose of conducting inspection, tests or maintenance works	EL18  Section 10	<b>MUNICIPAL NOTICE:</b>			
			Supply of electricity disconnected on 10 December 2020 Area affected: Parts of Merton, Lindida Drive, Wavern, Van Dyk, Davy & Langeveldt Street	03/12/2020	03/12/2020	Approved
			Supply of electricity disconnected on 22 December 2020 Area affected: ABSA Plein Street, NPK Building	09/12/2020	09/12/2020	Approved
07/12/2020 – 14/12/2020	To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	WS1  Section 11, WSA	<b>Water restrictions exemption:</b>			
			Municipal Notice 78/2020 - Water supply interrupted on 10/12/2020 from 09:00 – 16:00.	07/12/2020	10/12/2020	Approved
			Municipal Notice 79/2020 – Irrigation water timetable: 15 December 2020 – 15 April 2021	08/12/2020	09/12/2020	Approved
			Municipal Notice 82/2020 – Interruption in water supply on 17/12/2020 at Paul Kruger Street, Stellenbosch	14/12/2020	14/12/2020	Approved
	To monitor industrial effluent discharges and industrial effluent quality for compliance and	566	<b>Tanker discharge permit</b>  Permit no: Immex Tanker Permit 01 – Permission for the discharge of effluent to the municipal waste water treatment works	02/12/2020	04/12/2020	Approved

	the minimisation of water pollution arising from commercial and industrial activity					
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**DELEGATIONS EXERCISED FOR PERIOD: OCTOBER 2020**

**DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT**

<b>Date</b>	<b>Delegation</b>	<b>Authorised official</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
<b>APPLICATION LETTER APPROVAL</b>							
	Consideration in terms of Section 60 of the Stellenbosch Land Use Planning By-Law for land use	Director: PED	Category 2 applications for the consent of the municipality for any land use	To consider and administer applications and approve applications for an alteration of the land use restrictions applicable to a particular zone in terms of the Stellenbosch Planning By-law, October 2015			

02/10/2020	applications submitted in terms of section 15(2)(a)-(f) and 15(2)(n and o ) where no objection have been received		purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application	Application for temporary departure & delegation, Farm Bellegam, 1012	02/10/2020	02/10/2020	Approved
02/10/2020				Application for the removal title deed, special development & departure, Erf 1197	02/10/2020	02/10/2020	Approved
08/10/2020				Transfer / Rightsizing of Tenancy	08/10/2020	08/10/2020	Approved
09/10/2020				Application for removal of restrictive title deed, Erf 1692	09/10/2020	09/10/2020	Approved
09/10/2020				Application for removal of restrictive title deed, Erf 6685	09/10/2020	09/10/2020	Approved
14/10/2020				Application for rezoning Agriculture to Local authority for the establishment of a cemetery & memorial park on a 70HA, Farm 502	14/10/2020	14/10/2020	Supported
16/10/2020				Application for temporary departure, Erf 155	16/10/2020	16/10/2020	Supported
16/10/2020				Application for rezoning agricultural zone, Farm 29	16/10/2020	16/10/2020	Supported
20/10/2020				Application for technical approval & removal, Erf 2206	20/10/2020	20/10/2020	Supported
21/10/2020				Application for rezoning, Farm 85 & Erf 14425	21/10/2020	21/10/2020	Supported
23/10/2020				Application for removal & departures, Erven, 2151, 2152, 2153, & 11191	23/10/2020	28/10/2020	Supported
26/10/2020				Application for subdivision, Farm 1460/1	26/10/2020	26/10/2020	Supported
26/10/2020				Application for amendment of two rivers, Farm 1646	26/10/2020	26/10/2020	Supported
27/10/2020				Application for temporary departure, Farm 334/5	27/10/2020	27/10/2020	Supported
27/10/2020				Application for consent use & amendment, Erf 16523	27/10/2020	27/10/2020	Approved
27/10/2020				Erf 445	27/10/2020	27/10/2020	Approved
28/10/2020				Application for site development plan & landscaping plan, Farm 1310	28/10/2020	28/10/2020	Approved
28/10/2020				Application for approval of allocation of rental units as listed below to tenants (transfers/rightsizing) as well as applicants on the waiting list	28/10/2020	28/10/2020	Approved

30/10/2020				Application for removal & permanent departure, Erf 6685	30/10/2020	30/10/2020	Approved
01/10/2020	VRP 2	Paragraph 6f	Virementation of operational funds within a vote	Budget Virementation from vote: 20200706013379 to 20200707993200 R155000.00	01/10/2020	01/10/2020	Supported
01/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	IT request Form <ul style="list-style-type: none"> <li>Senior LED Officer</li> </ul>	01/10/2020	01/10/2020	Approved
02/10/2020		Director: PED	Covid-19 Regulations	Workplace Readiness & Work Plan 24-24 September 2020 for the PED Directorate	01/10/2020	01/10/2020	Signed
02/10/2020	MM109	Director: PED	Section 79(1)(b), MFMA	PED: Delegations September 2020	02/10/2020	02/10/2020	Signed
02/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime pre-approval + Standby – October 2020 (a) To approve all types of leave applications (PED Personnel) (b) To approve all types of leave applications: Housing Administration	02/10/2020	02/10/2020	Approved
02/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of EPWP fixed term contracts	02/10/2020	02/10/2020	Resolved
05/10/2020		Director: PED		Memo: Remuneration of the MPT	05/10/2020	05/10/2020	Supported
05/10/2020	VRP 2	Director: PED	Paragraph 6f	Budget Virementation: <ul style="list-style-type: none"> <li>R1500 from Uniforms and protective clothing (20180711011046) to Uniform and protective clothing Covid 19 expenditure (20200824061932)</li> </ul>	05/10/2020	05/10/2020	Supported
05/10/2020		Director: PED	COVID 19 Regulations	Workplace Readiness & Work September 2020 for the PED Directorate	05/10/2020	05/10/2020	Signed
06/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Resignation Letter: Vusumzi Zwelendaba	06/10/2020	06/10/2020	Approved



07/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime pre-approval + Standby – October 2020 (c) To approve all types of leave applications (PED Personnel) (d) To approve all types of leave applications: Housing Administration	07/10/2020	07/07/2020	Approved
07/10/2020	AD3	Director: PED	General	Shortlisting <ul style="list-style-type: none"> <li>• Senior Spatial Planner</li> <li>• Senior Heritage Planner</li> </ul>	09/09/2020	09/09/2020	Supported
09/10/2020	VRP 2	Director: PED	Paragraph 6f	Budget Virementation: <ul style="list-style-type: none"> <li>• R106 000 from 20200817071810 to 202007817071801</li> <li>• R196 813 from 20200817071807 to 20200817071801</li> <li>• R8000 from 20200706012909 to 20200706012906</li> </ul>	09/10/2020	09/10/2020	Supported
13/10/2020	MM22	Director: PED	Section 66(1)(b), Sections Act	Job description: Technical Officer (Housing Admin)	13/10/2020	13/10/2020	Signed
13/10/2020	MM82	Director: PED	Section 62(1)(f)(iv), MFMA	Invoice: <ul style="list-style-type: none"> <li>• August Windeed payment R855.86</li> </ul>	13/10/2020	13/10/2020	Approved
13/10/2020	MM84	Director: PED	Section 66, MFMA	Acting Allowance: Planning and Economic Development as acting Manager: Development Management (Rodney Adams) September 2020	13/10/2020	13/10/2020	Supported
13/10/2020	VRP 2	Director: PED	Paragraph 6f	Budget Virementation: R100 000.00 from Clearing & Grass Cutting (20200706013370) to (20200706013327)	13/10/2020	13/10/2020	Supported
14/10/2020	MM82	Director: PED	Section 62(1)(f)(iv), MFMA	Invoice: CHM Vuwani Computer Solutions R 9982.00	14/10/2020	14/10/2020	Approved
15/10/2020	MM163	Director: PED	Sections 37 – 44, RTA	Official request for driver competency test: <ul style="list-style-type: none"> <li>• Local Economic Development</li> </ul>	15/10/2020	15/10/2020	Approved
20/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Leave transfer: R Swartbooi	20/10/2020	20/10/2020	Supported

20/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Early retirement: P Matyatya	20/10/2020	20/10/2020	Approved
20/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime pre-approval + Standby – October 2020 (e) To approve all types of leave applications (PED Personnel) (f) To approve all types of leave applications: Housing Administration • C Moses	20/10/2020	20/10/2020	Approved
20/10/2020	C50	Director: PED	Section 14(2) of the MFMA (read with section 90, MFMA)	8 deed of sale Kayamandi 14 deed of sale Pniel	20/10/2020	20/10/2020	Supported
22/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Application of Flexi hours (Land Use Management)	22/10/2020	22/10/2020	Supported
22/10/2020	LEG	Director: PED	General	Submission of lease agreement: Franschoek arts & crafts market	22/10/2020	22/10/2020	Supported
22/10/2020	C50	Director: PED	Section 14(2) of the MFMA (read with section 90, MFMA)	12x deed of sale (Kayamandi)	22/10/2020	22/10/2020	Supported
22/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime pre-approval + Standby – October 2020 (g) To approve all types of leave applications (PED Personnel) (h) To approve all types of leave applications: Housing Administration • H Arnolds • C Johnson	22/10/2020	22/10/2020	Approved
23/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Cellphone Allowance Application: • Informal Settlements	23/10/2020	23/10/2020	Supported

23/10/2020	MM82	Director: PED	Section 62(1)(f)(iv), MFMA	Invoice: • ETG Invoices September 2020 – June 2021	23/10/2020	23/10/2020	Approved
27/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of EPWP fixed term contracts (Area cleaning)	27/10/2020	27/10/2020	Resolved
28/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of EPWP fixed term contracts	28/10/2020	28/10/2020	Resolved
28/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Payday ESS Reporting Lines (Housing Administration)	28/10/2020	28/10/2020	Resolved
28/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime pre-approval + Standby – October 2020 (i) To approve all types of leave applications (PED Personnel) (j) To approve all types of leave applications: Housing Administration	28/10/2020	28/10/2020	Approved
28/10/2020	MM64	Director: PED	Section 62(1)(f)(iv), MFMA	B/SM 27/20 call for proposal, ERF 7001	28/10/2020	28/10/2020	Supported
29/10/2020	LEG9	Acting MM	General	9 x Power of attorney	29/10/2020	29/10/2020	Supported
29/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime pre-approval + Standby – December 2020 (k) To approve all types of leave applications (PED Personnel) (l) To approve all types of leave applications: Housing Administration	29/10/2020	29/10/2020	Approved
30/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime pre-approval + Standby – November 2020 (m) To approve all types of leave applications (PED Personnel) (n) To approve all types of leave applications: Housing Administration	30/10/2020	30/10/2020	Approved
30/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime time-off – November 2020 (o) To approve all types of leave applications (PED Personnel) (p) To approve all types of leave applications: Housing	30/10/2020	30/10/2020	Approved

				Administration			
30/10/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Extension of existing of EPWP fixed term contracts (Urban forestry WC024)	30/10/2020	30/10/2020	Resolved
30/10/2020	AD3	Director: PED	General	Shortlisting <ul style="list-style-type: none"> <li>Senior Heritage Planner</li> </ul>	30/10/2020	30/10/2020	Supported

**DELEGATION EXERCISED FOR PERIOD NOVEMBER 2020**

**DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT**

Date	Delegation	Authorised official	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
<b>APPLICATION LETTER APPROVAL</b>							
	Consideration in terms of Section 60 of the Stellenbosch Land Use Planning By-Law for land use	Director: PED	Category 2 applications for the consent of the municipality for any land use purpose or departure or	To consider and administer applications and approve applications for an alteration of the land use restrictions applicable to a particular zone in terms of the Stellenbosch Planning By-law, October 2015			
03/11/2020	applications submitted in terms of section			Application in terms of section 16 of Act 47 of 1937, Erf 851, Pniel	03/11/2020	03/11/2020	Approved

04/11/2020	15(2)(a)-(f) and 15(2)(n and o ) where no objection have been received		deviation in terms of a land use scheme or existing scheme which does not constitute a land development application	Application for rezoning & departure, Erf 5794	04/11/2020	04/11/2020	Approved
10/11/2020				Application for special development and various departure, Erf 1197, Stellenbosch	10/11/2020	10/11/2020	Approved
10/11/2020				Approval, amendment of the sub divisional and site development plan, Farm 1307/2&3, Stellenbosch division	10/11/2020	10/11/2020	Approved
10/11/2020				Approval for arrangement for public participation land use development application over the festive period	10/11/2020	10/11/2020	Approved
10/11/2020				Application for subdivision, Erf 7269	10/11/2020	10/11/2020	Approved
10/11/2020				Application for special development & various departure, Erf 1197	10/11/2020	10/11/2020	Approved
10/11/2020				Amendment of subdivision and site development, Farm 1307/28	10/11/2020	10/11/2020	Approved
11/11/2020				Exemption certificate, Farm 1609 portion 23	10/11/2020	10/11/2020	Approved
12/11/2020				Application for amendment of winelands village, Erf 151	12/11/2020	12/11/2020	Approved
24/11/2020				Approval of advertisement of vacant portion of land	24/11/2020	24/11/2020	Approved
24/11/2020				Application for title deed rezoning & departure, Erf 614	24/11/2020	24/11/2020	Approved
02/11/2020	MM84	Director: PED	Section 66, MFMA	Acting Allowance: Planning and Economic Development as acting Manager: Development Management (Rodney Adams) September 2020	02/11/2020	02/11/2020	Approved
02/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Overtime pre-approval – October 2020 (q) To approve all types of leave applications: Housing Administration	03/11/2020	03/11/2020	Approved
03/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Extension of EPWP fixed term contracts	03/11/2020	03/11/2020	Approved
03/11/2020	MM109	Director: PED	Section 79(1)(b), MFMA	PED: Delegations October 2020	03/11/2020	03/11/2020	Signed
03/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of EPWP fixed term contracts	03/11/2020	03/11/2020	Resolved

03/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Standby approval – October 2020 (r) To approve all types of leave applications: Housing Administration	03/11/2020	03/11/2020	Approved
04/11/2020	MM21	Director: PED	Section 66(1)(b), Systems Act	Confirmation of Appointment Certificates:	04/11/2020	04/11/2020	Approved
04/11/2020	AD3	Director: PED	General	Motivation Letter: Vacancies: BDM (Vacancies) <ul style="list-style-type: none"> <li>Senior Administrative Officer</li> </ul>	04/11/2020	04/11/2020	Supported
04/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Reporting lines: S Bezuidenhout (Office Assistant)	04/11/2020	04/11/2020	Resolved
05/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Amendment early retirement: P Matyatya	05/11/2020	05/11/2020	Approved
06/11/2020	VRP 2	Director: PED	Paragraph 6f	Budget Virementation: <ul style="list-style-type: none"> <li>R15000 from Advertising, Publicity &amp; Marketing Corporate (LED) 20190703006319 to R15000 Uniform and protective clothing 2020082061940</li> </ul>	06/11/2020	06/11/2020	Supported
06/11/2020	MM82	Director: PED	Section 62(1)(f)(iv), MFMA	Invoice: <ul style="list-style-type: none"> <li>Grant in Aid payment: Stellenbosch Night Shelter October 2020. R 89484.34: 20200707993200 non-profit institutions: Sport Councils</li> </ul>	06/11/2020	06/11/2020	Approved
09/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of EPWP fixed term contracts	09/11/2020	09/11/2020	Approved
09/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Extension of EPWP fixed term contracts: General Worker	09/11/2020	09/11/2020	Approved
10/11/2020		Director: PED	COVID 19 Regulations	Workplace Readiness & Work Plan October 2020 for Housing Administration	10/11/2020	10/11/2020	Approved
11/11/2020	SC13	Director: PED	17(C)	Deviation: Allocation of rental unit to Ms L Classen	11/11/2020	11/11/2020	Supported

12/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Payday ESS Reporting Lines (Housing Administration)	12/11/2020	12/11/2020	Resolved
19/11/2020	TR1	Director: PED	Skills Development Act /MSA	Training: Xhosa training nominees <ul style="list-style-type: none"> <li>• Thys</li> <li>• Couvaras</li> <li>• Lindoor</li> <li>• Adonis</li> <li>• Poole</li> <li>• Ghalpie</li> <li>• Manuel</li> <li>• M MoseS</li> </ul>	19/11/2020	19/11/2020	Approved
19/11/2020	TR1	Director: PED	Skills Development Act /MSA	Training: Customer service training	19/11/2020	19/11/2020	Approved
19/11/2020	MM82	Director: PED	Section 62(1)(f)(iv), MFMA	Invoice: <ul style="list-style-type: none"> <li>• WC Stationers WCD405OB (362323)</li> <li>• B/SM 41/19 – The construction of Klappmuts Informal Trading Site</li> </ul>	19/11/2020	19/11/2020	Approved
19/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of EPWP fixed term contracts	19/11/2020	19/11/2020	Approved
20/11/2020	HO2	Director: PED		Housing consumer education grant report	20/11/2020	20/11/2020	Approved
20/11/2020	LEG9	Director: PED	General	19 x Powers of attorney 1 x Section 16 application	20/11/2020	20/11/2020	Supported
23/11/2020	MM64	Director: PED	Section 62(1)(f)(iv), MFMA	Contract: Service level agreement: B/SM 16\16, Appointment of a project management consultant for township approval and implementation for the zone O housing project.	23/11/2020	23/11/2020	Approved
23/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of EPWP fixed term contracts (Area cleaning)	23/11/2020	23/11/2020	Resolved

24/11/2020	AD3	Director: PED	General	Shortlisting <ul style="list-style-type: none"> <li>Artian Plumber</li> </ul>	24/11/2020	24/11/2020	Supported
24/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of service clearance form (retired): P Matyatya Termination of service: ref no 4/3/4/5 VD De Villiers	24/11/2020	24/11/2020	Approved
26/11/2020	HR2	Director: PED	Conditions of Service (SALGBC)	Termination of EPWP fixed term contracts	26/11/2020	26/11/2020	Resolved
26/11/2020	MM82	Director: PED	Section 62(1)(f)(iv), MFMA	Invoice: <ul style="list-style-type: none"> <li>Fine cut solutions R305082.24 (362303)</li> </ul>	26/11/2020	26/11/2020	Approved
27/11/2020	C50	Director: PED	Section 14(2) of the MFMA (read with section 90, MFMA)	40 deed of sale <ul style="list-style-type: none"> <li>Idas Valley</li> <li>Klapmuts</li> <li>Priel</li> <li>Cloetesville</li> </ul>	26/11/2020	26/11/2020	Supported
30/11/2020	MM84	Director: PED	Section 66, MFMA	Acting Allowance: Planning and Economic Development as acting Manager: Development Management (Marco Fouche) 10 – 30 November 2020	30/11/2020	30/11/2020	Supported
30/11/2020	MM82	Director: PED	Section 62(1)(f)(iv), MFMA	Invoice: <ul style="list-style-type: none"> <li>Bidvest Waltons R 536.33 (362326)</li> </ul>	30/11/2020	30/11/2020	Approved



8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE IN-COMMITTEE DOCUMENTATION