



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2018-08-03

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2018-08-08 AT 10:00

TO The Executive Mayor, Ald G Van Deventer (Ms)

The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS PW Biscombe

J De Villiers

AR Frazenburg

E Groenewald (Ms)

XL Mdemka (Ms)

S Peters

Ald JP Serdyn (Ms)

Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch on **Wednesday, 2018-08-08 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

MAYORAL COMMITTEE MEETING

2018-08-08

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Collaborator No: 600749
IDP KPA Ref No:
Meeting Date: 08 August 2018

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

The Stellenbosch Municipality Air Quality By-Law (June 2018) (**ANNEXURE A**) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied. Following a process of public participation the purpose of this item is to request Council to adopt the attached By-law.

3. **DELEGATED AUTHORITY**

(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)

There is no clear delegation in the current System of Delegations dated 2015/05/01 for this item. Stellenbosch Municipality has, however, defined obligations as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- a) Compile an Air Quality Management Plan (AQMP)
- b) Designate an Air Quality Officer (AQO)
- c) Report on the implementation of the AQMP

In terms of the Constitution of the Republic of South Africa, 1996, Section 156, a municipality has executive authority in respect of, and has the right to administer -

- i. local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- ii. any other matter assigned to it by national or provincial legislation.

Schedule 4, Part B, referred to above include air pollution.

4. **EXECUTIVE SUMMARY**

The Stellenbosch Municipality Air Quality By-Law (June 2018) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

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

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

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

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

5. RECOMMENDATION

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

6. DISCUSSION / CONTENTS

6.1. Background

As stated above Stellenbosch Municipality has defined obligations with regards to air pollution control as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- a) Compile an AQMP
- b) Designate an AQO
- c) Report on the implementation of the AQMP

Stellenbosch Municipality complies with all of the above. The Air Quality Management Plan (2013) of Stellenbosch Municipality, however, identifies the need to create a regulatory framework in the Municipality by way of which air quality control can be regulated within its area of jurisdiction.

An item in this regard was submitted to the 16th Meeting of the Council of Stellenbosch Municipality (2018-03-28): Item 8.3.3, which resolved (majority vote with abstentions):

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Air Quality Control Policy to be presented to Council for approval.

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

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

6.2 Discussion

The Stellenbosch Municipality Air Quality By-Law (June 2018) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

The draft By-law deals with, among others, the following:

- Duty of Care
- Smoke emissions from premises other than dwellings
 - Application
 - Prohibition
 - Installation of fuel-burning equipment
 - Installation and operation of obscuration measuring equipment
 - Monitoring and sampling
 - Exemption
- Smoke Emissions from Dwellings
- Emissions caused by Open Burning
- Emissions that cause a nuisance
 - Prohibition
 - Compliance notice
 - Steps to abate nuisance
- Dust Nuisance
 - Control of dust
- Pesticide Spraying Emissions

6.3. Financial Implications

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

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

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications for the Municipality. The appointed Air Quality- / Noise Control Officer will be responsible for execution of the policy on adoption thereof.

6.6 Previous / Relevant Council Resolutions:**34th Meeting of the Council of Stellenbosch Municipality (2015/05/27), Item 8.5.**

RESOLVED (nem con)

- (a) that the draft AQMP be approved by Council, in principle, and that same be advertised for public comment;
- (b) that the municipality designate the incumbent of the position of Environmental Planner as Air Quality Officer; and
- (c) that the designated Air Quality Officer be tasked with annual reporting in terms of NEMAQA.

Effect was given to the Council resolution dated 2015-05-27, Item 8.5, and the AQMP was advertised on 29 May 2015 with closing date 29 June 2015. No comments were received.

3rd Meeting of the Council of Stellenbosch Municipality (2016/10/26), Item 7.3.1.

RESOLVED (majority vote)

- (a) that Council designates the incumbent of the position Air Quality Control Officer (post 2.4.4.1) as Air Quality Officer in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and
- (b) that Council designates the incumbent of the position of Air Quality Control Officer (post 2.4.4.1) as Noise Control Officer in terms of the Western Cape Noise Control Regulations, P.N. 200/2013.

16TH Meeting of the Council of Stellenbosch Municipality (2018-03-28), Item 8.3.3

RESOLVED (majority vote with abstentions)

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality By-Law (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Air Quality By-Law to be presented to Council for approval.

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

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

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management

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

6.8.1 Director: Infrastructure Services

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

6.8.2 Director: Planning and Economic Development

No comment received.

6.8.3 Director: Community and Protection Services

No comment received.

6.8.4 Director: Strategic and Corporate Services

No comment received.

6.8.5 Director Human Settlements and Property Management

No comment received.

6.8.6 Chief Financial Officer

No comment received.

6.8.7 Municipal Manager

Approval of the By-law is recommended.

ANNEXURES**Annexure A:**

Draft Stellenbosch Municipality Air Quality By-Law (June 2018)

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	08 August 2018

ANNEXURE A

STELLENBOSCH MUNICIPALITY

AIR QUALITY BY-LAW

Draft June 2018

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

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CHAPTER 1: INTERPRETATION AND OBJECTIVES

1. Definitions

In this by-law, unless the context indicates otherwise –

“adverse effect” means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant;

“air pollutant” means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

“air pollution” means any change in the environment caused by any substance emitted into the atmosphere from any activity, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

“atmosphere” means air that is not enclosed by a building, machine, chimney or other such structure;

“atmospheric emission” or **“emission”** means energy or substance or combination of substances emanating from a point, non-point or mobile source that results in air pollution;

“authorised person” means any person authorised by the municipality to implement any provision of this by-law;

“best practicable means” means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and the financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

“chimney” means any structure or opening of any kind from or through which air pollutants may be emitted;

“dust” means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

“dwelling” means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements;

“environment” means the surroundings within which humans exist and that are made up of –

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b) and the interrelationships among and between them; and

- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“fuel-burning equipment” means any furnace, boiler, incinerator, or other equipment, including a chimney;

- (a) designed to burn or capable of burning liquid, gas or solid fuel;
(b) used to dispose of any material or waste by burning; or
(c) used to subject liquid, gas or solid fuel to any process involving the application of heat or the generation of energy;

“fumes” means any pungent or toxic vapour, gas, or smoke including but not limited to diesel fumes, spray painting fumes and exhaust fumes.

“light absorption meter” means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

“living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses;

“mobile source” means a single identifiable source of atmospheric emission which does not emanate from a fixed location;

“municipality” means Stellenbosch Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

“municipal manager” means a person appointed as such by the municipality in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“non-point source” means a source of atmospheric emissions which cannot be identified as having emanated from a single identifiable source or fixed location, and includes veld, forest and open fires, mining activities, agricultural activities and stockpiles;

“nuisance” means an unreasonable interference caused by air pollution with:

- (a) the health or well-being of any person or living organism; or
(b) the use or enjoyment by an owner or occupier of his or her property;
(c) the ordinary comfort, convenience, peace or quiet of another person; and
(d) the natural state of the environment;

“offensive odours” means any smell which is considered to be malodorous or a nuisance to a reasonable person;

“**open burning**” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and “burning in the open” has a corresponding meaning;

“**operator**” means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

“**point source**” means a single identifiable source and fixed location of atmospheric emission, and includes smoke stacks and residential chimneys;

“**proclaimed township**” means any land unit zoned and utilized for residential purposes;

“**person**” means a natural person or a juristic person;

“**premises**” means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the municipality or the precincts of any harbour;

“**public road**” means a road which the public has the right to use;

“**smoke**” means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

“**vehicle**” means any motor, car, motor carriage, motor cycle, bus motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

2. Purpose and objectives

- (1) The purpose and objectives of this by-law is:
 - (a) to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality’s jurisdiction; and
 - (b) to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

CHAPTER 2: DUTY OF CARE

3. Duty to take care

- (1) Any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:
 - (a) to prevent any potential air pollution from occurring; and
 - (b) to mitigate and, as far as reasonably possible, to remedy any air pollution that has occurred.

- (2) The municipality may monitor the impact and effectiveness of the measures taken in terms of section 3(1) and, if necessary, issue instructions to a person contemplated in section 3(1) with regard to specific measures to be undertaken.
- (3) The municipality may direct any person who fails to take the measures required under section 3(1) –
 - (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
 - (b) to commence taking effective control measures to abate the air pollution before a given date;
 - (c) to diligently continue with those measures; and
 - (d) to complete the measures before a specified reasonable date.
- (4) Should a person fail to comply, or inadequately comply, with a directive under section 3(3), the municipality may take reasonable measures to remedy the situation.
- (5) If any person fails to take the measures required of him or her under section 3(1) or 3(2), the municipality may recover all reasonable costs incurred as a result of it acting under section 3(4) from any or all of the following persons –
 - (a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;
 - (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner’s successor in title;
 - (c) the person in control of the land or any person who has or had a right to use the land at the time when –
 - (i) the activity or the process in question is or was performed or undertaken; or
 - (ii) the situation came about; or
 - (d) any person who negligently failed to prevent –
 - (i) the activity or the process being performed or undertaken; or
 - (ii) the situation from coming about.
- (6) If more than one person is liable under section 3(5), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under section 3(1), 3(2) and 3(3).

CHAPTER 3: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

4. Application

For the purposes of this Chapter, “premises” does not include dwellings.

5. Prohibition

- (1) Subject to section 5(2), smoke of such a density or content that obscures light to an extent greater than 40 per cent, shall not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes, by an owner or occupier of a premises.
- (2) This section does not apply to smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.

- (3) If smoke is emitted in contravention of section 5(1) the owner, operator or the occupier of the premises shall be guilty of an offence.

6. Installation of fuel-burning equipment

- (1) No person may install, alter, extend or replace any fuel-burning equipment that is likely to cause an adverse effect on any premises without the prior written authorisation of the municipality, which may only be given after consideration of the relevant plans and specifications.
- (2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved by the municipality shall be presumed, until the contrary is proved, to comply with the provisions of section 6(1).
- (3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of section 6(1):
- (a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;
 - (b) the municipality may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.
- (4) The municipality may on written notice to the owner and occupier of the premises:
- (i) revoke its authorisation under section 6; and
 - (ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

7. Installation and operation of measuring equipment

An authorised person may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate measuring equipment at his or her own cost; if:

- (a) unauthorised and unlawful emissions of smoke from the relevant premises have occurred consistently or regularly;
- (b) fuel-burning equipment has been or is intended to be installed on the relevant premises which is reasonably likely in the opinion of an authorised person to emit smoke;
- (c) the person on whom the notice is served has been convicted more than once under this chapter and has not taken adequate measures to prevent further contravention of the provisions of this chapter; or
- (d) the authorised person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard or nuisance to human health or the environment.

8. Monitoring and sampling

An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install air pollution measuring equipment in terms of section 7 must:

- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;

- (b) if requested to do so by an authorised person, produce the record of the monitoring and sampling results for inspection;
- (c) if requested to do so by an authorised person, provide a written report, in a form and by a date specified by the authorised person, of part or all of the information in the record of the monitoring and sampling results; and
- (d) ensure that the air pollution measuring equipment is calibrated at least once per year or at intervals as specified by the manufacturer of the equipment and provide records of such calibration on request by the authorised person.

9. Exemption

- (1) Subject to section 21 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the municipality may grant a temporary exemption in writing from one or all the provisions of this chapter.
- (2) Any exemption granted under section 9(1) must state at least the following:
 - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
 - (b) the reasons for granting the exemption;
 - (c) the condition attached to the exemption, if any;
 - (d) the period for which the exemption has been granted; and
 - (e) any other relevant information.

CHAPTER 4: SMOKE EMISSIONS FROM DWELLINGS

10. Smoke emissions from dwellings

- (1) No person may emit or permit the emission of smoke from any dwelling that may cause a nuisance.
- (2) Any person who emits or permits the emission of smoke in contravention of section 10(1) commits an offence.
- (3) Subject to section 21 and on application in writing by the owner or occupier of any dwelling, the municipality may grant temporary exemption in writing from one or all of the provisions of this chapter.

CHAPTER 5: EMISSIONS CAUSED BY OPEN BURNING

11. Emissions caused by open burning

- (1) Subject to section 11(4), any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorisation of the relevant authority, which may include the imposition of further conditions with which the person requesting authorisation must comply, has been obtained.
- (2) Any person who undertakes or permits open burning to be undertaken is in contravention of section 11(1) commits an offence.
- (3) The provisions of this section shall not apply to:
 - (a) recreational outdoor barbecue or braai activities;
 - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
 - (c) any other defined area or defined activity to which the municipality has declared this section not to apply.

CHAPTER 6: EMISSIONS THAT CAUSE A NUISANCE**12. Prohibition**

- (1) No person may create or permit emissions that cause a nuisance.
- (2) Any person who contravenes section 12(1) commits an offence.

13. Compliance notice

- (1) An authorised person may serve a notice on any person whom he or she reasonably believes has committed an offence under section 20, calling upon that person;
 - (a) to abate the nuisance within a period specified in the notice;
 - (b) to take all necessary steps to prevent a recurrence of the nuisance; and
 - (c) to comply with any other conditions contained in the notice.
- (2) For the purposes of section 13(1), an authorised person may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the compliance notice is to be served.
- (3) A compliance notice under section 13(1) may be served:
 - (a) upon the owner of any premises, by:
 - (i) delivering it to the owner, or if the owner cannot be traced or is living abroad that person's agent;
 - (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
 - (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
 - (b) upon the occupier of the premises, by:
 - (i) delivering it to the occupier;
 - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.
- (4) Any person who fails to comply with a compliance notice served on that person in terms of section 13(1) commits an offence.
- (5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under section 13(4) to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

14. Steps to abate nuisance

At any time, the municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

CHAPTER 7: DUST NUISANCE**15. Control of dust**

- (1) The occupier, owner or operator of any premises must take all reasonable steps to prevent the nuisance by dust caused by any activity on such premises in accordance with the National Dust Control Regulations, R. 825, 2012.
- (2) Any person who emits or permits the emission of dust in contravention of section 15(1) commits an offence.

CHAPTER 8: PESTICIDE SPRAYING EMISSIONS**16. Pesticide Spraying Emissions**

- (1) No person may carry out or permit the spraying of pesticides, except as permitted by Section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (2) Any person who contravenes section 16(1) of this by-law is guilty of an offence, as set out in section 18(1)(c) of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

CHAPTER 9: GENERAL PROVISIONS**17. Appeal**

- (1) A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.
- (2) Pending confirmation, variation or revocation of the decision against which the appeal is lodged, any person appealing the said decision, unless the municipality provides otherwise:
 - (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
 - (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.

18. Municipality and State bound

This by-law is binding on the State and the municipality.

19. Conflict

- (1) In the event of a conflict within any other by-law which directly or indirectly regulates air pollution, the provisions of this by-law shall prevail.
- (2) In the event of a conflict with the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) the provisions of that Act will prevail within the area of jurisdiction of the Municipality.

20. Offences and penalties

- (1) Any person who contravenes any provision of this by-law commits an offence and shall, upon conviction, be liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) It is an offence to:
 - (a) supply false information to an authorised person in respect of any issue pertaining to the by-law, or;
 - (b) to refuse to co-operate with the request of an authorised person made in terms of this by-law.

- (3) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.
- (4) In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under this by-law:
 - (a) to remedy the harm caused;
 - (b) to pay damages for harm caused to another person or to property, which order shall have the force and effect of a civil judgment; and
 - (c) to install and operate at the person's own expense air pollution measuring equipment in accordance with the provisions of section 9.

21. Exemptions

- (1) The municipality may grant temporary exemption in writing from one or all of the provisions of chapters 3, 4, and 5, provided that the municipality:
 - (a) is satisfied that granting the exemption will not prejudice the purpose referred to in section 2(1); and
 - (b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 2(1).
- (2) The municipality may not grant an exemption under section (1) until the municipality has:
 - (a) taken reasonable measures to ensure that all persons whose rights may be detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
 - (b) provided such person with a reasonable opportunity to object to the application; and
 - (c) duly considered and taken into account any objections raised.

22. Savings

Anything done or deemed to have been done under any other law remains valid to the extent that it is consistent with this by-law or until anything done under this by-law overrides it.

23. Repeal of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

24. Short title and commencement

This by-law shall be known as the Air Quality By-law of Stellenbosch Municipality and comes into operation on the date of publication thereof in the Provincial Gazette.

5.3.2	STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY
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Collaborator No: 600752
IDP KPA Ref No:
Meeting Date: 08 August 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY

2. PURPOSE

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

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)

There is no clear delegation in the current System of Delegations dated 2015/05/01. However, Section C (e) Environmental Management, of the above System of Delegations, Item 392, makes provision for certain aspects (Noise Impact Assessments and Exemptions) as contained in the Provincial Cape Noise Control Regulations.

4. EXECUTIVE SUMMARY

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

The need for such a policy is borne from the fact that various municipal departments deal with different aspects of noise control. The policy will clearly direct all relevant departments as to its function in dealing with the issue of noise and noise complaints.

5. RECOMMENDATION

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

6. DISCUSSION / CONTENTS

6.1 Background

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

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Noise Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and

- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Noise Control Policy to be presented to Council for approval.

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

6.2 Discussion

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

The above draft policy deals with, among others, the following:

- Complaints
- Disturbing Noise
- Noise Nuisance
- Machinery in Residential Areas
- Noise Exemptions
- Places of Late-Night Entertainment
- Land Use Applications with Noise Impact
- Generator Sets
- Construction Noise
- Unamplified Human Voice
- Animal Noise

The policy furthermore contains 11 flowcharts describing the procedures to be followed in dealing with complaints as defined in the policy.

6.3 Financial Implications

There are no direct financial implications should the recommendation as set out in the report be accepted.

Stellenbosch Municipality has already acquired the necessary noise level measuring equipment. The appointed Air Quality / Noise Control Officer will be responsible for execution of the policy on adoption thereof.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

The appointed Air Quality / Noise Control Officer will be responsible for execution of the policy on adoption thereof. Note that noise control by local authorities is mandatory, in terms of the Provincial Noise Control Regulations PN 200/2013, and requires essential overtime work.

6.6 Previous / Relevant Council Resolutions:

3rd Meeting of the Council of Stellenbosch Municipality (2016/10/26), Item 7.3.1

RESOLVED (majority vote)

- (a) that Council designates the incumbent of the position Air Quality Control Officer (post 2.4.4.1) as Air Quality Officer in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and
- (b) that Council designates the incumbent of the position of Air Quality Control Officer (post 2.4.4.1) as Noise Control Officer in terms of the Western Cape Noise Control Regulations, P.N. 200/2013.

16rd Meeting of the Council of Stellenbosch Municipality (2018/03/28), Item 7.3.1

RESOLVED (majority vote with abstention)

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Noise Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Noise Control Policy to be presented to Council for approval.

6.7 Risk Implications

This report has no risk implications for the Municipality. It is, however, important to note the following:

Noise control by local authorities is mandatory. Stellenbosch Municipality is fortunate to have a suitably qualified and highly experienced appointed Air Quality / Noise Control Officer. This official has had an immediate positive effect in the municipality on the issue of handling matters of noise control in the municipality to such an extent that, together with the City of Cape Town, Stellenbosch Municipality is now the leading local authority in the Western Cape as far as the implementation of the Provincial Noise Control Regulations is concerned.

Due to the nature of the noise control function, the relevant official has to respond to complaints of noise after hours and over weekends on a frequent basis. Stand-by allowance for this official has been denied which means that he has to take leave in lieu of overtime accumulated, compromising the function of noise control in the relevant official's absence. This official will be responsible for execution of the policy on adoption thereof.

Stellenbosch Municipality is running a real risk of losing this official to another local authority due to the above, which will put the Municipality in a difficult position of having to replace a person with a specific skill (and associated experience) which is in high demand.

6.8 Comments from Senior Management:

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

6.8.1 Director: Infrastructure Services

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

6.8.2 Director: Planning and Economic Development

No comment received.

6.8.3 Director: Community and Protection Services

No comment received.

6.8.4 Director: Strategic and Corporate Services

No comment received.

6.8.5 Director Human Settlements and Property Management

No comment received.

6.8.6 Chief Financial Officer

No comment received.

6.8.7 Municipal Manager

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

ANNEXURES**Annexure A:**

Draft Stellenbosch Municipality Noise Control Policy (July 2018)

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Planning & Economic Development
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REPORT DATE	08 August 2018

ANNEXURE A

STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY

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

This policy replaces all previous policies in this regard and must be implemented with immediate effect.

Table of content

This policy contains the following:

1. Definitions
2. Policy purpose
3. Complaints
4. Disturbing Noise
5. Noise Nuisance
6. Machinery in Residential Areas
7. Noise Exemptions
8. Places of Late-Night Entertainment
9. Land Use Applications with Noise Impact
10. Generator Sets
11. Construction Noise
12. Unamplified Human Voice
13. Animal Noise

Procedure Flowcharts:

1. Noise Complaints
2. Disturbing Noise Procedure
3. Noise Nuisance Procedure
4. Machinery in Residential areas
5. Noise Exemptions
6. Places of late-night entertainment
7. Land Use Application with noise impact
8. Generator Sets
9. Construction Noise
10. Unamplified Human voice
11. Animal Noise

1. DEFINITIONS

In these regulations a word or expression to which a meaning has been assigned in the Noise Control Regulations PN200/2013, Environment Conservation Act, 1989 (Act 73 of 1989), or the

relevant Standards South Africa publication (SANS) has the meaning so assigned and, unless the context indicates otherwise –

“ambient noise” means the all-encompassing sound in a given situation at a given time measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes;

“animal”, in relation to a person, means any animal in the possession or under the control of that person, and includes birds and poultry;

“authorised person” means –

- a) a designated person;
- b) a member of the service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);
- c) a municipal police officer, traffic official, law enforcement officer or traffic warden appointed under any law; or
- d) a person who has been declared a peace officer under section 334(1) of the Criminal Procedures Act, 1977 (Act 51 of 1977);

“complaint” means any written complaint submitted for any noise nuisance or disturbing noise.

“dBA” means the sound pressure level measured in decibels which is A-weighted to approximate the response of the human ear;

“designated person” means a person designated or appointed by a local authority in terms of Regulation 9 of the Western Cape Noise Regulations P.N. 200/2013;

“disturbing noise” means a noise, excluding the unamplified human voice, which –

- (a) exceeds the rating level by 7 dBA;
- (b) exceeds the residual noise level where the residual noise level is higher than the rating level;
- (c) exceeds the residual noise level by 3 dBA where the residual noise level is higher than the rating level; or
- (d) In the case of a low-frequency noise, exceeds the level specified in Annexure B of SANS 10103;

“emergency” means a situation that arises suddenly and involves imminent or actual-

- a) danger to persons, or
- b) damage to property or the environment and which demand immediate action.

“investigating officer” means a person designated or appointed by a local authority in terms of Regulation 9 of the Western Cape Noise Regulations P.N. 200/2013;

“local authority” means Stellenbosch Municipality;

“low frequency noise” sound which contains sound energy at frequencies predominantly below 100 Hz;

“model aircraft” includes an unmanned recreational aircraft, whether full size or scaled down;

“NEMA” means the National Environmental Management Act, 107 of 1998;

“noise nuisance” means any sound which impairs or may impair the convenience or peace of a reasonable person;

“noise sensitive activity” means any activity that could be negatively impacted by noise, including residential, healthcare, educational or religious activities;

“person” includes a juristic person and an organ of state;

“premises” means a piece of land or any building or part of a building, place of residence, tent or other structure;

“property projection plane” means a vertical or horizontal plane, whichever is applicable on a boundary line of premises defining a boundary of the premises in space;

“Province” means the Province of the Western Cape;

“public event” means any event –

- a) to which the public or any section thereof has access, including a show, music concert, festival, sports event or any similar event; and
- b) at which any amplified music is played or reproduced;

rating level” means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103;

“regulation/s” means the Western Cape Noise Control Regulations, PN200/2013;

“residual noise” the all-encompassing sound in a given situation at a given time measured as the reading on an integrating impulse sound level meter for a total period of at least 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise;

“responsible person” means:

- (a) any person who is or was responsible for, or who directly or indirectly contributed to, the cause of noise;
- (b) the owner of the premises from where the noise originates or originated from;
- (c) the person in control of the premise or any person who has or had a right to use the premises from where the noise originates or originated from.

“SANS 10103” means the latest edition of Standard South Africa publication No. 10103 titled “The measurement and rating of environmental noise with respect to annoyance and to speech communication”, as amended from time to time, or corresponding replacement;

“SANS 10117” means the latest edition of Standard South Africa publication No.10117 titled “Calculation and prediction of aircraft noise around airports for land use purposes” as amended from time to time, or its corresponding replacement as referred to in SANS 10328;

“SANS 10210” means the latest edition of Standards South Africa publication No.10210 titled “Calculating and predicting road traffic noise as amended from time to time, or its corresponding replacement”, as amended from time to time or its corresponding replacement;

“SANS 10328” means the latest edition of Standard South Africa publication No.10328 titled “methods for environmental noise impact assessments”, as amended from time to time or its corresponding replacement;

“SANS 658” means the latest edition of Standard South Africa publication No.658 titled “integrating-averaging sound level meters”, as amended from time to time, or its corresponding replacement;

“sound level” means the equivalent continuous rating level as defined in SANS 10103, taking into account impulse, tone and night-time corrections;

“vehicle” means any device designed or adapted mainly to travel on wheels or crawler tracks, whether self-powered or not, other than such a device which travels solely on rails, including–

- (a) a motor vehicle;
- (b) motorcycle;
- (c) an off-road vehicle, such as a scrambler, quadru cycle or dune buggy; and
- (d) a model vehicle;

“vessel” means any watercraft, including –

- (a) a jet ski;
- (b) a ski boat; and
- (c) a model vessel.

2. POLICY PURPOSE

The purpose of this policy is:

- a) To control and manage noise by the enforcement of the Western Cape Noise Control Regulations, PN200/2013;
- b) To initiate and sustain an effective administrative structure for the control of noise, including the keeping of statistics of all noise complaints;

- c) To engage with all spheres of government, adjacent Local Authorities and other agencies whose activities may influence or affect the control of noise;
- d) To initiate and maintain a Noise Mapping program; and
- e) To raise awareness about noise pollution and the health risks associated with environmental noise.

The designated Noise Control Office is responsible for the overarching administration and implementation of all items contained in this policy unless specified otherwise. The Municipal Law Enforcement will deal with all items, as listed below in terms of “noise nuisance” as promulgated in the By-Law on the Prevention of Public Nuisances and the keeping of animals.

3. COMPLAINTS (Flowchart 1)

Noise related complaints are to be dealt with in the following manner:

- a. Incoming complaints must be logged on the complaints register.
- b. The investigating officer must determine the nature of the complaint.
- c. If a disturbing noise is confirmed, the disturbing noise procedure (flowchart 2) applies.
- d. If a noise nuisance is confirmed, the noise nuisance procedure (flowchart 3) applies.

4. DISTURBING NOISE PROCEDURE (Flowchart 2)

- a. The investigating officer is to determine the nature of the noise, whether it is a noise nuisance or noise disturbance as defined in the Western Cape Noise Control Regulations.
- b. Should the residual noise level differ by more than 10 dBA from the rating level, apply the SANS rating tables.
- c. Should the noise level equal or exceed the rating level by 7 dBA, a written instruction must be issued on the responsible person to cease or mitigate the noise.
- d. Should the residual noise level differ by more than 10 dBA from the rating level, the disturbing noise test procedure must be executed;
 - i. exceeds the rating level by 7 dBA;
 - ii. exceeds the residual noise level where the residual noise level is higher than the rating level;
 - iii. exceeds the residual noise level by 3 dBA where the residual noise level is lower than the rating level; or
 - iv. in the case of low-frequency noise, exceeds the level specified in Annexure B of SANS 10103.
- e. Should any of the above be violated, then apply f-h.
- f. Issue a written instruction on the responsible person to cease or mitigate the noise.
- g. Notify the complainant of the outcome of the investigation.
- h. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 4(c) and (f).
- i. Should the complaint be solved, close the complaint and notify the complainant of such action.

- j. Should the complaint be unsolved, issue a summons on the responsible person.

5. NOISE NUISANCE PROCEDURE (Flowchart 3)

- a. The investigating officer must request the complainant to submit an affidavit in terms of Regulation 10(3).
- b. Should the complainant refuse or fail to submit a valid affidavit within 7 working days of submitting the noise complaint, the complaint may be closed.
- c. Should the complainant submit a valid affidavit, the investigating officer must validate the complaint.
- d. Should the investigating officer, after executing (c), confirm in his/her opinion that the noise does not constitute a nuisance the complaint may be closed after which the complainant must be informed accordingly.
- e. Should the investigating officer, after investigating the complaint, confirm in his/her opinion that the noise does constitute a nuisance, a written instruction must be issued on the responsible person to cease or mitigate the noise after which the complainant must be notified accordingly.
- f. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 5(e).
- g. Should the complaint be unsolved, issue an appropriate fine in terms of the Admission of Guilt Fines Guidelines or a summons.
- h. Should the complaint be solved, the complaint is to be closed and complainant notified accordingly.

6. MACHINERY IN RESIDENTIAL AREAS (Flowchart 4)

- a. The investigating officer must measure noise levels near the property projection plane for the exceedance of 50 dBA noise level or a noise level exceedance of the residual noise level of 5 dBA.
- b. In the case of no exceedance, close complaint and notify complainant accordingly.
- c. Should the sound level exceed 50 dBA or exceed the residual noise level by 5 dBA, issue written instruction on the responsible person to cease or mitigate the noise.
- d. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 6(c).
- e. Should sound level exceed 50 dBA after the follow-up inspection conducted in terms of 6(d) or exceed the residual noise by 5 dBA, issue appropriate fine in terms of the Admission of Guilt Fines Guideline.
- f. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 6(c).
- g. Should the complaint be solved and the requirements met, the complaint is to be closed and complainant notified accordingly.

- h. If the requirements were not met, issue a summons on the responsible person.
- i. Should the noise level not exceed 50 dBA or not exceed the residual noise level by 5 dBA, the complaint may be closed and the complainant notified accordingly.

7. NOISE EXEMPTIONS (Flowchart 5)

- a. The Municipal Department tasked with considering public events must consider the application to host such an event.
- b. The applicant applying for exemption of any aspect contained in the Western Cape Noise Control Regulations, PN200/2013, or this policy is to provide reasons for the application and must provide written comment from interested and affected parties.
- c. In the case that an exemption is granted the Municipal Department tasked with considering public events must prepare an exemption document with conditions applicable to such exemption.
- d. In the case that an exemption is denied the Municipal Department tasked with considering public events must prepare a refusal document with reasons for such refusal.
- e. A Noise Impact Assessment, at the cost of the applicant, may be requested in accordance with Western Cape Noise Control Regulations, 12(4)(c).

8. PLACES OF LATE-NIGHT ENTERTAINMENT (Flowchart 6)

- a. On receiving a noise complaint, the investigating officer must investigate the integrity of the existing soundproofing of the relevant place of late night entertainment in terms of disturbance noise or conditions imposed.
- b. Should the soundproofing comply to (a), the matter is closed.
- c. Should the soundproofing not comply, a written instruction must be issued on the responsible person to cease or to mitigate the noise.
- d. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 8(c).
- e. Should the sound proofing comply at the time of the follow up assessment, the matter is closed.
- f. Should the sound proofing of the premises fail to comply at the time of the follow up assessment the investigating officer should:
 - i. issue an appropriate fine in terms of the Admission of Guilt Fines Guideline,
 - ii. and/or refer to law enforcement for possible impoundment.
 - iii. and/or summons the responsible person to court.

9. LAND USE APPLICATIONS WITH NOISE IMPACT (Flowchart 7)

- a. Land use applications with a probability of causing noise nuisance or noise disturbance must be circulated to the designated Noise Control Officer for comment.
- b. The designated Noise Control Officer may impose noise abatement or noise mitigation measures to be implemented.

- c. The investigating officer may inspect the relevant premise after construction to determine compliance with instructions issued in terms 9(b).

10. GENERATOR SETS: SYNCHRONISED UNITS ONLY (Flowchart 8)

- a. Applications for the installation of synchronised generator units must be circulated to the designated Noise Control Officer for comment.
- b. The designated Noise Control Officer may impose noise abatement or noise mitigation measures to be implemented.
- c. Inspection of synchronised generator units must be conducted to establish compliance with instructions issued in terms 10(b).
- d. The applicant is to inform the Noise Control Officer after the relevant generator has been installed and is ready for inspection.
- e. If, during a site inspection it is found that the generator is in working order, noise measurements may be conducted.
 - i. The results of the noise measurements must be compared to the SANS rating levels.
 - ii. Should it be found that the noise is not causing a disturbance, the application may be approved.
- f. If the noise is found to be causing a disturbance, a written request must be issued for further sound proofing.
- g. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 9(f).
- h. If requirements are met, the application may be approved.
- i. If requirements are not met, section (f) to (h) must be repeated.

11. CONSTRUCTION NOISE (Flowchart 9)

- a. When dealing with building construction noise complaints, should the noise be within the permitted National Building Control Regulation hours, refer the complaint to Building Development Management Division for further processing, thereafter close the complaint to conclude the action taken.
- b. Should the noise not be within the permitted National Building Control Regulation hours, apply Flowchart 1: The Noise Complaint Procedure.

12. UNAMPLIFIED HUMAN VOICE (Flowchart 10)

- a. Should the noise in question be identified as human voice the Western Cape Noise Control Regulations 10(4)(b) should be applied.
- b. Should no noise nuisance be evident, the investigating officer must notify the complainant of the outcome and the complaint closed.
- c. Should the noise be identified as a noise nuisance, the investigating officer must establish if Anti-Social behaviour is associated. Should Anti-Social behaviour be

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

- d. If a noise nuisance is confirmed, apply the Flowchart 1: Noise Complaint Process.

13. ANIMAL NOISE (Flowchart 11)

Should a complaint regarding animal noise be received:

- a. Apply flowchart 3: Noise Nuisance Process
- b. Apply flowchart 2: Disturbing Noise Process

NOISE CONTROL SECTION

INCOMING COMPLAINT

DETERMINE NATURE OF COMPLAINT

POTENTIAL NOISE
NUISANCE

REQUEST SWORN
AFFIDAVIT

INVESTIGATE WITHIN 5
DAYS ON RECEIPT OF
AFFIDAVIT

NOTIFY COMPLAINANT

VALIDATE COMPLAINT
I.T.O REG 10(4)(b)

YES

NO

CLOSE & NOTIFY
COMPLAINANT

ACTION: STEP 1
LETTER/NOTICE TO
CEASE/MITIGATE

NOTIFY COMPLAINANT

FOLLOW-UP INSPECTION

UNSOLVED

SOLVED

ACTION STEP 2
/SUMMONS

CLOSE & NOTIFY
COMPLAINANT

POTENTIAL NOISE
DISTURBANCE

INVESTIGATE WITHIN 5
DAYS

NOISE
NUISANCE

CONFIRMED
DISTURBING NOISE

CONDUCT NOISE SURVEY & NOTIFY
COMPLAINANT

ACTION STEP 1: LETTER/NOTICE TO
CEASE/MITIGATE

NOTIFY COMPLAINANT

FOLLOW-UP INSPECTION

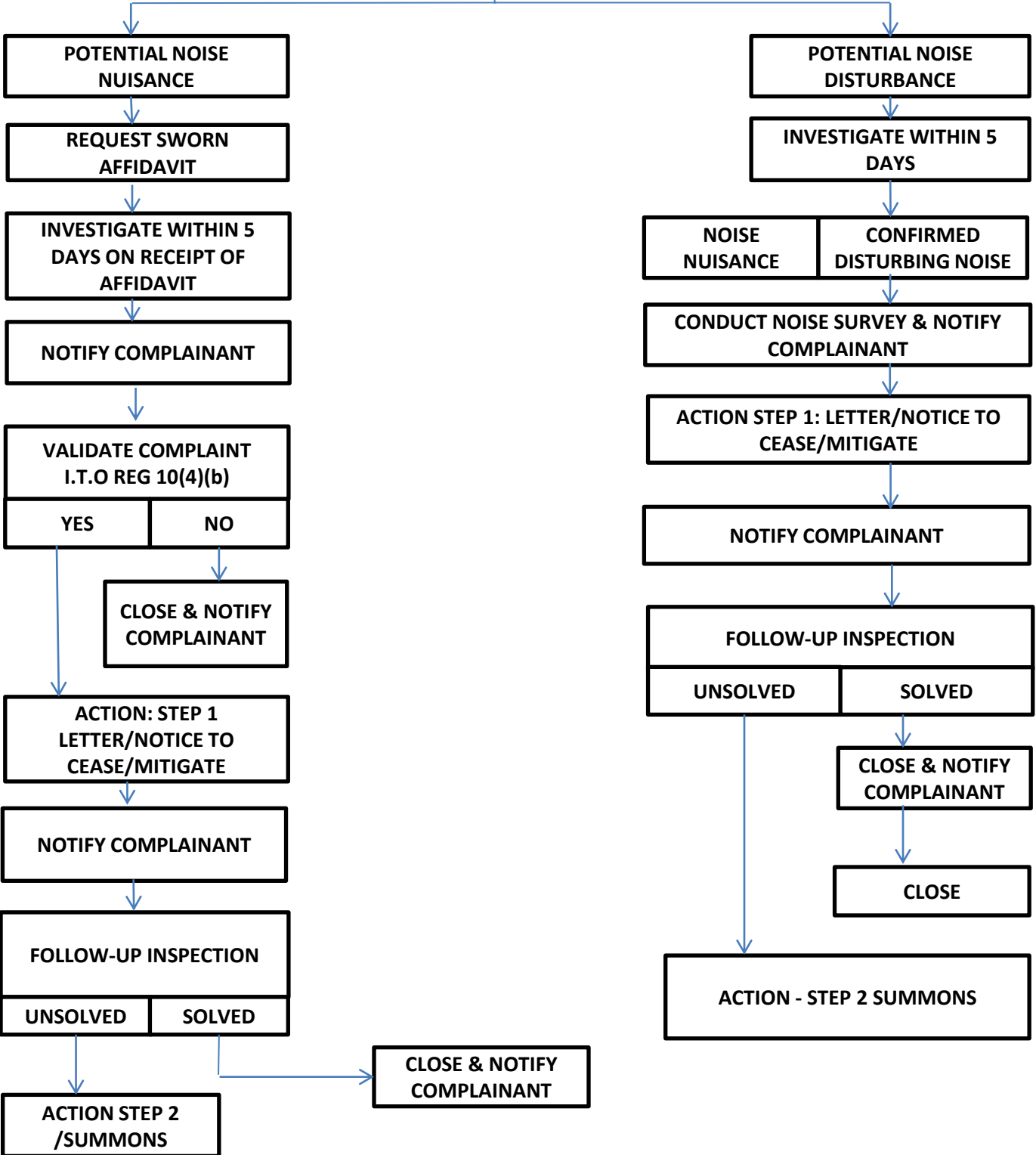
UNSOLVED

SOLVED

CLOSE & NOTIFY
COMPLAINANT

CLOSE

ACTION - STEP 2 SUMMONS



DISTURBANCE NOISE PROCEDURE

CALCULATE OR MEASURE FOR A DISTURBANCE

NOISE VS RATING LEVEL > 10dBA
 NO | YES

APPLY SANS RATING TABLE

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

NOISE NUISANC PROCEDURE - FORWARD FINDINGS

NONE OF THE TESTS PROVES A DISTURBANCE

MEASURE AMBIENT SOUND LEVEL

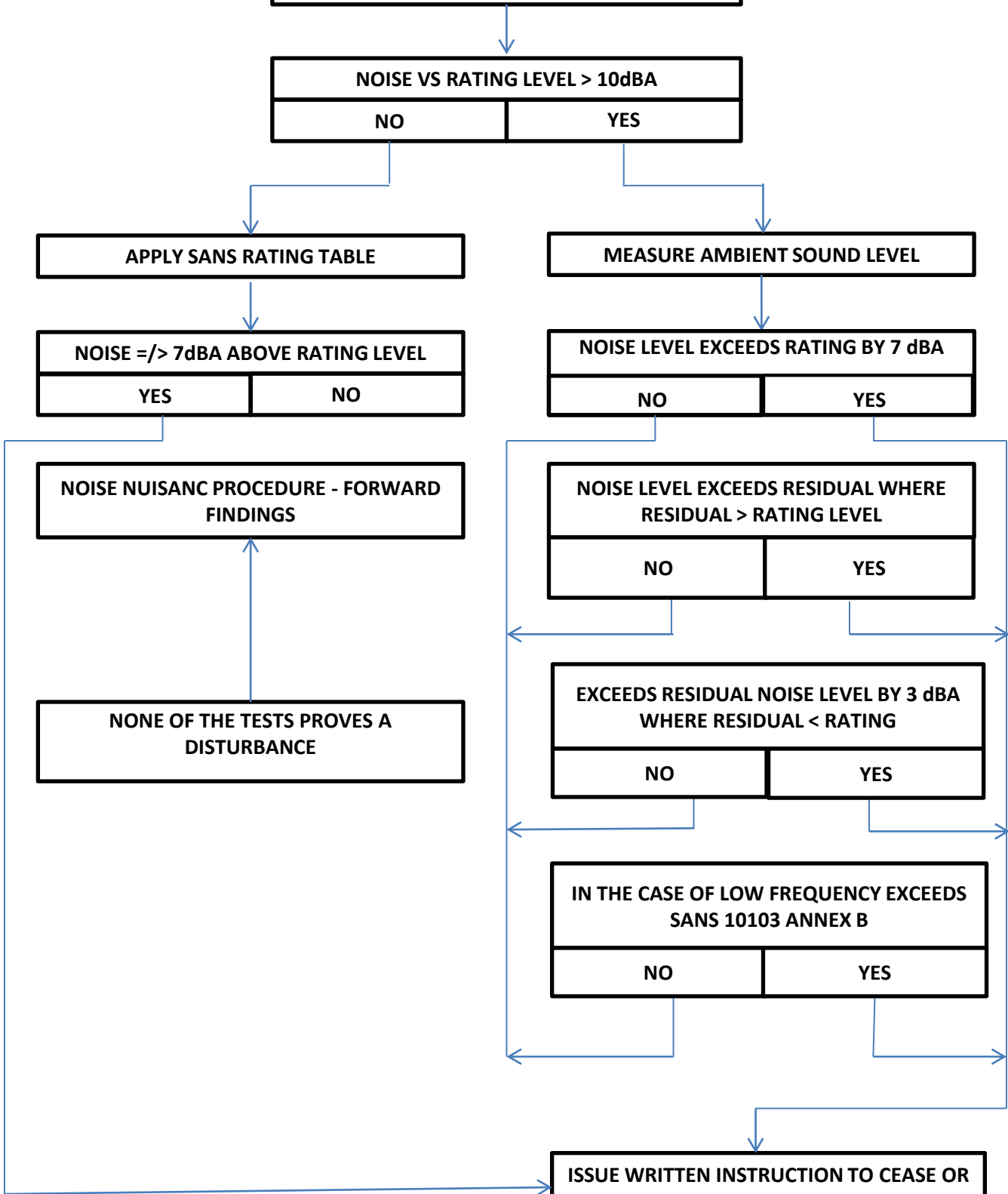
NOISE LEVEL EXCEEDS RATING BY 7 dBA
 NO | YES

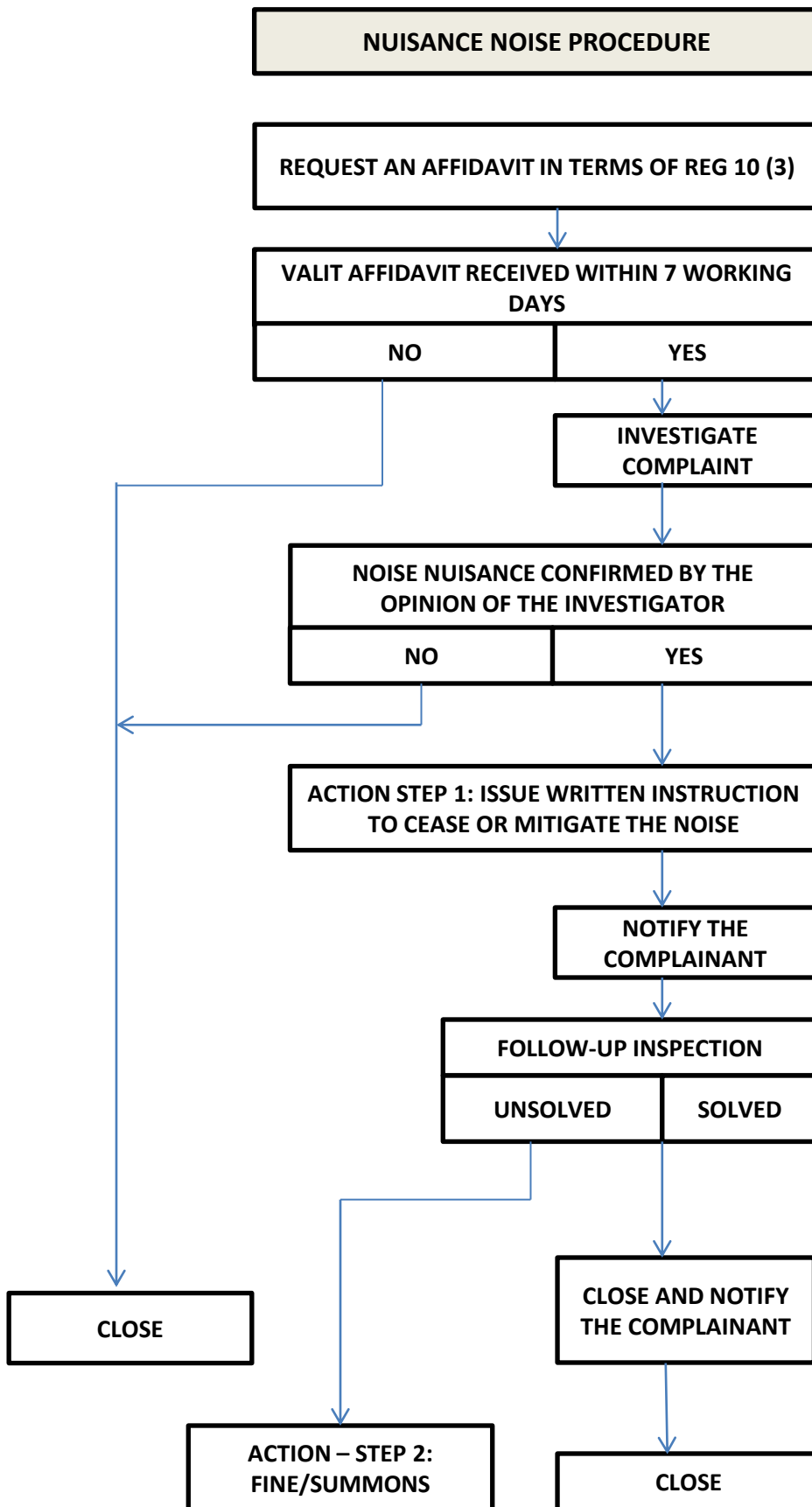
NOISE LEVEL EXCEEDS RESIDUAL WHERE RESIDUAL > RATING LEVEL
 NO | YES

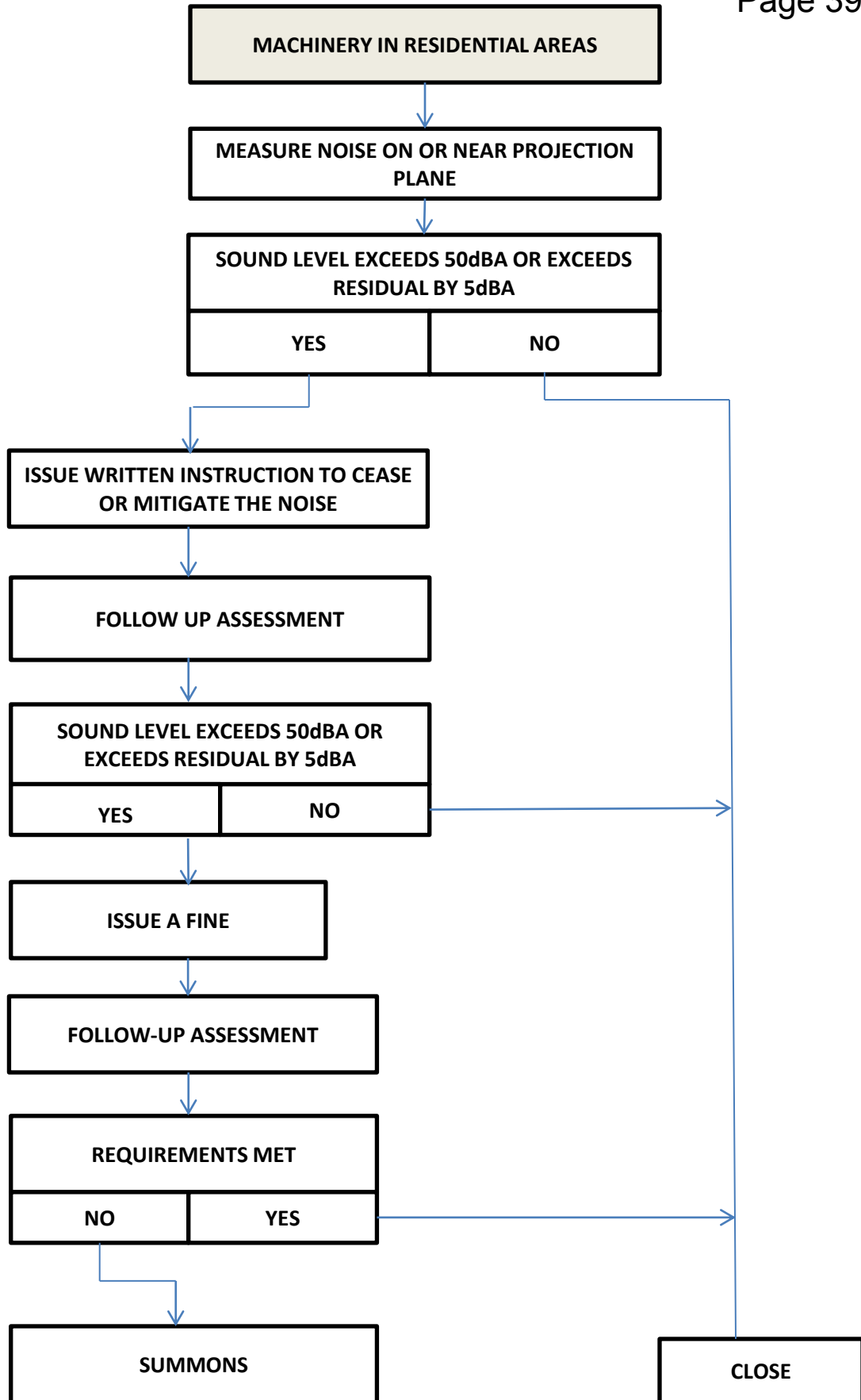
EXCEEDS RESIDUAL NOISE LEVEL BY 3 dBA WHERE RESIDUAL < RATING
 NO | YES

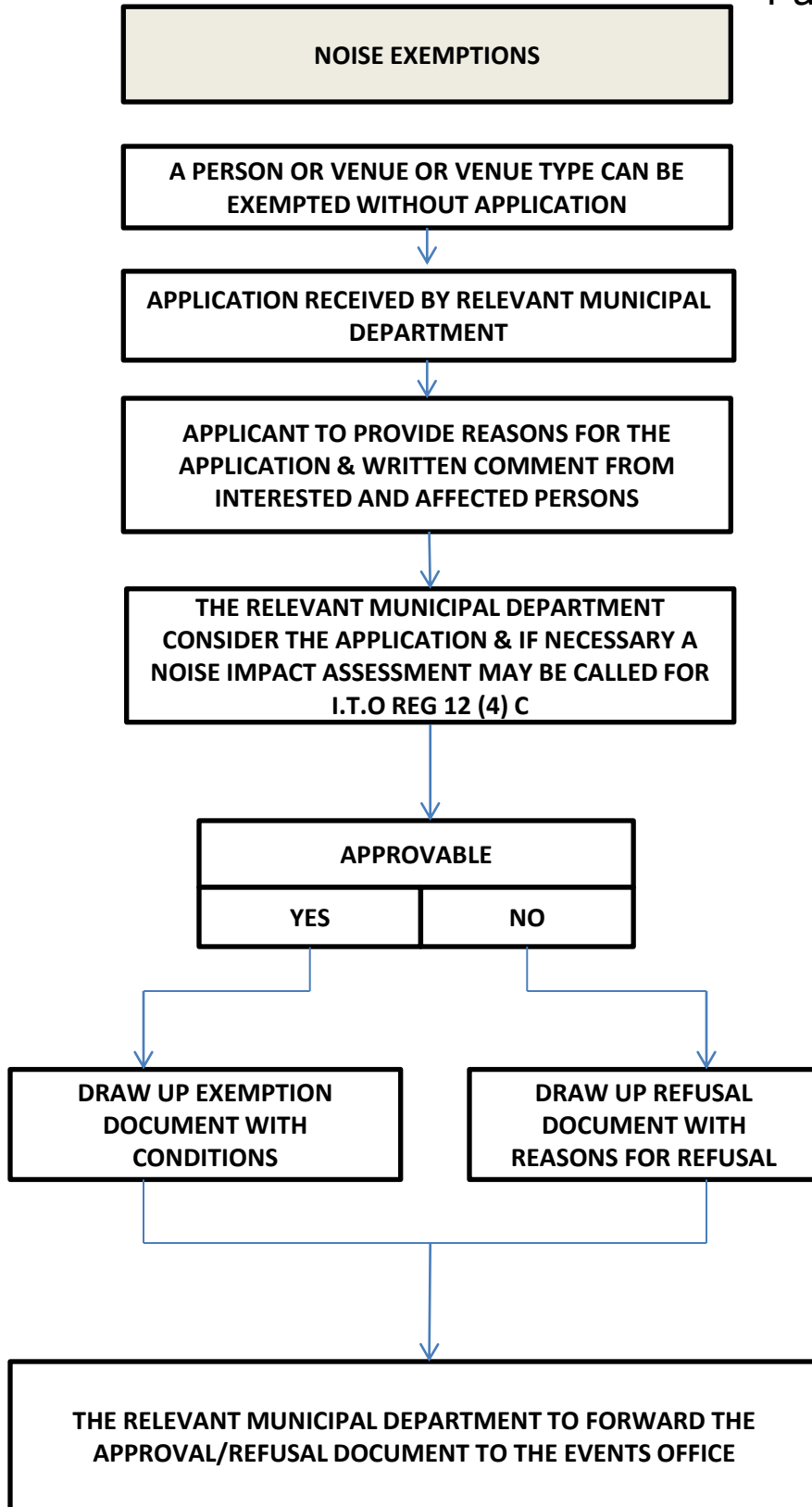
IN THE CASE OF LOW FREQUENCY EXCEEDS SANS 10103 ANNEX B
 NO | YES

ISSUE WRITTEN INSTRUCTION TO CEASE OR MITIGATE THE NOISE









PLACES OF LATE-NIGHT ENTERTAINMENT

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

SOUND PROOFING COMPLIES

YES	NO
------------	-----------

ISSUE WRITTEN INSTRUCTION TO CEASE OR MITIGATE THE NOISE

FOLLOW UP ASSESSMENT

SOUND PROOFING COMPLIES

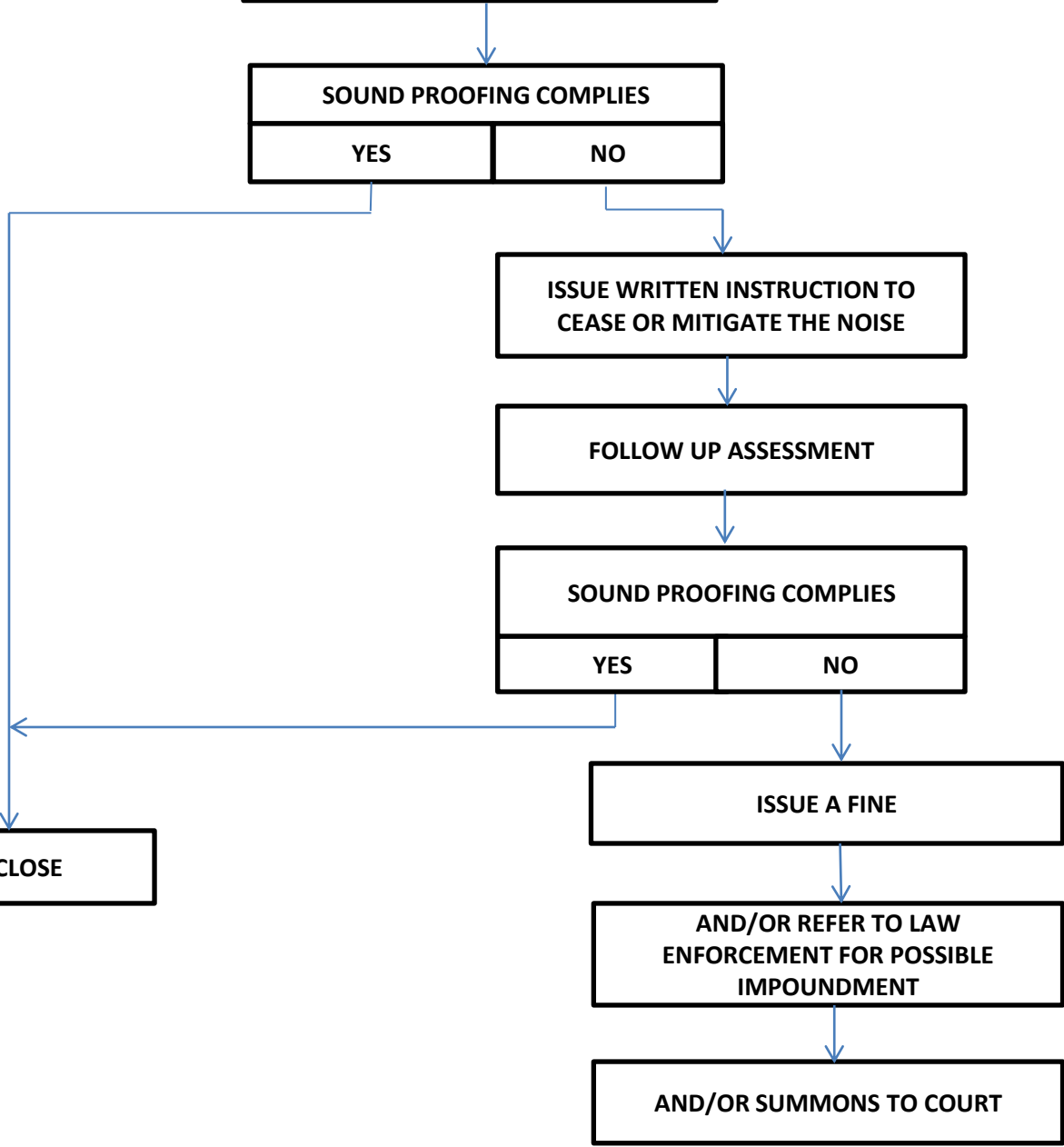
YES	NO
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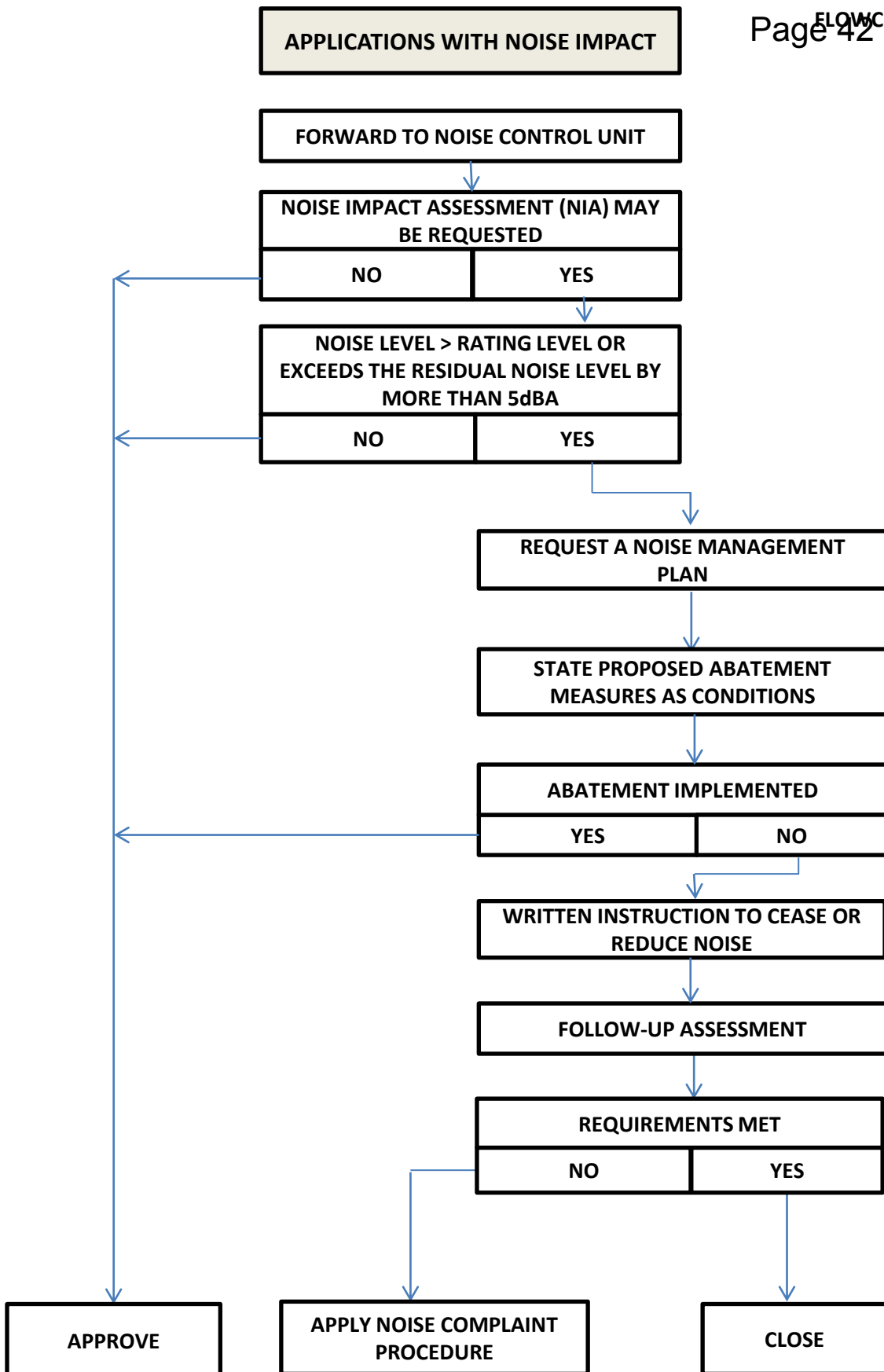
ISSUE A FINE

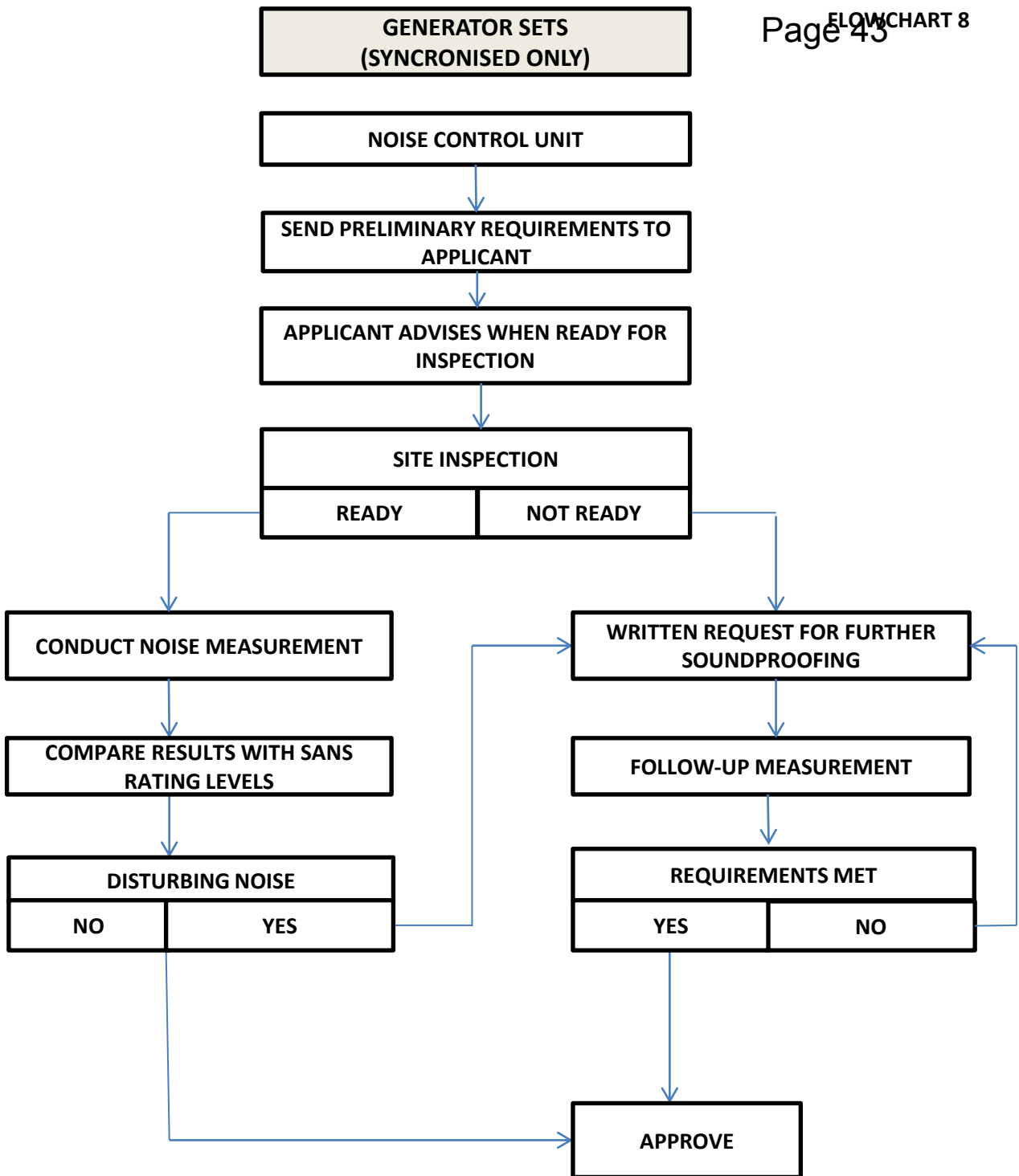
AND/OR REFER TO LAW ENFORCEMENT FOR POSSIBLE IMPOUNDMENT

AND/OR SUMMONS TO COURT

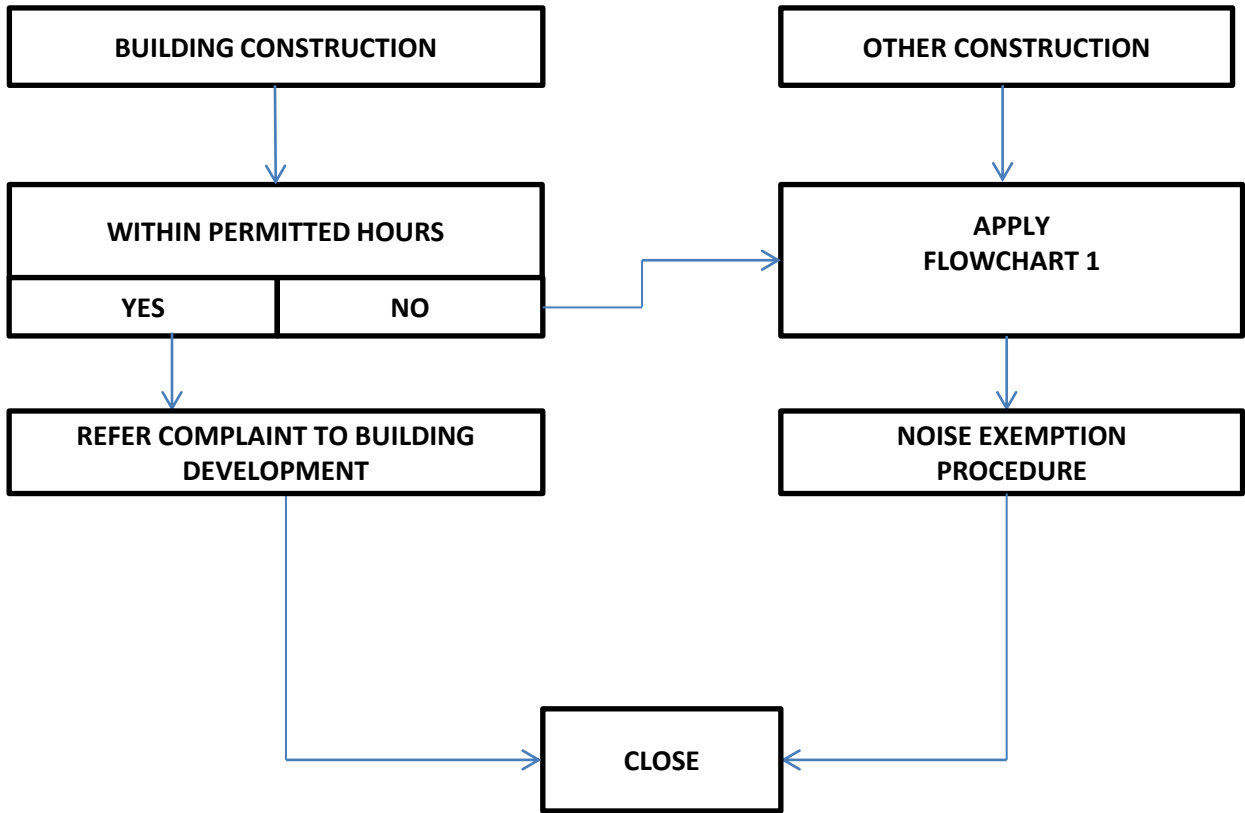
CLOSE







CONSTRUCTION NOISE



UNAMPLIFIED HUMAN VOICE

HUMAN VOICE ONLY
YES NO

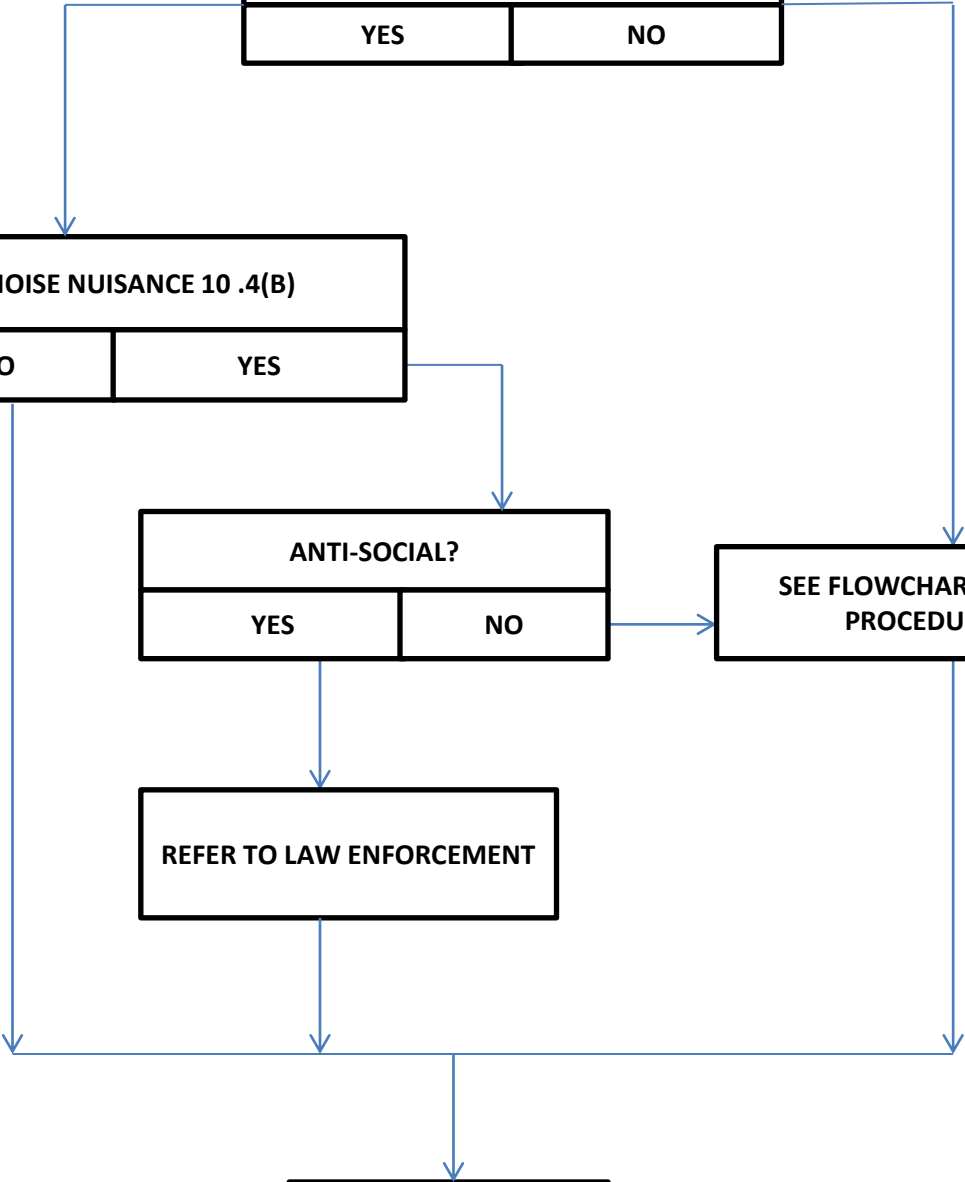
NOISE NUISANCE 10 .4(B)
NO YES

ANTI-SOCIAL?
YES NO

SEE FLOWCHART 1 FOR PROCEDURE

REFER TO LAW ENFORCEMENT

CLOSE



ANIMAL NOISE

LAW ENFORCEMENT

NOISE CONTROL

INCOMING COMPLAINT

INCOMING COMPLAINT

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

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

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

2. **PURPOSE**

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

3. **DELEGATED AUTHORITY**

Noted by Municipal Council.

4. **RECOMMENDATION**

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

5. **DISCUSSION / CONTENTS**

5.1 **Background/ Legislative Framework**

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

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

(i) in an emergency;

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

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

(iv) acquisition of animals for zoos; or

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

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

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

6. Discussion

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

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

6.1 Legal Implications

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

- (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 **Staff Implications**

Not staff implications

6.3 **Previous / Relevant Council Resolutions:**

None

6.4 **Risk Implications**

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

6.5 **Comments from Senior Management:**

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

6.5.1 **Municipal Manager**

Supports the recommendation.

FOR FURTHER DETAILS CONTACT:

NAME	Marius Wüst
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Marius.wust@stellenbosch.gov.za
REPORT DATE	08 August 2018

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE)
5.5.1	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH

Collaborator No:

IDP KPA Ref No:

Meeting Date:

08 August 2018

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

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

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATIONS

- (a) that the portion of Portion 15 of Farm 292, measuring approximately 9080m², as indicated in Fig 3, be identified as land not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality, as required by regulation 20 (f) (i) of the Asset Transfer Regulations;
- (b) that the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid (historical cost) when the property was transferred to Stellenbosch Municipality by the Provincial Government (vesting transfer) and taking into account the community benefit (gain) should the property be developed as envisaged, as provided for in regulation 20 (f) (ii) of the Asset Transfer Regulation, subject to the following conditions:
 - i) that the property only be used for educational purposes;
 - ii) that the Provincial Government of the Western Cape be responsible for the closing of the public road and rezoning to educational purposes, and for the subdivision of the land at their cost;
 - iii) that the area as depicted on **APPENDIX E** as parking area, be developed as a public parking area;

- iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
 - v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.
- (c) that Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape be advertised for public comment/inputs;
 - (d) that, should any objections be received as a consequence of such notice, same be considered by Council before making a final decision; and
 - (e) that, should no objection be received as a consequence of the notice, the Municipal Manager be authorised to effect the transfer of the property into the name of the Provincial Government of the Western Cape.

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Creation of Portion 15 of Farm 292

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

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

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

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

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

6.2 Discussion

6.2.1 Location and context

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



Fig 1: Location and context



Fig 2: Portion 15 of Farm 292

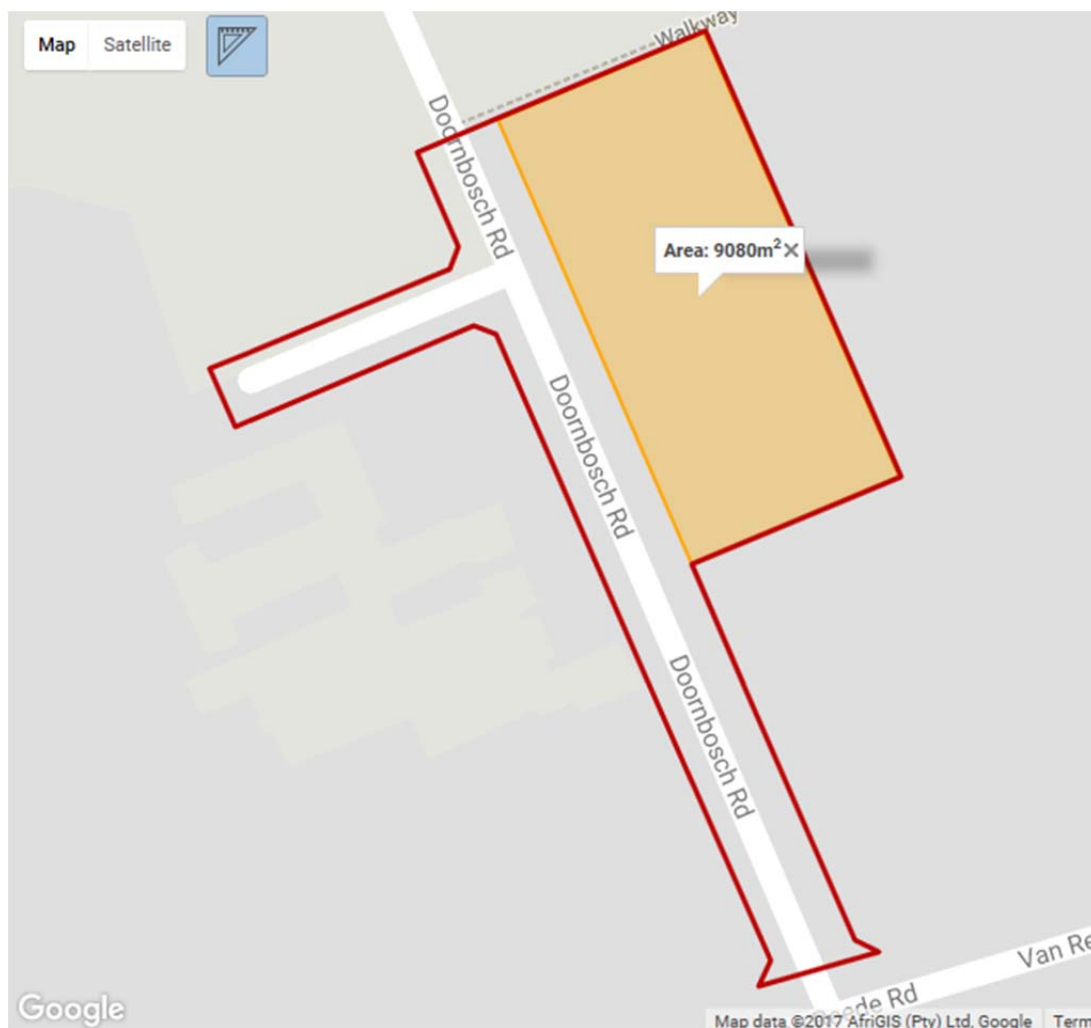


Fig 3: Size of property

6.2.2 Ownership

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

6.2.3 Zoning

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

6.2.4 Size of property

Although Portion 2 of Farm 292 is 1.7199ha in extent, the subject property (which is currently used as a hockey field) is approximately 9080m² in extent. See copy of diagram attached as **APPENDIX D**.

6.2.5 Proposed development

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

6.2.6 Legal requirements

6.2.6.1 MFMA

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

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

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

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

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

6.2.6.2 Asset Transfer Regulations

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

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

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

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

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

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

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

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

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

6.2.6.3 Property Management Policy

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

6.2.6.4 Closing of Public Street

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

6.3 Financial Implications

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

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:**6.8.1 Director: Infrastructure Services**

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

6.8.2 Director: Planning and Economic Development

No comments received

6.8.3 Director: Corporate Services (Legal Service)

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

ANNEXURES

Annexure A: Letter from Department of Public Works

Annexure B: Letter from Department of Transport and Public Works

Annexure C: Windeed printout

Annexure D: LG Diagram 132/79

Annexure E: Plan Lay-out

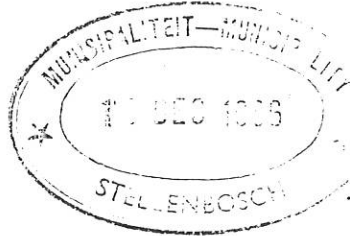
FOR FURTHER DETAILS CONTACT:

NAME	<i>Piet Smit</i>
POSITION	<i>Manager Property Management</i>
DIRECTORATE	<i>Human Settlement & Property Management</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	<i>Piet.Smit@ Stellenbosch.gov.za</i>
REPORT DATE	<i>2018-05-10</i>

ANNEXURE A



Die Stadsklerk
Posbus 17
STELLENBOSCH
7600



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

Meneer

12 DEC 1986

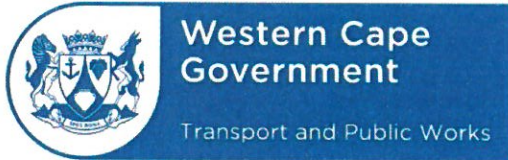
STELLENBOSCH: DOORNBOSCH KOMPLEKS: HOKKIEVELDE

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

Die uwe

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

ANNEXURE B



Reference Rhenish Girls High School

The Municipal Manager
Stellenbosch Municipality
17 Plain Street
STELLENBOSCH
7599

For Attention: Mr. Piet Smit

Dear Mr. Smith

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

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

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

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

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

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

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

Kind Regards

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

DIRECTOR: PROPERTY ACQUISITIONS

DATE: 1 August 2018

ANNEXURE C

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

DOORBOSCH, 292, 15 (CAPE TOWN)

GENERAL INFORMATION

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

**PROPERTY INFORMATION**

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

OWNER INFORMATION**Owner 1 of 1**

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

ENDORSEMENTS (1)

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

HISTORIC DOCUMENTS

No documents to display

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ANNEXURE D

	SYE METER	RIGTINGS- HOEKE	KOÖRDINATE		L.G. No.
			Y	X	
		Konstante	+ 10 000,00	+3750000,00	1 3 2 17 9
AB	75,02	247 13 10	A + 3 326,80	+ 7 377,48	Goedgekeur <i>[Signature]</i> Landmeter-generaal 6 -2- 1979
BC	7,01	201 14 20	B + 3 257,63	+ 7 348,43	
CD	29,50	156 15 20	C + 3 255,03	+ 7 341,91	
DE	90,40	247 13 10	D + 3 266,91	+ 7 314,91	
EF	140,00	336 12 30	E + 3 183,56	+ 7 279,91	
FG	65,52	67 13 10	F + 3 127,08	+ 7 408,01	
GH	118,12	336 15 20	G + 3 187,49	+ 7 433,38	
HJ	7,53	295 08 00	H + 3 139,92	+ 7 542,50	
JK	36,23	74 00 40	J + 3 133,10	+ 7 544,70	
KL	7,89	205 08 00	K + 3 167,93	+ 7 554,68	
LM	196,64	156 15 20	L + 3 164,58	+ 7 547,54	
MN	7,13	111 44 20	M + 3 243,76	+ 7 387,54	
NP	75,02	67 13 10	N + 3 250,38	+ 7 364,91	
PA	18,00	156 14 35	P + 3 319,55	+ 7 393,95	
		N33D	⊕ + 3 062,25	+ 6 966,49	
		N35A	⊕ + 2 836,04	+ 7 488,92	

Beskrywing van Bakens:

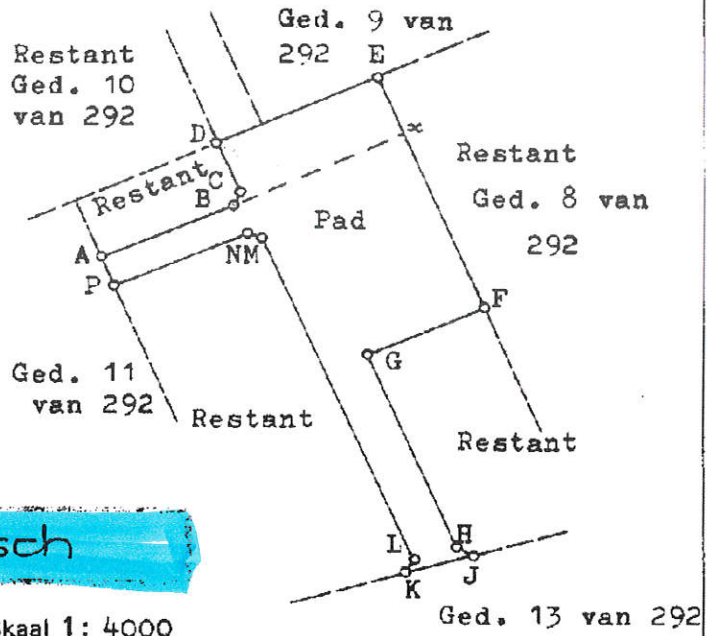
- A, B, C, F, G, H, J, K, L, M, N, P : 16mm ysterpen
- D : 16mm ysterpen in beton
- E : 100mm ysterpyp hoekpaal in beton

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

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

1879/1983

ERF 16489 Stellenbosch



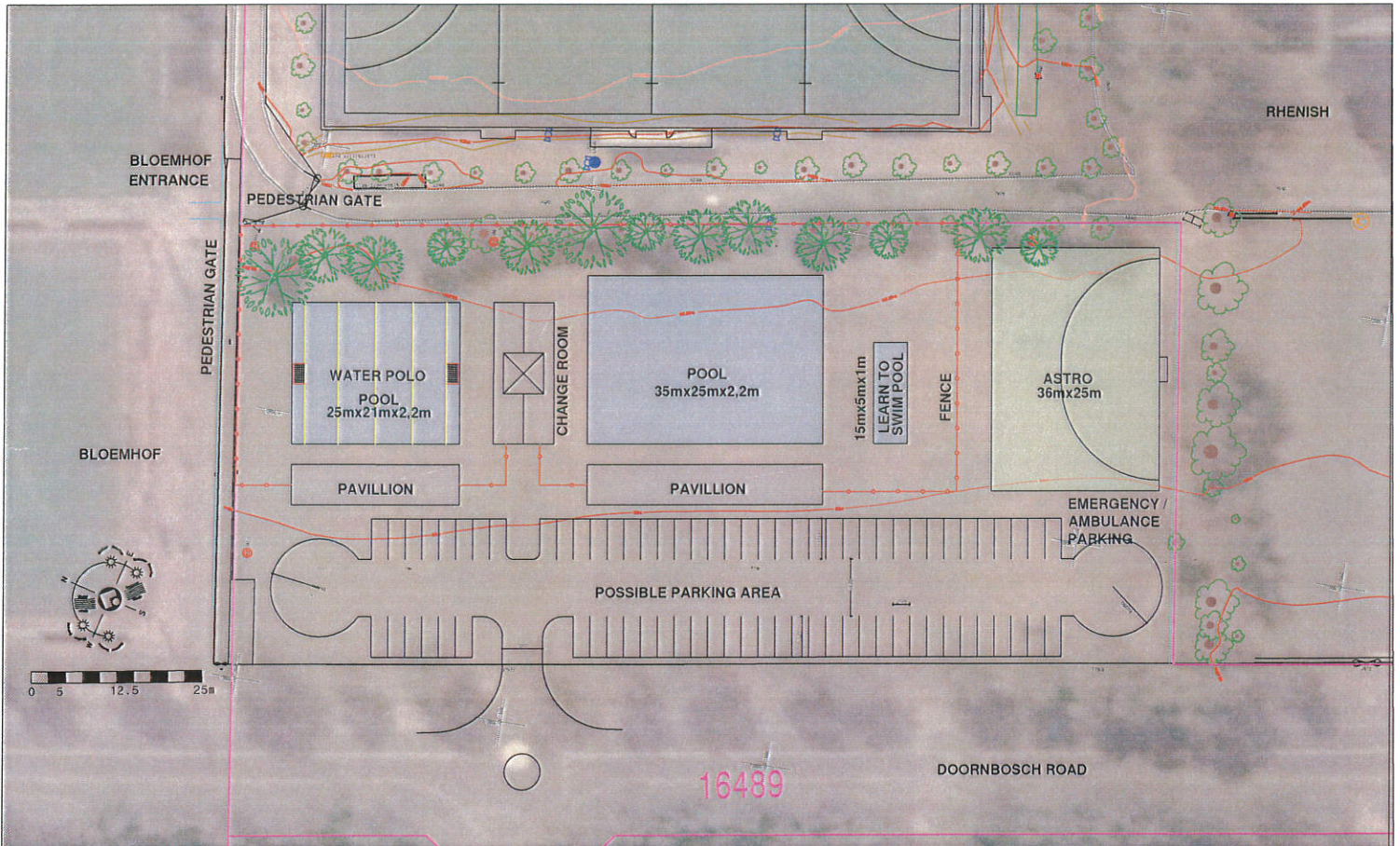
Skaal 1: 4000

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

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

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



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



5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
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NONE

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

NONE

5.8	PROTECTION SERVICES: (PC: CLLR Q SMIT)
-----	--

NONE

5.9	YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS))
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5.9.1	APPLICATION OF LOTTO FUNDING RECEIVED
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Collaborator No: 596157
IDP KPA Ref No:
Meeting Date: 08 August 2018

1. SUBJECT: APPLICATION OF LOTTO FUNDING RECEIVED

2. PURPOSE

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

3. DELEGATED AUTHORITY

FOR INFORMATION TO THE EXECUTIVE MAYOR AND COUNCIL

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATION

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

6. DISCUSSION / CONTENTS

6.1 Background

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

6.2 Discussion

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

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

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

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

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

6.3 Financial Implications

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

6.4 Legal Implications

Not applicable.

6.5 Staff Implications

Not applicable.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

Upgraded facilities can be vandalised.

Annexure A: Acknowledgement of Application for Funding

Annexure B: Grant Allocation

Annexure C: Approved Items

FOR FURTHER DETAILS CONTACT:

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

ANNEXURE A

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



a member of group

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

15 November 2012

Dear Sir/Madam

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

Application for Funding Number: 65097

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

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

Yours Faithfully,

Boitumelo Mafonjo
Prescreening Supervisor

NATIONAL LOTTERIES BOARD



**National Lottery
Distribution Trust
Fund**

CENTRAL APPLICATIONS OFFICE

Board Members:

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

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

ANNEXURE B



CENTRAL APPLICATIONS OFFICE

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

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

16 October 2013

Dear Mr G. Esau

Grant Allocation
Project number: 65097

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

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

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

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

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

Yours Faithfully,

Ms. Marjorie Letoaba
Programme Manager: Grant Funding

National Lotteries Board



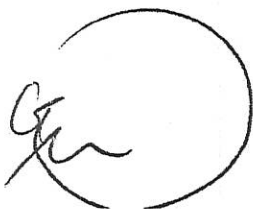
GAAL 422
65097
CORRESP.
TO BEN.



ANNEXURE C

APPROVED ITEMS

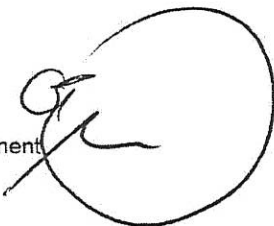
ITEM	AMOUNT	SPECIFIC RESTRICTIONS
10 SETS OF RUGBY GOAL POSTS - 15 MTRS HIGH GALVENISED STEEL	R155,000.00	
10 SETS OF SOCCER GOAL POST WITH NETS	R160,000.00	
10X LARGE RUGBY POST PROTECTORS	R44,000.00	
12 WATER BOTTLE CARRIERS WITH BOTTLES	R3,600.00	
14 600D BALL BAGS	R1,960.00	
200 PADDED JACKETS	R60,000.00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

ECL
NAN


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

TOTAL APPROVED BUDGET : R972,730.00

ELL
MMN

Grant Agreement 

6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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6.1	REVISED STRATEGIC RISK REGISTER 2018/19 FINANCIAL YEAR WITH RISK APPETITE
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Collaborator No: 600831
IDP KPA Ref No: All Strategic Objectives
Meeting Date: 08 August 2018

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

2. PURPOSE

To submit the draft Strategic Risk Register for the 2018/19 financial year for approval to establish the risk appetite for Stellenbosch Municipality.

3. DELEGATED AUTHORITY

For approval by Council.

4. EXECUTIVE SUMMARY

Corporate governance best practice, as well the Municipal Finance Management Act (MFMA), Act 56 of 2013, require municipalities to have an effective risk management mechanism to stay abreast of risks and risk appetite. Municipalities are furthermore required to formally assess risk annually. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. The risk assessment process is therefore a fundamental element of the risk management process.

The principal aims of the risk assessments process are to:

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

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

The risk appetite was calculated at 15, which is considered as moderate. A score of 8 to 15 is considered moderate. The risk appetite for Stellenbosch for 2018/19 is on the upper limit of moderate with the next level classified as high risk.

5. RECOMMENDATION

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

6. DISCUSSION / CONTENTS

6.1 Background

The following legislation is relevant to Enterprise Risk Management:

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

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

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

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

Section 165 states that:

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

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

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

(iv) risk and risk management;

Section 166 states that:

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

advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of the municipal entity, on matters relating to –

(ii) risk management.

Local Government: Municipal Systems Act, Act 32 of 2000

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

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

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

King IV – Supplement for Municipalities

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

6.2 Discussion

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

6.3 Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None.

6.8 Comments from Senior Management:**6.8.1 Director: Infrastructure Services**

Supported.

6.8.2 Director: Planning and Economic Development

Supported.

6.8.3 Director: Community and Protection Services:

Supported.

6.8.4 Director: Strategic and Corporate Services:

Supported.

6.8.5 Director Human Settlements and Property Management

Supported.

6.8.6 Chief Financial Officer:

Supported.

6.8.7 Municipal Manager:

Supported.

ANNEXURES**Annexure A:** Strategic Risk Register 2018/19 financial year.**FOR FURTHER DETAILS CONTACT:**

NAME	Helena Priem
POSITION	Acting Senior Governance Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 – 808 8157
E-MAIL ADDRESS	Helena.priem@ Stellenbosch.gov.za
REPORT DATE	10 July 2018

ANNEXURE A

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

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

4. EXECUTIVE SUMMARY

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

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

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

Section 28 specifies that:

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

Section 29(1) further requires that:

The process “must—

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

(2) A district municipality must-

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

(3) A local municipality must-

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

5. RECOMMENDATIONS

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

6. DISCUSSION / CONTENTS

6.1 Background

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

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

The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP and Budget.

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

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

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

6.2 Discussion

The IDP process follows the following major phases:

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

6.3 Financial Implications

The following financial implications must be noted:

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

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions:

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

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.2.1

RESOLVED (majority vote with abstentions)

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

(b) that any amendments to the Time Schedule (Process Plan) only be done by the Municipal Manager and Executive Mayor.

6.7 Risk Implications

None

6.8 Comments from the Municipal Manager of Stellenbosch Municipality:

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

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

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

ANNEXURE A

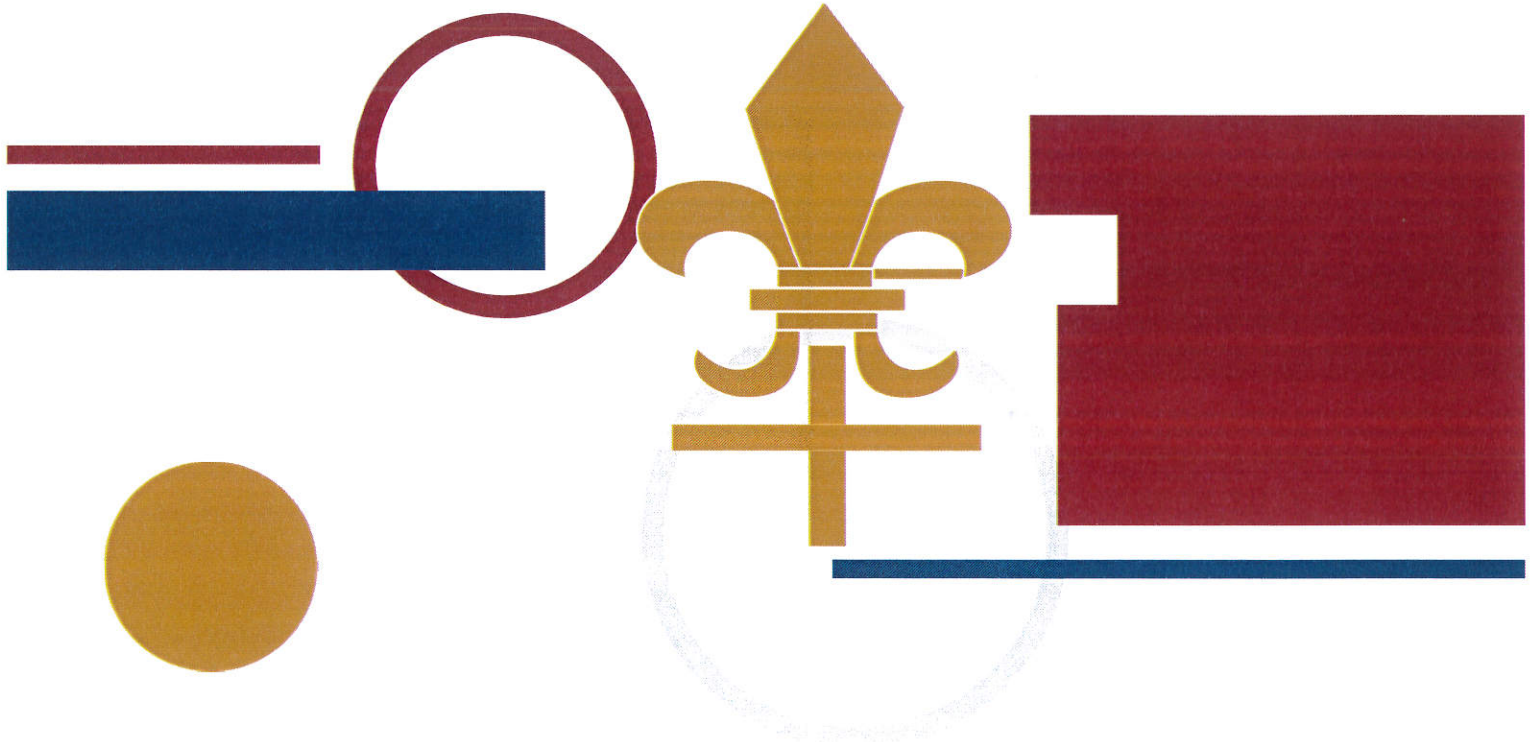


STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE)

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

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



LEGEND	
	Crucial
	IDP/PMS/Annual Report
	SDF Dates
	Budget (MTREF)
	District & Provincial

JULY

ACTIVITY	DATE	LEGAL
<p style="color: #c00000;">Time schedule key deadlines :</p> <ul style="list-style-type: none"> • Preparation and Compilation • Meeting with the District to ensure alignment • Submit to the Provincial Government and District Municipality 	Jul-Aug	<i>MFMA Section 21(1)(b)</i>
<p>SDF - Inception and Planning</p> <ul style="list-style-type: none"> • Memo to Council • Reasonable notice to Council • Notice of the proposal to amend the SDF must be published in in two of the official languages of the Province, most spoken in the area, in two newspapers circulating in the area. <p>The notices must indicate:</p> <p>a)The Municipal intention to compile or amend an SDF</p> <p>b)The process to be followed for the amendment of the SDF</p> <ul style="list-style-type: none"> • The Municipality must inform the Provincial Minister in writing of the intention to amend the SDF, indicate whether or not the ISC process will be undertaken and the process to be followed in the amendment • Register relevant stakeholders who may be invited to comment on the draft amendment of the SDF 	Jul-Oct	<p><i>LUPA-Section 11 (a) and (b) and Standard Draft By-Law, Chapter 2</i></p> <p><i>Refer to Procedures prescribed by Regulation 796 on amendment of SDF</i></p> <p style="text-align: right;"><i>Relevant Bylaw on SPLUMA Section 4(1) and (2)</i></p>

<ul style="list-style-type: none"> The Municipality must establish a project committee 		
Submit the SDBIP to National and Provincial Treasury (within 10 working days after the approval of the plan)	July	<i>Municipal Budget and Reporting Regulations (MBRR) 20(2)(b)</i>
Make public the projections, targets and indicators as set out in the SDBIP (within 10 working days after the approval of the SDBIP)	July	<i>MFMA Section 53(3)(a) and Regulation 19 of the MBRR</i>
Make public the performance agreements of Municipal Manager and senior managers (no later than 14 days after the approval of the SDBIP)	July	<i>MFMA Section 53(3)(b)</i>
AUGUST		
ACTIVITY	DATE	LEGAL
SDF-Status quo analysis (<i>Status Quo Report</i>)	Jul-Oct	<i>SPLUMA – Section 12(1): The national and provincial spheres of government and each municipality must prepare spatial development frameworks</i>
Time Schedule <ul style="list-style-type: none"> Tabled in MayCo Submit to Council (at least 10 months before the start of the budget year) Submit to the Provincial Government and District Municipality Advertise in the local newspapers 	8 Aug 22 Aug Aug Aug	<i>MFMA Section 21(1)(b)</i>
Top 100 Consumers Forum	17 Aug	<i>Electricity Regulations Act Section 6(2); National Water Act, Section 92; Municipal Systems Act, Section 16</i>
Submission of Un-audited Annual Performance Report to Provincial Government and Auditor-General	31 Aug	<i>MSA Section 126(1)(a)</i>
SEPTEMBER		
ACTIVITY	DATE	LEGAL
District IDP Manager's Forum	Sep	<i>Local Government Forum</i>
Provincial IDP Manager's Forum	6-7 Sep	<i>Provincial Government Forum</i>
Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	Sep	<i>MSA Section 56(2)</i>
Updating of Ward Plans and Ward Priorities	Sep	<i>MSA Section 29(1)(b)</i>

OCTOBER

ACTIVITY	DATE	LEGAL
Spatial concept and strategy (SDF Concept Report)	Sept-Oct	SPLUMA – Section 12(1)
Budget Steering Committee meeting	25 Oct	MFMA Section 71
Directorates complete template for 2018 - 2021 Capital and Operational Budget for Budget Prioritization	26 Oct	MSA Section 26(h)
Complete tariff setting exercise for 2018/19	26 Oct	MFMA Section 71
Review of budget related Policies & development of new Policies	26 Oct	Section 21(1)(a) MFMA Regulation 7(1) MBRR
PGWC SIME Engagement 1	Oct	Provincial Government Forum
SDF- Public Participation Process	Oct	SPLUMA – Section 20(3) MSA Regulation 796, Chapter 2, Section 3(4)(b) (the proposed amendment must be published for public comment for a period of at least 21 days in a manner which allows the public to make representations)

NOVEMBER

ACTIVITY	DATE	LEGAL
First Quarterly Performance Review – Informal Review of Directors	Oct-Nov	Regulation 805 MSA Section 57
First Quarterly Performance Review – Informal Review of Managers and Heads/staff reporting to Managers	Oct-Nov	MSA Section 38
IDP/BUDGET/SDF Public Engagements	Oct-Nov	MSA Section 29(1)(b)
Finalize all IDP inputs (Chapters) and distribute to all Departments for input and amendments	Oct-Dec	MSA Section 34
Sector Engagement(s)	Oct-Nov	MSA Section 29(1)(b)
Quarterly SDBIP <ul style="list-style-type: none"> • Tabled in MayCo • Tabled in Council 	14 Nov 28 Nov	MFMA Section 52D
Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	8-9 Nov	MSA Section 56(2)
Annual Performance Review – Formal review of Directors for 2017/18	Nov-Feb	Regulation 805 MSA Section 57
Budget Steering Committee meeting	29 Nov	MFMA Section 71

NOVEMBER

ACTIVITY	DATE	LEGAL
Compilation of Draft Operational and Capital Budget	Nov-Dec	<i>MFMA Section 21(1)(a)</i>
Draft SDF and Implementation Framework	Nov-Jan	<i>SPLUMA – Section 12(1)</i>

DECEMBER

ACTIVITY	DATE	LEGAL
Provincial IDP Manager's Forum	6-7 Dec	<i>Provincial Government Forum</i>
Compilation of Draft Tariff Listing	Nov-Dec	<i>MFMA Section 21</i>
Receive requests for Adjustment Budget	Dec	<i>Internal Process</i>
District IDP Manager's Forum	Dec	<i>Local Government Forum</i>
Preparation for Mid-year review and Performance Assessment	Dec-Jan	<i>MFMA Section 72</i>

JANUARY

ACTIVITY	DATE	LEGAL
SDF- Draft SDF Public Participation	Jan-Feb	<i>SPLUMA – Section 20(3) and MSA Regulation 796, Chapter 2, Section 3(4)(b)</i>
Mid-year Budget and Performance assessment signed by Mayor	25 Jan	<i>MFMA Section 72(1)</i> <i>MFMA Section 54(1)(f)</i> <i>MBRR Regulation 35(1)</i>
Annual Report: <ul style="list-style-type: none"> Submit to MayCo Submit to Council (within 7 months after the end of the financial year) 	Jan Jan	<i>MFMA Section 127(2)</i>
Updating and Compilation of IDP document and amendment of SDF	Jan-Mar	<i>MSA Section 34</i>
Adjustments Budget: <ul style="list-style-type: none"> Submit to Budget Steering Committee Submit to MayCo Submit to Council 	11 Jan	<i>MFMA Section 28(1) and MBRR Regulation 23(1)</i>
Advertise Adjustments Budget and Mid-year Section 72 assessment on municipal website	21 Jan	<i>MBRR Regulation 26(1)</i>

JANUARY

ACTIVITY	DATE	LEGAL
Annual Report: <ul style="list-style-type: none"> • Submit Annual Report to the Auditor- General, Provincial Treasury and provincial department responsible for local government • Make public and invite comments from the local community 	Jan	<i>MFMA Section 127(5)</i>
Finalisation of Capital and Operational Budget	Jan-Mar	MFMA Section 21
Finalisation of Tariff structure for 2018/19	Jan-Mar	MFMA Section 21
Finalisation of Budget Related Policies	Jan-Mar	MFMA Section 21
Finalisation of Council Resolution and all relevant prescribed annexures	Jan-Mar	MFMA Section 21

FEBRUARY

ACTIVITY	DATE	LEGAL
Submit the approved adjustments budget to Provincial Treasury and National Treasury	Feb	<i>MBRR Regulation 24(1)</i>
Budget Steering Committee meeting	7 Feb	MFMA Section 71
TIME Engagement with PGWC	Feb	<i>Provincial Government Forum</i>
District IDP Managers' Forum	Feb	<i>Local Government Forum</i>
2nd Quarterly Performance Review <ul style="list-style-type: none"> • Formal Review- Directors • Formal Review of Managers and Heads/staff reporting to Managers 	Jan-Feb Jan-Feb	MSA Section 41 (1)(e)(i)
Provincial IDP Manager's Forum	28 Feb-1 Mar	Provincial Engagement

MARCH

ACTIVITY	DATE	LEGAL
SDF Refinement The Municipal Council must consider all representations received in respect of the proposed SDF amendment.	Mar-May	SPLUMA Section 20(3)(c)
Table draft IDP and budget in	Mar	MSA Section 34 MFMA Section 16

MARCH

MARCH		
ACTIVITY	DATE	LEGAL
Council (at least 90 days before the start of the budget year) <ul style="list-style-type: none"> • Budget Steering Committee • Submit to MayCo • Submit to Council 		
Dry-runs with Ward Councillors and Senior Management in preparation of IDP/Budget/SDF feedback meetings	Mar-Apr	<i>MSA Section 34</i>

APRIL

APRIL		
ACTIVITY	DATE	LEGAL
Finalize Ward Plans	Apr	<i>MSA Section 34</i>
Quarterly review of SDBIP	Apr	<i>MFMA Circular 13 Section 40 MSA</i>
SDBIP quarterly report <ul style="list-style-type: none"> • Table in MayCo • Table in Council 	Apr	<i>MFMA Section 52D</i>
Closing Date for Comments on Draft IDP, Budget and SDF amendments - Input by Public	30 Apr	<i>MSA Section 34</i>
3rd Quarterly Performance Review <ul style="list-style-type: none"> • Informal Review of Managers and Heads/staff reporting to Managers • Informal Review of Directors • SDBIP Q3 report to WCPG 	Apr-May	<i>MSA Section 41</i> <i>MFMA Section 52D</i>
3rd Quarterly Performance Review -	Apr-May	<i>MFMA Section 52D</i>
Consultation and Refinement of IDP document and SDF amendments	Apr-May	<i>MSA Section 16(1)(a)(i)</i>
LGMTEC Engagements with PGWC	Apr-May	Provincial Government Engagement
Top 100 Consumers Forum	Apr	<i>Electricity Regulations Act Section 6(2); National Water Act, Section 92; Municipal Systems Act, Section 16</i>

MAY






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

JUNE

ACTIVITY	DATE	LEGAL
Provincial IDP Managers' Forum	8-7 June	<i>Provincial Government Forum</i>
Submit a copy of the IDP to the MEC for local government as well as Provincial Treasury (within 10 days of the adoption of the plan)	June	<i>MSA Section 32(1)(a)</i>
Submit approved budget to the Provincial Treasury and National Treasury (within 10 working days after approval of the budget)	June	<i>MFMA Section 24(3) and MBRR Regulation 20</i>
Give notice to the public of the adoption of the IDP (within 14 days of the adoption of the plan)	June	<i>MSA Section 25(4)(a) and MSA Section 21A(1)(a) and (c)</i>
Publicize a summary of the IDP (within 14 days of the adoption of the plan)	June	<i>MSA Section 25(4)(b)</i>
Make public the approved annual budget and supporting documentation (including tariffs) (within 10 working days after approval of the budget)	June	<i>MBRR Regulation 18</i>
Submit to the Executive Mayor the draft SDBIP and draft annual performance agreements for the next year (within 14 days after approval of the budget)	June	<i>MFMA Section 69(3)</i>
Place the performance agreements and all service delivery agreements on the website.	June	<i>MFMA Section 75(1) and MBRR Regulation 19</i>
Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved (within 28 municipality must take all	June	<i>MFMA Section 53(1)(c)(ii)</i>

JUNE

ACTIVITY	DATE	LEGAL
<i>days after approval of the budget)</i>		
Submit copies of the performance agreements to the MEC for local government.	June	<i>MFMA Section 53(3)(b)</i>

LEGEND	
	Crucial
	IDP/PMS/Annual Report
	SDF Dates
	Budget (MTREF)
	District & Provincial

7.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

8.	MOTIONS AND QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

9.	URGENT MATTERS
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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE