



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2018-11-07

MAYORAL COMMITTEE MEETING
FRIDAY, 2018-11-09 AT 10:00

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

COUNCILLORS P Crawley (Ms)
J De Villiers
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen
Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch on **Friday, 2018-11-09 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

A G E N D A
MAYORAL COMMITTEE MEETING
2018-11-09
TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	COMMUNICATION BY THE EXECUTIVE MAYOR	
3.	OFFICIAL NOTICES	
3.1	DISCLOSURE OF INTERESTS	
3.2	APPLICATIONS FOR LEAVE OF ABSENCE	
4.	CONFIRMATION OF MINUTES	
4.1	The minutes of the Mayoral Committee meeting: 2018-10-17, refers. FOR CONFIRMATION	
	Appendix 1 - Minutes of the Mayoral Committee meeting: 2018-10-17	4
5.	STATUTORY MATTERS	
	NONE	
6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS	
	NONE	41
7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]	
7.1	COMMUNITY AND PROTECTION SERVICES: (PC: CLLR J DE VILLIERS)	
7.1.1	REVIEW OF SAFETY AND SECURITY STRATEGY(Appendix 1)	41
7.1.2	STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY(Appendix 1)	51
7.1.3	REVIEW OF DISASTER MANAGEMENT PLAN (Appendix 1-5)	66
7.2	CORPORATE SERVICES: (PC: CLLR E GROENEWALD (MS))	
7.2.1	EXTENSION OF LEASE AGREEMENT: STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH (Appendix 1-4)	160
7.2.2	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH(Appendix 1-3)	188
7.2.3	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)(Appendix 1-4)	206
7.2.4	PROPOSED SERVICE DELIVERY IN JONKERSHOEK(Appendix 1-16)	242
7.2.5	PAYMENT OF TRANSPORT ALLOWANCE TO EMPLOYEES ON TASK LEVEL 15 AND HIGHER(Appendix 1)	414
7.2.6	NEW OVERTIME POLICY (Appendix 1)	422
7.2.7	NEW ACTING POLICY (Appendix 1)	430

7.2.8	REVISED FIREARM POLICY(Appendix 1)	437
7.2.9	PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND AY: WITH HELDERVALLEY FARMING ASSOCIATION(Appendix 1)	452

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))	
	NONE	462

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)	
7.4.1	PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT, DEPARTMENT OF HUMAN SETTLEMENTS(Appendix 1)	462

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)	
	NONE	473

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR XL MDEMKA (MS))	
	NONE	473

7.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC: CLLR E GROENEWALD (MS))	
	NONE	473

7.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)	
	NONE	473

7.9	YOUTH, SPORTS AND CULTURE: (PC : M PIETERSEN)	
	NONE	473

8.	REPORT/S SUBMITTED BY THE MUNICIPAL MANAGER	
8.1	ADOPTION OF THE REVISED RISK MANAGEMENT POLICY (Appendix 1)	474

9.	REPORT/S BY THE EXECUTIVE MAYOR	
	NONE	495

10.	NOTICES OF QUESTIONS AND MOTIONS RECEIVED BY THE MUNICIPAL MANAGER	
	NONE	495

11.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
		495

12.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	NONE	495

APPENDIX 1

Confirmation of Minutes: Mayoral Committee: 2018-10-17



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2018-10-17

MINUTES

MAYORAL COMMITTEE MEETING:

2018-10-17 AT 10:00

**MINUTES
MAYORAL COMMITTEE MEETING
2018-10-17
TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	COMMUNICATION BY THE EXECUTIVE MAYOR	
3.	OFFICIAL NOTICES	
3.1	DISCLOSURE OF INTERESTS	2
3.2	APPLICATIONS FOR LEAVE OF ABSENCE	2
4.	CONFIRMATION OF MINUTES	
4.1	The minutes of the Mayoral Committee meeting: 2018-09-12, refers. FOR CONFIRMATION	
	Appendix 1 - Minutes of the Mayoral Committee meeting: 2018-09-12	2
5.	STATUTORY MATTERS	
	NONE	
6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS	
	NONE	
7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]	
7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: [PC: CLLR AR FRAZENBURG]	
	NONE	
7.2	CORPORATE SERVICES: (PC: CLLR E GROENEWALD (MS))	
7.2.1	POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI, TO THE FRANSCHHOEK UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA), KAYAMANDI	3
7.2.2	PROPOSED DISPOSAL OF THREE CHURCH/CRECHE SITES IN MOOIWATER, FRANSCHHOEK	5
7.2.3	CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI	7
7.2.4	MILLSTREAM CORRIDOR: PROGRESS REPORT	9
7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))	
7.3.1	MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM	13

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)	
7.4.1	PROPOSED AMENDMENT TO APPROVED 2018/2019 INDIGENT POLICY	14
7.4.2	WRITE-OFF OF IRRECOVERABLE DEBTS – TENANTS OF COUNCIL-OWNED FLATS	15
7.4.3	WRITING OFF OF OUTSTANDING INDIGENT DEBT OLDER THAN 90 DAYS AND REGARDED AS IRRECOVERABLE	17
7.4.4	MFMA SECTION 52 REPORTING UP TO SEPTEMBER 2018	18
7.5	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)	
7.5.1	APPOINTMENT OF A PROJECT MANAGEMENT CONSULTANT FOR TOWNSHIP APPROVALS FOR THE KAYAMANDI TOWN CENTRE PROJECT	19
7.5.2	332 TEMPORARY HOUSING PROJECT: SCOPE CHANGE	21
7.5.3	AURECON ELECTRICAL CONSULTANT FOR 332 TEMPORARY HOUSING PROJECT: SCOPE	22
7.5.4	ACCREDITATION OF STELLENBOSCH MUNICIPALITY TO PERFORM HUMAN SETTLEMENT FUNCTION: LEVEL 1 AND LEVEL 2	23
7.6	INFRASTRUCTURE SERVICES: (PC: CLLR J DE VILLIERS)	
7.6.1	THE ESTABLISHMENT OF A STELLENBOSCH TAXI LIAISON COMMITTEE	28
7.6.2	POSTER BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE	29
7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)	
7.7.1	DRAFT PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN	31
7.8	PROTECTION SERVICES: (PC: CLLR Q SMIT)	
	NONE	33
7.9	YOUTH, SPORTS AND CULTURE: (PC: CLLR XL MDEMKA (MS))	
	NONE	33
8.	REPORT/S SUBMITTED BY THE EXECUTIVE MAYOR	
	NONE	33
9.	REPORT/S BY THE MUNICIPAL MANAGER	
	NONE	33
10.	NOTICES OF QUESTIONS AND MOTIONS RECEIVED BY THE MUNICIPAL MANAGER	
	NONE	33
11.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
		33
12.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	NONE	33

PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)
Deputy Executive Mayor, Cllr N Jindela

Ald: JP Serdyn (Ms)

Councillors: JN De Villiers
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
Q Smit

Also Present: Councillor PR Crawley (Ms)
Councillor WF Pietersen

Officials: Municipal Manager (G Mettler (Ms))
Chief Financial Officer (M Wüst)
Director: Community and Protection Services (G Esau)
Director: Planning and Economic Development (T Mfeya)
Director: Corporate Services (A de Beer (Ms))
Director: Infrastructure Services (D Louw)
Chief Audit Executive (F Hoosain)
Manager: New Housing (L van Stavel)
Manager: Communications (S Grobbelaar)
Manager: Secretariat/Committee Services (EJ Potts)
Senior Administration Officer (B Mgcushe (Ms))
Committee Clerk (N Mbali (Ms))
Interpreter (J Tyatyeka)

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

The Executive Mayor welcomed everyone present.

1.1	COMMUNICATION BY THE CHAIRPERSON
------------	---

The Executive Mayor made reference to the *public transport week* starting on 19 October 2018. Amongst others, a pilot project of a park-and-ride scheme will be launched in the CBD, and an exhibition and information session with all transport stakeholders will be hosted at the library on 19 October 2018.

1.2	DISCLOSURE OF INTERESTS
------------	--------------------------------

Councillor XL Mdemka disclosed an interest in Item 7.2.1, and she did not participate in the discussion on the item.

2.	APPLICATIONS FOR LEAVE OF ABSENCE
----	--

None

3.	CONFIRMATION OF PREVIOUS MINUTES
----	---

The minutes of the Mayoral Committee Meeting held on 2018-09-12 were **confirmed as correct.**

4.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
----	--

NONE

5.	STATUTORY MATTERS
----	--------------------------

NONE

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

NONE

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

7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
-----	---

NONE

7.2	CORPORATE SERVICES: (PC: CLLR E GROENEWALD (MS))
7.2.1	POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI, TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA), KAYAMANDI

Collaborator No: 608622
 IDP KPA Ref No: *Organisational Transformation*
 Meeting Date: 17 October 2018

1. SUBJECT: POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA), KAYAMANDI

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

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

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.2.1

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

FOR FURTHER DETAILS CONTACT:

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

7.2.2	PROPOSED DISPOSAL OF THREE CHURCH/CRECHE SITES IN MOOIWATER, FRANSCHHOEK
--------------	---

Collaborator No: 611585
 IDP KPA Ref No: *Organisational Transformation*
 Meeting Date: 17 October 2018

1. SUBJECT: PROPOSED DISPOSAL OF THREE CHURCH/CRECHE SITES IN MOOIWATER, FRANSCHHOEK

2. PURPOSE

To obtain a resolution on the way forward with the disposal of three properties in Mooiwater, Franschhoek.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Three properties zoned for institutional use (church/crèche sites) in Mooiwater, Franschhoek have been identified as being surplus to the municipality's own needs, i.e. the municipality does not require the properties to provide the minimum level of basic municipal services.

For this reason Council is requested to provide guidance on the manner Council would like to deal with the disposal of these properties.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.2.2

- (a) that erven 3192, 3019 and 3111 be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of;
- (b) that Council considers a public participation process for wards 1 and 2 to indicate what uses they would want on these properties before Council takes a decision on an in principle process to dispose of the properties;
- (c) that the Municipal Manager be authorised to follow a public participation process by requesting the residents of wards 1 and 2 to provide inputs on the type of uses they would want the properties to be used for;
- (d) that the public participation process be advertised in a local newspaper and communicated by the ward Councillors, and that it run for a period of 21 days from date of advertising; and
- (e) that the item be re-submitted to Council after the public participation process.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Annalene De Beer
<i>POSITION</i>	<i>Director</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT NUMBERS</i>	021-8088189
<i>E-MAIL ADDRESS</i>	annalene.debeer@ Stellenbosch.gov.za
<i>REPORT DATE</i>	2018-08-21

7.2.3	CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI
--------------	---

Collaborator No: 611785
 BUDGET KPA Ref No: Institutional Transformation
 Meeting Date: 17 October 2018

1. SUBJECT: CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI

2. PURPOSE

To obtain Council's approval for the condonation of the qualifying criteria advertised in relation to a number of undeveloped erven in Kayamandi (category D).

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Upon a motion by Cllr Jindela, all undeveloped erven in Kayamandi were identified.

Following a public participation process where beneficiaries could submit inputs on the identified erven, a report was tabled to Council on 2016-05-25, recommending that a number of plots be put out on tender, subject to qualifying criteria (category D).

Following a public tender process, recommendations were made to the BAC. When considering the matter, the BAC decided not to award any tender in the middle of 2017, as the criteria in the Tender Document was not in line with the qualifying criteria approved by Council.

Council must decide to either condone the qualifying criteria or amend the council resolution dated 25 May 2016. If not, the tender will have to be cancelled and re-advertised.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.2.3

- (a) that Council resolves not to condone the criteria set out in the tender documentation published on 12 November 2016; and
- (b) that Council resolves that the following criteria be used in the new tender process, i.e.
- i) Must be a resident of Kayamandi for a minimum period of ten (10) years;
 - ii) If younger than 40 years (at date of closing tender), then the beneficiary must be married or have a legal dependent staying with him/her;
 - iii) May not have received any form of financial assistance/subsidy from the State in obtaining a house/serviced site previously;
 - iv) May not currently own any other fixed asset;
 - v) Must be a South African citizen;
 - vi) Must be a first time home owner; and
 - vii) that a pre-emptive clause be inserted in the title deed of the property that the property be developed within 2 years and not be sold within 5 years of registration.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	PIET SMIT
<i>POSITION</i>	<i>MANAGER: PROPERTY MANAGEMENT</i>
<i>DIRECTORATE</i>	<i>HUMAN SETTLEMENTS & PROPERTY MANAGEMENT</i>
<i>CONTACT NUMBERS</i>	<i>021-8088750</i>
<i>E-MAIL ADDRESS</i>	<i>Piet.smit@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>2018-10-10</i>

7.2.4	MILLSTREAM CORRIDOR: PROGRESS REPORT
-------	---

Collaborator No:

BUDGET KPA Ref No:

Meeting Date:

Constitutional transformation

17 October 2018

1. SUBJECT: MILLSTREAM CORRIDOR: PROGRESS REPORT

2. PURPOSE

To provide Council with a progress report, following the Council resolution of 28 March 2018.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The old millstream that was initially used inter alia to turn the old mill was declared a National Monument as per Government Gazette 16075 on 18 November. The area covered by the proclamation includes an area of one (1) meter on both sides of the stream. Over the past 30 years, property owners situated next to the stream have put up boundary structures/fences that enclosed the millstream. Council resolved on 28 March 2018 as follows:

- (a) that Stellenbosch Municipality commences with a public participation process, requesting the public to give their input on the future use of Erf 1771, in particular what the public would like to see with regard to the use thereof;
- (b) that the Municipality obtains a legal opinion on its rights and obligations in terms of Erf 1771, if and when it is deemed necessary; and
- (c) that the Municipal Manager be authorised to submit a plan on the best public use and aesthetics, and if necessary, to appoint a specialist(s) to assist in this regard.

A notice was published in a local newspaper, soliciting inputs from the public and affected parties. A number of comments/ inputs were received. A summary of the inputs plus the inputs is attached as **APPENDIX 1**. A legal opinion was obtained from an Attorney: Piet September in 2017, attached hereto as **APPENDIX 2**. It was decided that it is not necessary to get further legal advice at this stage. The Senior Manager Community Services has been consulted and has indicated that the plans are to integrate the area along the stream into a bigger plan for a nature area linking the old mill to the hangbrug along lovers' lane.

Plans are to keep the upgrade of the area very natural and that plans will be prepared in this regard including lighting to enhance security. After studying the inputs from the community obtained through the media and a site inspection by the Municipal Manager accompanied by the Director: Corporate Services, Senior Manager: Community Services and the Manager: Properties and Maintenance the following recommendations are made:

5. RECOMMENDATIONS

- (a) that Council notes the legal opinion and comments received;
- (b) that owners be given notice that any and all agreements that may exist with them in writing, or allowances made over the years, in regard to use of land across the Millstream, is cancelled/revoked;
- (c) that the owners be informed to demolish all structures/boundary fences not allowing public access to the Millstream and move any and all boundary fencing to their own erf boundaries within a period of 3 months of receipt of the notice; and
- (d) that the Senior Manager: Community Services clears the area and prepares the plans for the upgrade of the area.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality is the owner of Erf 1771, which include the historic Millstream, which was (in part) declared as a National Monument.

Over the past 30 plus years all the adjacent landowners (with or without permission) have started to encroach onto erf 1771 and has erected boundary walls on Council-owned land effectively making the millstream part of their private gardens. Some of these residents have formalised these encroachments by way of encroachment agreements. Our records show that the owners of erven 1727 and 7355 concluded such agreements and were renewed every 5 years. There are, however, no records showing agreements in relation to erven 1699, 1698; 1726 and 1629.

Following various complaints by surrounding land owners and interested parties, notices were served on those land owners who have encroached onto Council owned land, to remove such encroachments. This was followed up with further notices in 2016, but to date no such encroaching structured were removed.

On 28 March 2018 the Municipal Council considered a report entitled "*Qua Vadis Millstream Corridor*", where various options on a way forward were considered.

Having considered the report, Council decided as follows:

“RESOLVED (majority vote)

- (a) *that Stellenbosch Municipality commences with a public participation process, requesting the public to give their input on the future use of Erf 1771, in particular what the public would like to see with regard to the use thereof;*
- (b) *that the Municipality obtains a legal opinion on its rights and obligations in terms of Erf 1771, if and when it is deemed necessary; and*
- (c) *that the Municipal Manager be authorised to submit a plan on the best public use and aesthetics, and if necessary, to appoint a specialist(s) to assist in this regard’.*

A notice calling for public inputs was published in the Eikestad News during May 2018, calling on interested and effected parties to submit comment/input, a copy of which is attached as **APPENDIX 1**. Approximately 15 submissions were received. A summary of the submissions are attached as Appendix 1. The submissions themselves are also attached.

6.2 Appointment specialist(s) to advise Council

A legal opinion from an Attorney: Piet September in 2017, is attached hereto as **APPENDIX 2**. It was decided that it is not necessary to get further legal advice at this stage. The Senior Manager Community Services has been consulted and has indicated that the plans are to integrate the area along the stream into a bigger plan for a nature area linking the old mill to the hangbrug along lovers' lane. Plans are to keep the upgrade of the area very natural and that plans will be prepared in this regard including lighting to enhance security.

6.3 Legal Implications:

Municipal Ordinance, No 20/1974

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take such steps as may, in the opinion of the Council, be necessary to remove or regularize such encroachment.

Further, in terms of sub-section (2) , a Council may, subject to compliance with section 137, reduce the extent of a public place or public street encroached upon by the extent of the encroachment or by such greater extent as may be desirable.

The issuing of a permit under sub-regulation 2 will be deemed to be a regularisation of the encroachment referred to in such a permit.

Section 137 deals with the process/procedures that need to be followed before closure of a public place or a portion thereof. A Council which desires to act in such a way must:-

- a) advertise its intention so to do;
- b) serve copies of such advertisement on the owners of property abutting such land; and
- c) if any objections are lodged, consider same before making a final decision.

In terms of sub-section (4), unless otherwise determined by Council, the ownership of such land being closed as a Public Open Space, continue to vest with the Municipality.

Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal `property, the following needs to be taken into account, inter alia:-

- a) Whether the capital asset may be required for the municipality's own use during the period for which the right is to be granted;
- b) The extent to which any compensation to be received for the right, together with the estimated value of improvements or enhancements to the asset, will result in a significant financial benefit to the municipality;
- c) The (possible) risks and rewards associated with the use in relation to the municipality's interests;
- d) Any comments received from the local community, and
- e) Compliance with the legislative regime applicable to the proposed granting of the right.

6.4 Financial Implications

The financial implications for clearing up and updating the area must still be determined after plans have been drawn up and finalised. Should legal action flow from the decision the cost thereof must be determined at that stage.

6.5 Staff Implications

No additional staff implications.

6.6 Risk Implications

There may be legal challenges from adjacent owners.

6.7 Previous Council Resolutions

Item 8.4.3 dated 28 March 2018

Item 21.1 dated 24 January 2018

Item 8.2.1 dated 22 August 2018

6.8 Comments from Senior Management

Due to the time constraints the report was not re-circulated for management input.

ANNEXURES:**APPENDIX 1: SUMMARY OF COMMENTS AND COMMENTS RECEIVED****APPENDIX 2: LEGAL OPINION: Mr PIET SEPTEMBER****RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.2.4**

- (a) that Council notes the legal opinion and comments received;
- (b) that owners be given notice that any and all agreements that may exist with them in writing, or allowances made over the years, in regard to use of land across the Millstream, is cancelled/revoked;
- (c) that the owners be informed to demolish all structures/boundary fences not allowing public access to the Millstream and move any and all boundary fencing to their own erf boundaries within a period of 3 months of receipt of the notice; and
- (d) that the Senior Manager: Community Services clears the area and prepares the plans for the upgrade of the area.

FOR FURTHER DETAILS CONTACT:

NAME	ANNALENE DE BEER
POSITION	DIRECTOR: CORPORATE SERVICES
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-808 8018
E-MAIL ADDRESS	Annalene.deBeer@STELLENBOSCH.GOV.ZA
REPORT DATE	16 OCTOBER 2018

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
-----	--

7.3.1	MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM
-------	--

Collaborator No: 611762
 BUDGET KPA Ref No: D647
 Meeting Date: 17 October 2018

1. SUBJECT: MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM

2. PURPOSE

For Council to approve that the administration embarks on a process of updating data on the old Housing Waiting List and import all updated information into the Municipal Housing Demand Database.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

The Municipal Council approves the updating of the old Housing Waiting and its migration into a Municipal Housing Demand Database.

4. EXECUTIVE SUMMARY

The Municipality's Housing Waiting List goes as far back as 1987. With the 1995 amalgamation of the areas and towns that today comprise the Stellenbosch Municipality's area of jurisdiction (WC024), the various waiting lists were fused into one. It is critical that the waiting list is updated and that all the updated information is migrated into the Municipal Housing Demand Database in order to maintain accurate and proper information on the applicants going forward.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.3.1

- (a) that Council approves that the administration embarks on a process of updating data on the old Housing Waiting List;
- (b) that all updated information be imported into the Municipal Housing Demand Database; and
- (c) that, when the above process has been concluded, the Municipal Housing Demand Database becomes the only reference point and source of information in determining the municipality's housing backlog and the profile of applicants.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director: Planning and Economic Development</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021 808 8491/3
E-MAIL ADDRESS	<i>Tabiso.Mfeya@stellenbosch.gov.za</i>
REPORT DATE	3 October 2018

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
-----	--

7.4.1	PROPOSED AMENDMENT TO APPROVED 2018/2019 INDIGENT POLICY
-------	---

Collaborator No:	611272
BUDGET KPA Ref No:	Good Governance and Compliance
Meeting Date:	17 October 2018

1. SUBJECT: PROPOSED AMENDMENT TO APPROVED 2018/2019 INDIGENT POLICY

2. PURPOSE

To request Council to approve amending the Indigent Policy by removing Section 2 (e).

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

The 2018/19 Indigent Policy for the first time contained a clause determining that residents living in a dwelling valued at more than R1million will not qualify for indigent relief.

Despite being indigent, several residents narrowly miss qualifying for the indigent relief due to the valuation of their homes being slightly more than R1million.

The impact on the municipality's budget is minimal while the indigent relief goes a long way in providing these residents with dignified living.

Amending the Policy by removing the Section 2(e) will eliminate the situation at very little cost to the Municipality. There is no reason for waiting till the 2019/2020 budget before amending the Policy. Amending it as soon as possible will provide much needed relief to indigent households.

MAYORAL COMMITTEE: 2018-10-17: ITEM 7.4.1

RESOLVED

that this item be referred back for refinement.

7.4.2	WRITE-OFF OF IRRECOVERABLE DEBTS – TENANTS OF COUNCIL-OWNED FLATS
--------------	--

Collaborator No: 611269
 BUDGET KPA Ref No:
 Meeting Date: 17 October 2018

1. SUBJECT: WRITE-OFF OF IRRECOVERABLE DEBTS – TENANTS OF COUNCIL-OWNED FLATS

2. PURPOSE

To request Council to write off irrecoverable debts of residents living in certain Council-owned flats.

3. DELEGATED AUTHORITY

Council to approve in terms of the approved Irrecoverable Debts Policy.

4. EXECUTIVE SUMMARY

The Council-owned flats in Kloof, Lang, Monteray, Monte Christo, Melody and Mount View Streets have now been fitted with individual Water Management Devices for measuring individual water consumption. (204 Dwelling Units).

Residents will now start receiving municipal accounts based on their own individual, actual water consumption and no longer based on an average figure based on the previous year's combined consumption of the entire building.

Although it was the only method to use at the time, the calculation of the municipal services component was unfair to those residents who consumed less water than the average that was used to bill them. This can now be corrected and Council is requested to write off the debt of these residents that arose largely due to the methodology followed by the Municipality in providing accounts for municipal services to indigent residents of these blocks of flats.

Approval for the write-off of R3 027 863.37 as irrecoverable is being requested. **ANNEXURE 1** provides detail in this regard.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.4.2

- (a) that Council takes note that Water Management Devices have now been installed in the Council-owned flats of Kloof, Lang, Monteray, Monte Christo, Melody and Mount View Streets;
- (b) that Council approves that with effect of 1 October 2018, the standard municipal services component be removed from the accounts of the relevant residents as their accounts will now be based on actual consumption;
- (c) that Council approves that the accounts of tenants listed in **ANNEXURE 1**, be written off as irrecoverable at the amounts reflected as being outstanding in the Financial System of the Municipality on the day of actual write-off; and
- (d) that the amounts written off be recovered from the Provision for Bad Debts.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	<i>A Treurnich</i>
<i>POSITION</i>	<i>Manager: Treasury</i>
<i>DIRECTORATE</i>	<i>Finance</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8016</i>
<i>E-MAIL ADDRESS</i>	<i>Andre.treurnich@stellenbosch.org.za</i>
<i>REPORT DATE</i>	<i>10 October 2018</i>

7.4.3	WRITING OFF OF OUTSTANDING INDIGENT DEBT OLDER THAN 90 DAYS AND REGARDED AS IRRECOVERABLE
--------------	--

Collaborator No: 611268
 BUDGET KPA Ref No:
 Meeting Date: 17 October 2018

1. SUBJECT: WRITING OFF OF OUTSTANDING INDIGENT DEBT OLDER THAN 90 DAYS AND REGARDED AS IRRECOVERABLE

2. PURPOSE

To obtain Council approval to write off an amount of approximately R14.5 million with regards to irrecoverable amounts owed by indigent consumers.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

An amount of R14 470 447.10 is currently reflected in the Books of the Municipality as being outstanding for longer than ninety days and overdue by registered indigent consumers. **ANNEXURE 1** provides the relevant detail.

All credit control and debt collection measures have been undertaken, short of foreclosing on moveable or immovable assets and selling such assets at sales in execution. Any further debt collection efforts will be costly and counter-productive and the amounts are considered to be irrecoverable.

Council is therefore requested to approve that the outstanding amount alluded to above is written off as bad debt and recovered from the Provision for Bad Debts.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.4.3

- (a) that Council takes cognisance that outstanding debt of ninety days or more with regard to indigent consumers currently amounts to R14 470 447.10 as listed in **ANNEXURE 1**;
- (b) that Council approves that the indigent accounts listed in **ANNEXURE 1** be written off as irrecoverable at the amounts reflected as being outstanding for ninety days or more in the Financial System of the Municipality on the day of actual write-off; and
- (c) that the amounts written off be recovered from the Provision for Bad Debts.

FOR FURTHER DETAILS CONTACT:

NAME	<i>A Treurnich</i>
POSITION	<i>Manager: Treasury Office</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8016</i>
E-MAIL ADDRESS	<i>Andre.treurnich@stellenbosch.gov.za</i>
REPORT DATE	<i>2 October 2018</i>

7.4.4	MFMA SECTION 52 REPORTING UP TO SEPTEMBER 2018
--------------	---

Collaborator No: 611694
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 17 October 2018

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO SEPTEMBER 2018

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and Service Delivery Budget Implementation Plan by the Municipality for quarter 1 of the 2018/19 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

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

“The mayor of a municipality—

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

4. EXECUTIVE SUMMARY

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

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

This report provides the overall performance of the Municipality for the period 1 July 2018 to 30 September 2018.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.4.4

that Council notes the Section 52 Report (including quarterly performance report) – First Quarter.

FOR FURTHER DETAILS CONTACT:

NAME	Marius Wust
POSITION	Director Financial Services
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 – 807 8528
E-MAIL ADDRESS	Marius.wust@ Stellenbosch.gov.za
REPORT DATE	10 October 2018

7.5	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
7.5.1	APPOINTMENT OF A PROJECT MANAGEMENT CONSULTANT FOR TOWNSHIP APPROVALS FOR THE KAYAMANDI TOWN CENTRE PROJECT

Collaborator No: 612115
IDP KPA Ref No:
Meeting Date: 17 October 2018

1. SUBJECT: APPOINTMENT OF A PROJECT MANAGEMENT CONSULTANT FOR TOWNSHIP APPROVALS FOR THE KAYAMANDI TOWN CENTRE PROJECT

2. PURPOSE

To obtain the necessary authorization for the intended amendment of a contract concluded with Jubelie Project.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As part of the planning for the Northern Extension, Jubelie Projects was instructed to do a feasibility study of Kayamandi with emphasis Zone O and the Town Centre. They were duly appointed, subsequent to the initial investigation to formally undertake a feasibility study for the Town Centre, Zone O and to use any information on Kayamandi (including Enkanini) in order to provide a holistic development picture of Kayamandi. The latter resulted in a framework for possible future development opportunities in Kayamandi and environs.

It is therefore not practical or cost effective for Stellenbosch Municipality to appoint new service providers for what is merely a continuation of a second phase of their first appointment which related into the Zone O and the Town Centre of Kayamandi.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.5.1

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the change of scope for Zone O and the Town Centre;
- (b) that Jubelie Project be appointed for the planning and implementation phases for the Kayamandi Town Centre project and Zone O project, and that their scope of work for both projects includes:
 - Detailed Town Planning;
 - Preparation and submission of engineering drawings for approval;
 - Tendering process; and
 - Project and contract management;
- (c) that Council gives reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i);
- (d) that the local community be invited to submit representatives to the Municipality in terms of section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the contract or agreement after above is finalized in terms of the applicable Act/Regulation.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Tabiso Mfeya
<i>POSITION</i>	<i>Director</i>
<i>DIRECTORATE</i>	<i>Planning & Economic Development</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8491</i>
<i>E-MAIL ADDRESS</i>	<i>tabiso.mfeya@ Stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>12 October 2018</i>

7.5.2	332 TEMPORARY HOUSING PROJECT: SCOPE CHANGE
--------------	--

Collaborator No: 612119
 IDP KPA Ref No:
 Meeting Date: 17 October 2018

1. SUBJECT: 332 TEMPORARY HOUSING PROJECT: SCOPE CHANGE

2. PURPOSE

To obtain the necessary authorization for the intended amendment of a contract concluded with Re A Letamisa Projects.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 22 May 2018, the entire site which was earmarked to build temporary units in Kayamandi was destroyed by certain community members. This resulted in additional cost and specification changes that exceed the allowed 20% in term of Circular number 62/2012 (National Treasury) as mentioned in paragraph 6.4.3.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.5.2

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the change of scope/specification of the TRA;
- (b) that the tender amount (B/SM 09/18) be increased from R17 995 476 to R23 479 817.84;
- (c) that Council gives reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i);
- (d) that the local community be invited to submit representatives to the Municipality in terms of section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the contract or agreement after (d) above is finalized in terms of the applicable Act/Regulation

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@ Stellenbosch.gov.za
REPORT DATE	12 October 2018

7.5.3	AURECON ELECTRICAL CONSULTANT FOR 332 TEMPORARY HOUSING PROJECT: CHANGE OF SCOPE
--------------	---

Collaborator No: 612120
 IDP KPA Ref No:
 Meeting Date: 17 October 2018

1. SUBJECT: AURECON ELECTRICAL CONSULTANT FOR 332 TEMPORARY HOUSING PROJECT: CHANGE OF SCOPE

2. PURPOSE

To obtain the necessary authorization for the intended amendment of a contract concluded with Aurecon.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 22 May 2018, the entire site which was earmarked to build temporary units in Kayamandi was destroyed by certain community members. This resulted in additional cost and specification changes that exceed the allowed 20% in term of Circular number 62/2012 (National Treasury) as mentioned in paragraph 6.4.3.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.5.3

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the change of scope/specification of Aurecon;
- (b) that the tender amount (B/SM 28/16) be increased from R789 753.50 to R1 254 420.22;
- (c) that Council gives reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i);
- (d) that the local community be invited to submit representatives to the Municipality in terms of section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the contract or agreement after (d) above is finalized in terms of the applicable Act/Regulation.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director</i>
DIRECTORATE	<i>Planning & Economic Development</i>
CONTACT NUMBERS	<i>021 808 8491</i>
E-MAIL ADDRESS	<i>tabiso.mfeya@ Stellenbosch.gov.za</i>
REPORT DATE	<i>12 October 2018</i>

7.5.4	ACCREDITATION OF STELLENBOSCH MUNICIPALITY TO PERFORM HUMAN SETTLEMENT FUNCTION: LEVEL 1 AND LEVEL 2
--------------	---

Collaborator No: 612640

IDP KPA Ref No:

Meeting Date: 17 October 2018

1. SUBJECT: ACCREDITATION OF STELLENBOSCH MUNICIPALITY TO PERFORM HUMAN SETTLEMENT FUNCTION: LEVEL 1 AND LEVEL 2

2. PURPOSE

To inform Council on the accreditation process of the human settlements function by the municipality and to request that a decision be taken on the matter.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Schedule 4, Part A of the Constitution, housing is a functional area of concurrent national and provincial legislative competence. However the Housing Act provides for “accreditation” as a capacitation mechanism to allow for the progressive administration of national housing programmes by municipalities on behalf of provinces.

In 2012 the MINMEC adopted the Accreditation and Assignment Framework for Municipalities to Administer National Housing Programmes.

At various SALGA engagements municipalities indicated their interest in becoming accredited. As means to share knowledge and capacitate the municipalities towards becoming accredited and eventually assigned, SALGA convened a workshop to unpack the accreditation and the assignment processes from application requirements to implementation responsibilities.

The workshop was held on 17 April 2018 at Malmesbury. In attendance were officials and councilors from the City of Cape Town, Saldanha Bay, Theewaterskloof, Hessequa, Drakenstein, Cederberg, George, Witzenberg, Stellenbosch, Swartland, Kannaland, Prince Albert, Cape Agulhas, Beaufort West, Eden, West Coast, Breede Valley, Langeberg, Bergrivier, Knysna and Matzikama Municipalities. The provincial and national Departments of Human Settlements were also present.

5. RECOMMENDATIONS

- (a) that report be approved;
- (b) that the Municipality performs an internal Pre-Assessment to identify areas for development;
- (c) that the Municipality submits a letter of intent to the Provincial Department of Human Settlements; and
- (d) that the Municipality proceeds with the process to be accredited on Level One and Level Two of the Accreditation and Assignment process.

6. DISCUSSION / CONTENTS

6.1 Background

In terms of Schedule 4, Part A of the Constitution, housing is a functional area of concurrent national and provincial legislative competence. However, the Housing Act provides for “accreditation” as a capacitation mechanism to allow for the progressive administration of national housing programmes by municipalities on behalf of provinces. In 2012 the MINMEC adopted the Accreditation and Assignment Framework for Municipalities to Administer National Housing Programmes.

At various SALGA engagements, municipalities indicated their interest in becoming accredited, a workshop was convened and a follow communication was sent to municipalities dated 12 July 2018 on the matter (see **ANNEXURE 1**).

6.2 Discussion

The accreditation of a municipality involves the delegation and subsequently, assignment of certain clearly defined functions in respect of the administration of National Housing Programmes, leading to eventual assignment of all the functions by formal proclamation of assignment by the Premier in the Government Gazette. Accreditation involves the delegated authority to exercise functions relating to the administration of National Housing Programmes at the municipal sphere. This will enable municipalities to plan the implementation of the range of their developmental functions on a coordinated basis. In order for accreditation to be effected, municipalities must have the capacity required to take on the ensuing functions.

6.2.1 Three levels of accreditation

The fact that all municipalities do not operate with uniform capacity, necessitated the creation of three levels of accreditation.

The three levels are:

- a) **Level One:** Beneficiary management, subsidy budget planning and allocation, and priority programme management and administration (delegated functions from Provincial Government to municipality);
- b) **Level Two:** Full programme management and administration of all housing instruments/programmes (in addition to Level One) (delegated functions from Provincial Government to municipality); and
- c) **Level Three: Assignment** Financial administration (in addition to Level Two) (All functions – Levels one, two and three are assigned).

Municipalities will thus, depending on their capacity, determine to which level they become accredited and the pace at which they access accreditation for such levels. Accreditation levels are both functionally and programmatically defined. In Levels One and Two, functions are initially delegated to the municipality. In Level Three, all functions can be assigned to the municipality, based on capacity created for Level Three and their track record in respect of delegated Level One and Two functions. Progressive levels require a higher degree of capacity, which the municipality must demonstrate to the satisfaction of an external auditor.

The processes require coordination across all spheres of government, especially between the municipalities and their respective Provincial Human Settlements Departments. Political commitment is critical to the accreditation application

process. The Provincial Department identifies municipalities that should be considered for accreditation; however municipalities are also able to approach the Department to apply. Municipalities may simultaneously apply for Level 1 and Level 2 if they feel they are already performing Level 2 functions and a council resolution must be attached to support the application.

It should be noted that the accreditation framework is based on the following principles (amongst other principles):

1. Logical application of roles and functional delegation and assignments:

- The motivating basis for accreditation is that it has potential to make delivery more efficient and effective.
- As a result of a concentration of funding at the local level, municipalities will be better equipped to make productive decisions on the developmental progress in their areas of jurisdiction.

2. Funding follows function

The Housing department in the municipality does not have the required capacity to address and execute all the functions but the funding will have to follow the functions once accredited.

3. Efficiency

The accreditation of a municipality, and the delegation of authority to administer National Housing Programmes, in respect of either level one, two or three accreditations must result in improved efficiencies in the housing delivery process.

6.2.2 Steps in the accreditation application process - (as per draft *Revised Accreditation Framework*)

1. Council adopts Housing Sector Plan

- **Housing Sector Plan (HSP)** adopted as part of IDP;
- States which national housing programmes and projects are required in terms of local demand and circumstances;
- Which implementation agents are required; and
- Intention to seek accreditation.

2. Municipality prepares Accreditation Business Plan – Province to provide assistance

- **Municipal Manager indicates intention to apply for accreditation to Province – it is maybe important to note that municipality Don't need capacity to be accredited;**
- Province provides required technical assistance towards development of **Accreditation Business Plan (ABP)**;
- ABP includes:
 - Objectives of accreditation;

- Existing capacity for national housing programmes administration; and
 - Capacity still required.
- 3. Business plan and HSP finalised, then Municipality formally applies for accreditation**
- Formal written request by Executive Mayor to MEC, accompanied by Council Resolution, ABP and HSP;
 - MEC MUST appoint assessment panel which undertakes assessment **within 30 days** of receiving formal accreditation application new inclusion;
 - Panel undertakes assessment using **Assessment Tool**;
 - Panel prepares **Explanatory Memorandum**, as per 2007 *DCOG Guidelines on Allocation of Additional Powers and Functions to Municipalities*;
 - Panel submits their report with recommendations to MEC – **Accreditation Compliance Report Memorandum**; and
 - Panel must submit report **within 14 working days** of undertaking assessment.
- 4. MEC undertakes required consultations**
- MEC consults with: COGTA Minister, National Treasury, relevant MECs for LG and Finance;
 - Using Explanatory Memo from Panel; and
 - MEC requests input **within 20 days of receipt**.
- 5. MEC issues Notice of Accreditation Decision**
- **Within 30 working days** of receiving Accreditation Compliance Report Memo from Panel, MEC must issue **Notice of Accreditation Decision**;
 - If yes, then subject to signing of **Implementation Protocol**; and
 - If no, municipality can appeal to National Minister for HS (as per IGFRA). National Minister has **30 working days** to respond to appeal.
- 6. Province develops Provincial Capacity and Support Plan**
- Accreditation Unit in Provincial Dept. prepares **Provincial Capacity and Support Plan** based on needs identified in ABP and panel recommendations; and
 - Both financial and non-financial resourcing.
- 7. Provincial HOD and Municipal Manager Sign Implementation Protocol**
- IP formalises accreditation as per IGRFA;
 - Must be signed **within 60 working days** of MEC positive Notice of Accreditation Decision; and
 - Time-frame for IP should align with IDP planning cycle, and be reviewed annually.

Based on the information set out in the preceded paragraph it is proposed that the municipality performs an internal Pre-Assessment to determine whether the municipality qualifies to be accredited and to identify areas of improvement (see **ANNEXURE 2**). It is further proposed that the municipality submits a letter of intent to the Provincial Department of Human Settlements on the matter.

6.3 Financial Implications

It is too early to speculate on financial implications.

6.4 Legal Implications

Depending on the way forward, various legal options are available to follow.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

No risk implications are foreseen at this stage, except further, illegal land invasion due to no progress being made

ANNEXURES

Annexure 1: Correspondence from SALGA to municipalities dated 12 July 2018

Annexure 2: Internal Pre-Assessment report

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director</i>
DIRECTORATE	<i>Director: Planning & Economic Development</i>
CONTACT NUMBERS	<i>021 808 8491</i>
E-MAIL ADDRESS	<i>tabiso.mfeya@stellenbosch.gov.za</i>
REPORT DATE	<i>5 October 2018</i>

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.5.4

- (a) that report be approved;
- (b) that the Municipality performs an internal Pre-Assessment to identify areas for development;
- (c) that the Municipality submits a letter of intent to the Provincial Department of Human Settlements; and
- (d) that the Municipality proceeds with the process to be accredited on Level One and Level Two of the Accreditation and Assignment process.

7.6	INFRASTRUCTURE SERVICES: (PC: CLLR J DE VILLIERS)
-----	--

7.6.1	THE ESTABLISHMENT OF A STELLENBOSCH TAXI LIAISON COMMITTEE
-------	---

Collaborator No: 604014
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 17 October 2018

1. SUBJECT: THE ESTABLISHMENT OF A STELLENBOSCH TAXI LIAISON COMMITTEE

2. PURPOSE

To inform Council on the advantages of a Taxi Liaison Committee and also to note the Terms Of Reference. (**ANNEXURE A**).

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

Previous legislation, i.e. **National Land Transport Transition Act – ACT 22/2000** (NLTTA) made provision for Rank Committees to manage taxi ranks, but when the **National Land Transport Act – Act 5 of 2009** (NLTA) came into effect these committees could no longer function, resulting in gaps in the facilitation of local taxi operations. The Stellenbosch Municipality will make provision for the aforementioned within the new By-law for Public Transport.

4. EXECUTIVE SUMMARY

The establishment of a Taxi Liaison Committee will assist the municipality (planning authority) to better manage unscheduled public transport operations within the municipal boundary. The committee will comment and make recommendations on issues related to public transport operations, facilities and legislation related to public transport. Recommendations will thereafter be tabled at relevant senior municipal management meetings for consideration.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.6.1

- (a) that Council notes the content of the report and recognizes the benefits of a Taxi Liaison Committee; and
- (b) that the Terms Of Reference for the Taxi Liaison Committee, be noted.

FOR FURTHER DETAILS CONTACT:

NAME	Roscoe Bergstedt
POSITION	Manager: Transport and Public Transport
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8204
E-MAIL ADDRESS	Roscoe.bergstedt@stellenbosch.gov.za
REPORT DATE	24 July 2018

7.6.2	POSTER BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE
-------	--

Collaborator No: 611373
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 17 October 2018

1. SUBJECT: POSTER BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council to approve, in terms of the Municipal Systems Act Section 12.

"12. Legislative procedures.—(1) Only a member or committee of a municipal council may introduce a draft by-law in the council.

(2) A by-law must be made by a decision taken by a municipal council—

- (a) in accordance with the rules and orders of the council; and*
- (b) with a supporting vote of a majority of its members.*

(3) No by-law may be passed by a municipal council unless—

- (a) all the members of the council have been given reasonable notice; and*
- (b) the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.*

(4) Subsections (1) to (3) also apply when a municipal council incorporates by reference, as by-laws, provisions of—

- (a) legislation passed by another legislative organ of state; or*
- (b) standard draft by-laws made in terms of section 14."*

and

Section 156 of The Constitution, Act 108 of 1996, as amended, determines a municipality rights to perform certain functions:

"156. (1) A municipality has executive authority in respect of, and has the right to administer

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

(2) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.

(3)

Schedule 5, Part B states:

“The following local government matters to the extent set out for provinces in section 155(6)(a) and (7):

.....

Billboards and the display of advertisements in public places

.....”

4. EXECUTIVE SUMMARY

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

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

Once the Draft By-Law has been accepted, the By-Law will be advertised for public comment and the comments will be adjudicated, whereafter a final report will be submitted to Council

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.6.2

- (a) that the report be accepted;
- (b) that the Draft By-Law Relating to Outdoor Advertising and Signage, attached as **ANNEXURE 1**, be accepted as the copy of the By-Law to be used in a Public Participation process;
- (c) that the Draft By-Law relating to Outdoor Advertising and Signage be duly advertised for the purpose of a public participation process; and
- (d) that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption

FOR FURTHER DETAILS CONTACT:

NAME	J G LOUW
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 4004
E-MAIL ADDRESS	deon.louw@ Stellenbosch.gov.za
REPORT DATE	8 October 2018

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

7.7.1	DRAFT PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN
--------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

17 October 2018

1. SUBJECT: DRAFT PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN

2. PURPOSE

The draft Paradyskloof Nature Area Environmental Management Plan (EMP) (September 2018) (**ANNEXURE 1**) has been prepared to establish a distinct vision and overarching goal for the management of the Paradyskloof Nature Area in context off, and giving effect to, the relevant legislation and associated regulations. The purpose of this item is to acquire Council's approval to advertise the draft Paradyskloof Nature Area EMP for public input.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Paradyskloof Nature Area (NA), an approximately 550 ha area consisting of Portion 2 of Farm 368 and portions of Farms 369 and 366 (municipal property), is situated on the south-eastern edge of Stellenbosch town above the neighbourhoods of Brandwacht and Paradyskloof. Most of the area (with specific reference to the northern and eastern, mountainous, area) is in a natural state with ±40 ha of mature pine still left within the old forestry area. The vegetation type of Paradyskloof NA is Cape Winelands Shale Fynbos and is a vulnerable terrestrial ecosystem.

The area is currently used for a range of outdoor recreational activities, research, events as well as for service delivery purposes. With regards to the latter a number of municipal infrastructure, including a water treatment works and reservoir, is located within the above area. Recently the clubhouse within the Paradyskloof NA has been refurbished by the Municipality.

Because of the area's ecological value, its value as public resource and its vulnerability to degradation due to past and present use it is important that an overarching management plan for the area be put in place to ensure that the Paradyskloof NA is managed in a sustainable manner. The proposed Paradyskloof Nature Area EMP is to serve this purpose.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-10-17: ITEM 7.7.1

- (a) that Council approves the advertisement of the draft Paradyskloof Nature Area Environmental Management Plan (September 2018) for a period of 21 days for public input; and
- (b) that the inputs received during the above public participation process be worked into a final draft Paradyskloof Nature Area Environmental Management Plan to be presented to Council for approval.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	10 October 2018

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

NONE

7.9	YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS))
-----	---

NONE

8.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
----	---

NONE

9.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
----	---

NONE

10.	NOTICES OF QUESTIONS AND MOTIONS RECEIVED BY THE MUNICIPAL MANAGER
-----	---

NONE

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

NONE

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

NONE

The meeting adjourned at 12:25.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**

5.	STATUTORY MATTERS
----	--------------------------

NONE

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

NONE

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

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

7.1.1	REVIEW OF SAFETY AND SECURITY STRATEGY
-------	---

Collaborator No: 595704
IDP KPA Ref No: *Safest Valley*
Meeting Date: 09 November 2018

1. SUBJECT: REVIEW OF SAFETY AND SECURITY STRATEGY

2. PURPOSE

To submit the reviewed Safety and Security Strategy report to Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Safety and Security Strategy is a living document which is annually reviewed and adapted to meet the demands and challenges of promoting a safe and healthy environment as determined by Section 152 of the Constitution.

During 2015 the Stellenbosch Municipality has adopted a renewed Safety Plan for the WC024 area of Stellenbosch and re-affirmed the Community Safety Forum which is a key component of the Safety Plan.

The reviewed strategy sets the strategic direction of Stellenbosch Municipality in creating a safer environment for all residents, visitors and tourists.

5. RECOMMENDATION

that the reviewed Safety and Security Strategy report, be noted.

6. DISCUSSION / CONTENTS**6.1 Background**

The reviewed Safety and Security Strategy report is attached as **ANNEXURE A**.

6.2 Discussion

The report is to be noted.

6.3 Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None

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

No comments required.

6.8.2 Director: Planning and Economic Development

No comments required.

ANNEXURES

Annexure A: Reviewed Safety and Security Strategy report.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	DIRECTOR COMMUNITY & PROTECTION SERVICES
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	X8437
E-MAIL ADDRESS	Gerald.esau@ Stellenbosch.gov.za
REPORT DATE	24 May 2018

ANNEXURE 1

STELLENBOSCH LAW ENFORCEMENT SAFETY AND SECURITY STRATEGY REVIEWED**STRATEGIC OVERVIEW****1 VISION**

The Safety plan aims to establish Stellenbosch as the safest town in the country by the year 2025. A safer environment for all the citizens of the Greater Stellenbosch area and its visitors where respect for law and order is maintained.

2 MISSION

Through multi-disciplinary integrated planning and co-operative governance, maintain a zero tolerance approach towards achieving a safer environment for all residents of/and visitors to the Greater Stellenbosch Municipal area.

3. OBJECTIVE

Stellenbosch Municipality has identified five strategic objectives that have become their focal points namely:

- *Valley of possibility*
- *Green and Sustainable Valley*
- *Safe Valley*
- *Dignified living*
- *Good governance and compliance*

In order to give effect to these objectives (Pillars) the safety plan aims to put civic pride and responsibility in place instead of crime and destructive behavior. It also aims to promote a safe, clean, green and healthy environment, in which the citizens and visitors to the Greater Stellenbosch area prefers to live and conduct business.

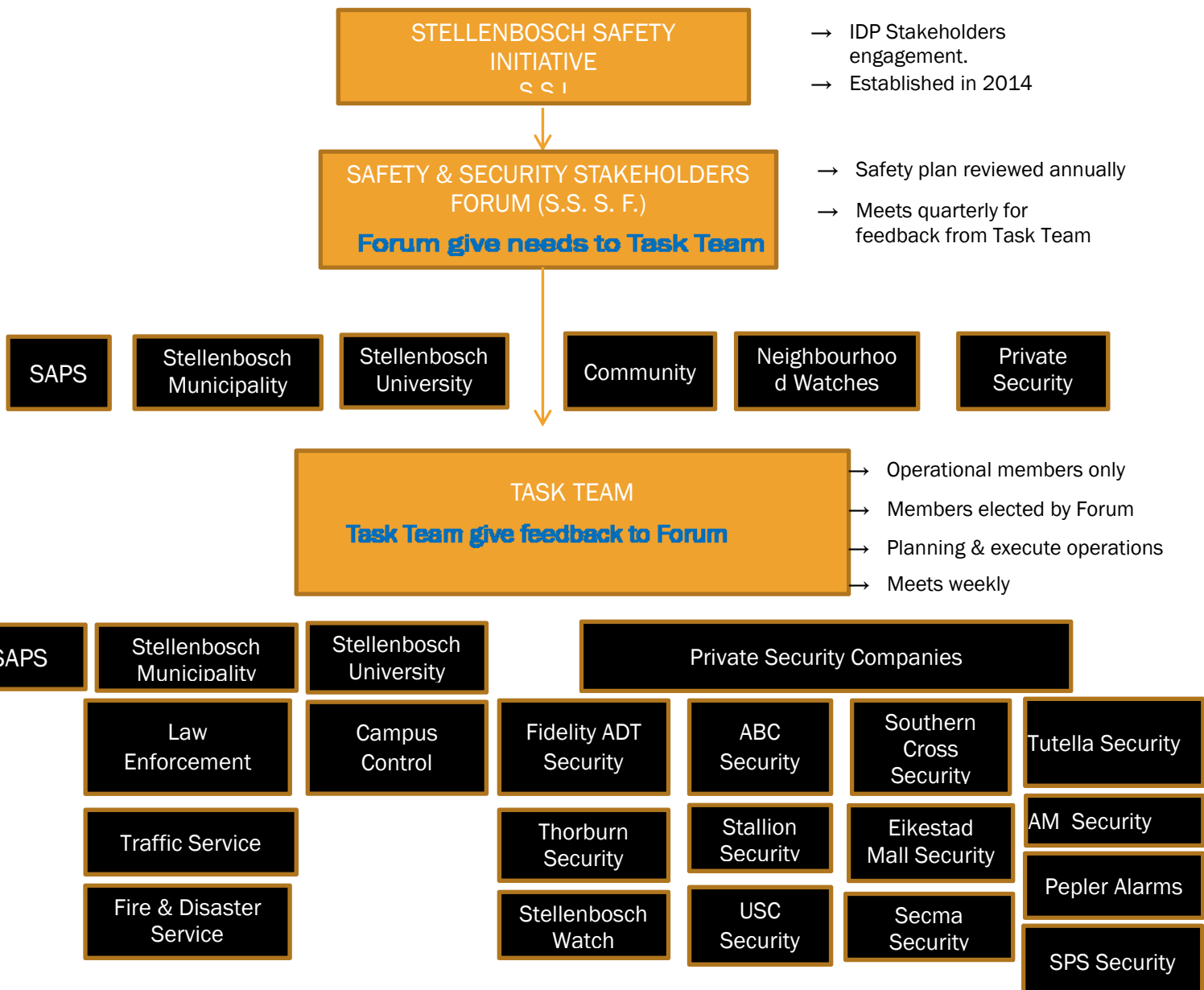
4. BACKGROUND

Stellenbosch Municipality has developed and adopted a renewed Safety Plan for the WC024 area of Stellenbosch during 2015. This Safety Plan has been reviewed on an annual basis and updated to fulfil the on-going demand and challenges for a safer environment to all residents, visitors and tourists.

A Community Safety Forum (CSF) is in place consisting of members of the community, community policing forums, neighbourhood watch, Department of Community Safety (DOCS), security partners, SAPS, internal stakeholders (Traffic, Law Enforcement, Fire and Disaster Management) and councillors which meets on a quarterly basis.

STELLENBOSCH LAW ENFORCEMENT SAFETY AND SECURITY STRATEGY

During 2015 the Community Safety Forum (CSF) was re-affirmed by the adoption of the renewed Safety Plan by Council. The Stellenbosch Safety Initiative (SSI) was established during 2014 through the CSF, also referred to the Safety and Security Stakeholders Forum. The successful implementation of the SSI establishes more co-operation and trust amongst the different stakeholders and opens opportunities in attracting more resources from the public and private sectors including the community. A task team was established through the SSI consisting of operational members. This task team meets on a bi-weekly basis to plan and execute operations and gives feedback to the Forum on a quarterly basis of successes and achievements.



5 PROBLEM STATEMENT

Inadequate visible patrols create an opportunity for potential criminals to thrive and seize the opportunity to commit crime. The general public perceives the municipal law enforcement officers to have the same powers and functions as the police which is not the case.

It has been recognised that the municipal law enforcement officers have limited powers as derived from Government Notice R209 in Government Gazette 23143 dated 19 February 2002. Stellenbosch Municipality has developed and adopted a renewed Safety Plan for the WCO24 area of Stellenbosch. This Safety Plan is been reviewed on an annual basis and updated to fulfil the on-going demand and challenges for a safer environment to all residents, visitors and tourists.

Enforcing by-laws and regulations made by and for the municipalities is fundamental to the mandate of Law Enforcement Officers. However, arrests can be executed on a warrant and for any Schedule 1 offence that is committed in the presence of a Law Enforcement officer.

6 REGULATORY FRAMEWORK

Section 152 of the Constitution of the Republic of South Africa, Act 108 of 1996 defines the objectives of Local Government. These include that a safe and healthy environment is promoted and that communities and community organisations are encouraged to be involved in the matters of Local Government.

All internal municipal services actions are governed by the following statutory framework.

- The Constitution of South Africa, 1993(Act 103 of 1993)
- Criminal Procedure Act, 1977 (Act 51 of 1977)
- Fire Brigade Services Act, 1987 (Act 99 of 1987)
- National Road Traffic Act, 1996 (Act 93 of 1996)
- Disaster Management Act, 2002 (Act 57 of 2002)
- Control of Public Premises and Vehicles Act, 1985 (Act 53 of 1985).
- Second Hand Goods Act, 2009, Act 6 of 2009.
- R209 Government Gazette 23143 dated 19 February 2002
- Western Cape Noise Regulations PN 200/ 2013
- WCO24 Municipal by laws
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
- The White Paper on Local Government dated 9 March 1998

7. ALIGNMENT WITH WESTERN CAPE COMMUNITY SAFETY STRATEGIC PLAN

CORE VALUES

The core values of the Western Cape Government to which the Department of Community Safety subscribes are as follow;

CARING

To care for those we serve and work with

INTEGRITY

To be honest and do the right thing

ACCOUNTABILITY

We take responsibility

RESPONSIVENESS

To serve the needs of our citizens and employees

COMPETENCE

The ability and capability to do the job we were employed to do

8. WHAT IS OUR STRATEGY?

From a law enforcement perspective it is necessary to play a supportive role in the fight against crime. Section 152 (1) (d) and (e) of the Constitution places a direct responsibility on local government to promote a safe and healthy environment and to encourage the involvement of communities and community organisations in the matters of local government.

To be able to implement our strategy we need to acquaint ourselves with the following.

- A. Demographic snapshot of the community
- B. Focus on designing to eradicate crime
- C. Engaging the community
- D. Stakeholders
- E. The Crime Prevention Action Plan
- F. Appropriate budget
- G. Making Stellenbosch safer together

8A. DEMOGRAPHIC SNAPSHOT OF THE COMMUNITY

- We need to know the population size of our area to be able to plan accordingly.
 - Currently the population for WC024 according to the 2011 census is approximately 155 000 inhabitants. This figure would have increased significantly over the last six (6) years taking into account the population growth in Informal Settlement areas.
 - ±30 000 Students from across the country living in hostels, student houses and private residents.
- This figurative number will assist in aligning the demand and challenges for adequate personnel, equipment and vehicles to render an effective service.
 - Sufficient staff and adequate equipment and vehicles are paramount to rendering an effective service throughout the entire WC024 area.
- This will enhance visible patrols in each ward which will be a definite crime deterrent and will be a priority for a crime prevention strategy.

8B. FOCUS ON DESIGNING TO ERADICATE CRIME

- The planning and design of places and buildings can assist in reducing crime by the application of improvements of lighting, fencing and surveillances of areas as well as land use.
- People's behaviour can be influenced by the design of that environment.
- Good design can reduce opportunities for potential criminals and improves the sense of safety.
- Addressing petty crime through the "Broken window concept".

8C. ENGAGING THE COMMUNITY

- Engage extensive consultation with the communities in developing the Community Safety Plan (this was indeed done when the safety plan was developed).
- Inform the community about the law enforcement role in the community.
- Strategic workshops with key partners and stakeholders
- Homeless people/ vagrants living on the streets

8D. STAKEHOLDERS

- South African Police Services
- Department of Community Safety (DoCS)
- Community and Neighborhood watches
- Community Policing Forums (CPFs)
- Private and Corporate businesses
- Stellenbosch Farm watch

- Correctional Services
- Department of Justice
- Campus Control University of Stellenbosch
- Stellenbosch Municipality
 - Law Enforcement
 - Traffic Services
 - Fire and Rescue
 - Disaster Management

8E. THE CRIME PREVENTION ACTION PLAN

PHASE 1:

- Alignment with Department of Community Safety (DOCs)
- Stellenbosch Safety Initiative (SSI) – (Already in place)
- Establishment of Task Team
- Identify crime hotspots.
- Situational, Social and Institutional Crime Prevention Interventions
- Neighbourhood Watch involvement through the Community Policing Forums (CPF's)
- Implement strategies across a spectrum of actions.
- Render a 24/7 visible patrol services in all wards including the CBD areas
- Effective monitoring and surveillance of CCTV cameras with reaction units to respond immediately.
- Installation of LPR/ ANPR CCTV cameras at all main entrances and exits to Stellenbosch and Franschoek. (Rolling out of phase 2)
- Zero tolerance approach towards petty crime.
- Cementing partnerships with our safety partners in addressing crime.
- Centralized communication between all safety partners. (Already in place)
- MOU between all safety partners. (Already in place)
- MOU between Stellenbosch Municipality and US on CCTV surveillance. (Already in place)
- MOU between Stellenbosch Municipality and DOC's. (Already in place)
- 24/7 Law Enforcement Department and amending the structure of Law Enforcement
- SAPS + Law Enforcement Special Ops Units
- Implementing operational plan

PHASE 2:

- Roll-out of Safety Model to neighboring municipalities in conjunction with DOCs.
- Establishment of Joint Operational Command Centre.
- Coordination of Communication Strategy between neighboring municipalities.
- Completion of LPR camera installations at all main entrances/ exits to Stellenbosch and Franschoek.
- Registration and accreditation of Neighborhood Watches through DOCs.
- Social Crime Prevention Strategy in conjunction with Community Development Department in terms of Council's Street People policy.
- Establishment of LPR Reaction Unit in conjunction with SAPS.

PHASE 3:

- Liaise with District Municipality in terms of sharing of resources and information flow.
- Awaiting finalization and outcome of expansion of powers for Law Enforcement by IMPS-SA to Minister of Justice.
- Ongoing audits to be done on Local Safety.
- Further investigation into technology to improve enforcement strategies.

8F. APPROPRIATE BUDGET

Stellenbosch Municipality has invested over the last 3 financial years an amount of ± R10.4m which were used to install CCTV surveillance cameras and LPR cameras. The municipality is in the process of finalizing the installation of LPR cameras at all entrances/exits to Stellenbosch and Franschhoek towns which are linked to the Visec Cloud and managed by SAPS.

8G. MAKING STELLENBOSCH SAFER TOGETHER

Build collaborative relationships with various community stakeholders and highlight Council's commitment to maintain strong partnerships with primary Law Enforcement Agencies.

9. REPORTING

Feedback of successes and achievements are given to the Community Safety Forum on a quarterly basis by the Safety Partners and to the Portfolio Committee.

Community Safety is Everyone's Responsibility.

7.1.2	STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY
-------	---

Collaborator No: 599452
IDP KPA Ref No: Safest Valley
Meeting Date: 09 November 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY

2. PURPOSE

To submit the Stellenbosch Municipality Closed Circuit Television (CCTV) Policy to Council for approval.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This policy has been drafted to ensure that Stellenbosch Municipality, its employees and contractors comply with good practice, transparency and accountability in respect of the requirements of The Protection of Personal Information Act, Act No.4 of 2013 when operating Council CCTV and LPR cameras.

It also outlines the process for managing all access to CCTV and LPR data, the delegated authorities of Municipal staff and Municipal obligations in regard to CCTV and LPR data storage, security and signage.

5. RECOMMENDATIONS

- (a) that Council approves the Stellenbosch Municipality Closed Circuit Television (CCTV) Policy, in principle; and
- (b) that said policy be advertised for public comments and be re-submitted to Council for final approval.

6. DISCUSSION/ CONTENTS

6.1 Background

The policy is attached as **ANNEXURE A**.

6.2 Discussion

This policy applies to all employees of Stellenbosch Municipality, Councillors, Municipal Contractors and general public who may enter the areas covered by Stellenbosch Municipal cameras. It also describes the process to follow when footage is required as a result of an incident that occurred or when a crime was committed and captured on our CCTV network camera systems.

Section 152 (1) (d) of the Constitution places a responsibility on Local Government to promote a safe and healthy environment. The installation of CCTV and LPR cameras at strategic places is a concerted effort from Stellenbosch Municipality to fulfil this obligation in the fight against crime and to play a supportive role towards SAPS in crime prevention.

This policy will ensure that Stellenbosch Municipality, its employees and contractors comply with good practice, transparency and accountability in respect of the requirements of The Protection of Personal Information Act, Act No.4 of 2013 when operating Council CCTV and LPR cameras.

6.3 **Financial Implications**

Budget for the installation of CCTV and LPR cameras forms part of the annual budget of Council.

6.4 **Legal Implications**

The policy adheres to all relevant legislation.

6.5 **Staff Implications**

None

6.6 **Previous / Relevant Council Resolutions:**

None

6.7 **Risk Implications**

The implementation of this policy complies with The Protection of Personal Information Act, Act No.4 of 2013 when operating Council CCTV and LPR cameras which will minimize risk for the organization.

6.8 **Comments from Senior Management:**

6.8.1 **Municipal Manager:**

Supports the item.

ANNEXURES

Annexure A: Stellenbosch Municipality Closed Circuit Television (CCTV) Policy.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	DIRECTOR COMMUNITY & PROTECTION SERVICES
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	X8437
E-MAIL ADDRESS	Gerald.esau@stellenbosch.gov.za
REPORT DATE	21 May 2018

ANNEXURE 1



STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY

JUNE 2018



STELLENBOSCH CLOSED CIRCUIT TELEVISION POLICY

Table of Contents

1.	Definitions	3
2.	Problem Statement	4
3.	Introduction	4
4.	Purpose	4
5.	Regulatory Context	5
6.	Scope	5
7.	Policy Directives	5
7.1	Camera Locations	5
7.2	Monitoring	6
7.3	User Access	7
7.4	The CCTV and LPR Administrator are responsible for	7
7.5	Control and operation of cameras	8
7.6	CCTV High Level Users are responsible for	8
7.7	CCTV Operators are responsible for	8
7.8	CCTV & LPR information access, the Police and other authorised law enforcement agencies	9
7.9	CCTV information access by individuals	9
7.10	CCTV information or requests to have a copy of footage by Council personnel	10
7.11	CCTV and Council Staff	11
7.12	CCTV & LPR Contractors	11
7.13	CCTV Signage	11
7.14	CCTV Staff Training	12
7.15	Privately owned CCTV cameras	12

STELLENBOSCH CLOSED CIRCUIT TELEVISION POLICY

1. Definitions

To assist in the interpretation the following definitions shall apply;

“Applicant” means a registered organisation, body or person applying to Stellenbosch Municipality to register a CCTV system, camera, equipment or a CCTV camera on privately owned property viewing or of which the projection plane covers any public street or public land;

“CCTV” shall mean Closed Circuit Television;

“Council” means the Municipal Council of Stellenbosch;

“Infrastructure” means any land, building or fixture attached to it, any pole, fence, wall, bridge, sign, cabling, tree, tower or fixture attached to it;

“Municipal Manager” means the person appointed as Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Municipal property” means land, structures and infrastructure owned by Stellenbosch Municipality;

“Person” means a natural or juristic person;

“SM” shall mean Stellenbosch Municipality, a municipality in terms of the Local Government Municipal Structures Act, 1998, or any structure or employee of the Municipality acting in terms of delegated authority;

“SAPS” shall mean South African Police Services;

“PSIRA” shall mean Private Security Industry Regulatory Authority;

“LPR” shall mean License Plate Recognition;

“POPI Act” shall mean Protection of Personal Information Act, Act No. 4 of 2013.

2. Problem Statement

Stellenbosch Municipality is experiencing an increase of privately owned CCTV cameras installed on Council land and infrastructure without authorisation.

There is currently no application process in place for recognised organizations, a registered body or person to register their CCTV system with the municipality.

3. Introduction

This policy has been created to ensure that Stellenbosch Municipality, its employees and contractors comply with good practice, transparency and accountability in respect of the requirements of The Protection of Personal Information Act, Act No.4 of 2013 when operating Council CCTV and LPR cameras. It also outlines the process for managing all access to CCTV and LPR data, the delegated authorities of Municipal staff and Municipal obligations in regard to CCTV and LPR data storage, security and signage.

4. Purpose

Stellenbosch Municipality (SM) endeavours to provide a safe and secure environment to protect its staff, councillors, public and the interests of our ratepayers. Closed Circuit Television (CCTV) and License Plate Recognition (LPR) cameras are installed and operated for one or more of the following purposes:

- 2.1 Facilitate public safety.
- 2.2 Facilitate staff and councillor's safety.
- 2.3 Improve security and deter criminal activity in public places including Council premises and recreational facilities.
- 2.4 Monitor traffic movements.
- 2.5 Monitor trespass on Council facilities.
- 2.6 Monitor compliance with Council bylaws.
- 2.7 Capture information that could be used to investigate crime, a health and safety environment and/ or staff incidents.
- 2.8 Monitor behaviour around Council objects.
- 2.9 Manage council assets and infrastructure.

5. Regulatory Context

The CCTV System that is envisaged for installation by Stellenbosch Municipality may not infringe any stipulations as prescribed by the following legislation:

- The Constitution of the Republic of South Africa, 1996
- Telecommunications Act, Act 103 of 1996
- The Computer Evidence Act No 57 of 1983
- Protection of Personal Information Act, Act 4 of 2013
- Criminal Procedure Act 51 of 1977
- Promotion of Access to Information Act (PAIA) No 2 of 2000

This policy should also be read with the following by-laws:

- Stellenbosch Municipality , Electricity Bylaw
- Stellenbosch Municipality Street Bylaw P.N. 6756 dated 04 June 2010

6. Scope

6.1 This policy applies to private and external CCTV cameras, installed on municipal land and infrastructure as well as private CCTV cameras installed on private property monitoring any or of which the projection plane covers any public street or public area of WC024.

6.2 The policy is applicable within the boundaries of WCO24.

6.3 SM municipal departments are not required to follow the application process, but can register the location of the CCTV cameras with the Director Community and Protection Services

7. Policy Directives

7.1 Camera Locations

7.1.1 CCTV cameras are situated in locations which are clearly linked with the cameras specific purpose. All new external camera systems and/or replacement systems are to be approved by the Director: Community & Protection Services in consultation with SAPS.

7.1.2 Covert systems may be used for municipality's internal purposes in exceptional circumstances subject to written approval from the Municipal Manager.

7.1.3 Exceptional circumstances where applicable;

7.1.3.1 may include where there is a strong suspicion of criminal activity or misconduct which;

7.1.3.2 breach Council bylaws, policies or may give rise to a health and safety risk to any person or Council damage to the environment, and which cannot be detected by other means.

7.2 Monitoring

7.2.1 The recording devices/ servers for CCTV cameras are to be installed in a secure location as agreed upon with the Chief: Law Enforcement in conjunction with ICT.

7.2.2 All footage is kept for a minimum period of three (3) weeks and then the data is overwritten as part of the recording process, unless it is exported for evidential purposes.

7.2.3 Live streaming camera monitoring is restricted to designated SM employees and approved contractors. (Username and password linked in order to know who is on the CCTV system)

7.2.4 LPR used for the purpose of traffic monitoring is live streamed and recorded.

7.2.5 Relevant authorized officials reserves the right to have remote access to live footage created by Council owned CCTV cameras.

7.2.6 Where cameras are monitored via a mobile device (such as a smartphone, tablet or similar device) a CCTV or LPR administrator or CCTV High level user shall ensure that no unauthorised person has the ability to view the device.

7.2.7 General public viewing of the CCTV imagery, only as stipulated in section 7.8 and 7.9 of this policy will allowed.

7.3 User Access

DESIGNATION	DESCRIPTION OF FUNCTIONS	DELEGATED AUTHORITY
CCTV Administrator	Full System Access to all CCTV & LPR camera features and programming	SM Municipal Manager or designated staff or CCTV Contractor
CCTV High Level User	Full System Access to all CCTV and LPR camera features and programming for maintenance purposes	Designated SM staff
CCTV Operator	Majority system access for all CCTV cameras on their site and live view	Delegated suitably trained SM Facility Managers and Supervisory staff.
CCTV View Only	Live View, (no export)	Delegated suitably trained SM staff

7.4 The CCTV and LPR Administrator are responsible for:

7.4.1 Understanding their responsibilities under the POPI Act which determines that they operate with efficiency, impartiality and integrity.

7.4.2 Ensuring the installation and maintenance of equipment is sufficient.

7.2.3 Undertaking an annual review of the use of all SM CCTV cameras. Organising the training and authorising of CCTV Operators.

7.2.3 Ensuring all new installations are GIS mapped, insured and operational.

7.2.4 Referring all public requests for footage (other than that from Police as per clause below) to the SM Legal Service Department.

7.2.5 Responsible for the establishment, oversight and accuracy of SM's CCTV Access Log.

- 7.2.6** Responsibility for the on-going maintenance and accuracy of the SM CCTV & LPR camera inventory and related service provider agreements.

7.5 Control and operation of cameras

All SM facilities, premises and public areas within its jurisdictional area may at some point in time be monitored by CCTV and LPR Cameras, the exceptions being listed below:

- 7.5.1** CCTV coverage will not include private areas within public spaces and facilities (e.g. changing rooms).
- 7.5.2** CCTV coverage will not be directed at private property except unavoidably as part of a wide angle or long shot while panning past.

7.6 CCTV High Level Users are responsible for:

- 7.6.1** Understanding their responsibilities under the POPI Act and with respect to the Privacy Principles which determines they operate with efficiency, impartiality and integrity.
- 7.6.2** Implementing all maintenance of the CCTV system as and when required. This includes security level access for designated SM staff.
- 7.6.3** Maintaining a record of all released or viewed footage in SM's CCTV Access Log.
- 7.6.4** Maintain confidentiality in regard to duties and observations and will be required to adhere to a confidentiality agreement in terms of the Protection of Information Act 4 of 2013.

7.7. CCTV Operators are responsible for:

- 7.7.1** Understanding their responsibilities under the POPI Act, and with respect to the Privacy Principles which determines they operate with efficiency, impartiality and integrity
- 7.7.2** Referring all requests for footage (other than from a Police officer) to a SM Legal Service Department.
- 7.7.3** Maintain security of the monitors and footage (drives, disks, memory storage devices etc.)

- 7.7.4 Ensuring signage is in place and in accordance with this policy.
- 7.7.5 Maintain confidentiality in regard to duties and observations.
- 7.7.6 As per the POPI Act Privacy Principles, and with regard to the listed exceptions in the Principles, information collected by the cameras can only be used for the purpose for which it was collected.

7.8. CCTV & LPR information access, the Police and other authorised law enforcement agencies

7.8.1 SAPS or other authorised law enforcement agencies may access footage on short notice from for viewing purposes related to crime detection and prevention to assist with investigating the crime.

7.8.2 The requester is required to hand a subpoena or S205 of the Criminal Procedure Act, Act 51 of 1977 to the Municipality prior to the release of footage relating to the subpoena or in the case of the SAPS Investigating officer, a case number.

7.8.3 All footage released to SAPS or other authorised law enforcement agencies at their request, or when criminal activity is suspected, will be recorded in the CCTV Access Log detailing;

7.8.3.1 Case numbers

7.8.3.2 Investigating officer's name and staff number

7.8.3.3 Case number and incident

7.8.3.4 Sign out all evidence accordingly

7.8.3.5 and any other information, as deemed necessary by SM.

Comment [ER1]: Section 205 allows a judge or a magistrate to summons anyone "who is likely to give material or relevant information as to any alleged offence".

7.9 CCTV information access by individuals

7.9.1 Recorded footage is confidential to SM. All requests to have a copy of footage relating to individuals will be referred to the Legal Service Department for consideration. Where a case has been registered with the SAPS, please refer to section 7.8.

7.9.2 The Legal Service Department, may recommend to the Municipal Manager that the request that data may be disclosed be approved or not approved.

7.9.3 A request by the public to have a copy of footage that contains information relating to other individuals or themselves;

7.9.3.1 Must be via completing the Promotion of Access to Information Act (PAIA) form in writing and will be dealt with as either a matter to be referred to the Police or SM Legal Service. The applicant will pay the relevant fee set by SM Legal Service as per approved tariff structure of Council for the application and the releasing of such footage.

7.9.3.2 The request will be dealt with in accordance to the POPI Act.

7.9.3.3 Any request to view footage will be limited by the ease of access to the footage and by the need to protect other people's privacy. No general public viewing, only by those directly affected by the incident.

7.9.3.4 If a request to view the footage is unable to be granted without unreasonably breaching other's privacy, a written description may be provided by the CCTV Administrator or SM Legal Service of the contents within the footage. Any such requests will be responded to within 30 days and are subject to review by a SM's Legal Service Department.

7.10 CCTV information or requests to have a copy of footage by Council personnel

7.10.1 Such requests will be forwarded and approved by the Municipal Manager only and forwarded to the Director Community & Protection Services.

7.11 CCTV and Council Staff

7.11.1 The Municipality will investigate any suspected breach of the use of SM's CCTV and LPR by any;

7.11.1.1 Municipal employment contracts, SM's Code of Conduct.

7.11.1.2 Any staff incidents or misconduct detected by CCTV and LPR will be handled in accordance with and CCTV personnel will be protected in accordance with the relevant Witness Protection Act.

7.12 CCTV & LPR Contractors

7.12.1 The Municipality will appoint contractors for the installation and maintenance of the CCTV & LPR System.

7.12.2 Appointed contractors and all contractors' staff must have PSIRA Certification.

7.12.3 Contractors or sub-contractors responsible for non-security related operations (i.e. Data Transmission links etc.) should be certified by their appropriate organisation.

7.12.4 All contractors and sub-contractors will be familiar with and adhere to the POPI Act.

7.13 CCTV Signage

7.13.1 Individual cameras and/ or camera areas will be clearly signposted to notify the public.

7.13.2 Signs will clearly display the message "Surveillance Cameras in Operation" or a similar message and be of a size and nature that is reasonable visible for people entering the area to read. Where it is impractical to include all the information, the sign will direct the public to the SM website where this policy can be viewed.

7.13.3 SM municipality will at all times display that cameras are monitoring, but it does not guarantee that all cameras will be proactively monitored at all times

7.14 CCTV Staff Training

7.14.1 Operators

7.14.1.1 All CCTV Staff operators will be required to undergo the necessary CCTV & LPR System Operator training.

7.14.1.2 If SM opt to use Security staff for surveillance the minimum requirements will be:

- Grade C Security graded
- At least 21 years of age
- Undergoing clearance check
- Have good cognitive abilities.

7.15 Privately owned CCTV cameras

7.15.1 CCTV cameras installed on privately owned property/ premises do not require to be registered with Stellenbosch Municipality unless these cameras cover any section or portion of a public place or street within the jurisdiction of Stellenbosch Municipality of which the Municipality or the South African Police will have the right to footage obtained through these cameras which might be linked to a criminal incident or offence.

7.15.2 Registration of privately owned CCTV cameras as per 4.12.1 will require the owner of these cameras to provide the name of the owner/s of the premises/ erf, the type of camera used and the connectivity status of the CCTV cameras as well as the projection plane of the public areas the cameras cover.

7.15.3 The information provided in 7.15.2 will be recorded on a database kept by the municipality's Law Enforcement Department for the sole purpose as per 7.15.1 and will remain confidential.

CLOSED CIRCUIT TELEVISION POLICY

7.1.3	REVIEW OF DISASTER MANAGEMENT PLAN
-------	------------------------------------

Collaborator No: 597988
IDP KPA Ref No: Safest Valley
Meeting Date: 09 November 2018

1. SUBJECT: REVIEW OF DISASTER MANAGEMENT PLAN

2. PURPOSE

To present a reviewed Disaster Management Plan (**ANNEXURE A**) to Council.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

The revision of the Disaster Management Plan is done annually in accordance with *Section 53 (1) of the Disaster Amendment Act, 16 of 2015 to:*

g) regularly review and update its plan; and

h) through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), consult the local community on the preparation or amendment of its plan.”

Stellenbosch Municipality also endeavors to sustain a state of readiness through a continuous and integrated multi sectoral, multi-disciplinary process of planning and implementation of measures aimed at:

- Preventing or reducing the risk of disasters;
- Mitigating the severity or consequences of disasters;
- Emergency preparedness;
- A rapid and effective response to disasters; and
- Post- disaster recovery and rehabilitation.

5. RECOMMENDATION FROM PROTECTION SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2018-08-01: ITEM 5.1.2

that the revised Disaster Management Plan be recommended to Council for approval.

6. DISCUSSION / CONTENTS

6.1 Ward Based Risk Assessment

Disaster Management is a continuous function and dynamic in its very nature.

It needs to be noted that Tender - BSM 49/17 (Provision of an all Ward Based Risk Assessment for Stellenbosch Municipality) was approved and awarded to **AW Management Consulting** in accordance with *Section 53 (1) (a) of the Disaster Amendment Act.*

By the end of the assessment, the administration will be furnished with a comprehensive document depicting all the prevalent risks within each ward. The results will also be a key instrument that will also give justification for the re-

prioritisation of the risks in the current plan. The administration will then be obliged to realign the contingency plans to mitigate against the "new" risks. It was therefore deemed premature to reprioritise the current risks in the plan for this review.

It is expected that that the WBR assessment be completed by June 2018. Find attached the progress report from AW Management Consulting, (**ANNEXURE B**).

6.2 Stakeholder Contact list

The key stakeholder contact list has also been updated in the plan and indicated as tract changes to reflect the new senior appointments made by Council as well as relevant stakeholders.

6.3 Winter Readiness and Preparedness Planning.

In terms of Section 38 of the Disaster Management Plan all organs of state must have preparedness actions/plans in place regarding winter readiness ensuring effective response to emergency incidents during the winter season.

Stellenbosch Municipality submitted its amended Winter Readiness and Preparedness Plan (**ANNEXURE C**) to the Cape Winelands District Municipality.

6.4 Misverstand Dam Project

Due to prolonged lower than normal rainfall received from the past years in the Western Cape Province, the Department of Water and Sanitation (DWS) as the custodian of water resources is tasked with the responsibility to ensure compliance against gazette restrictions on drought affected catchments.

(Government gazette dated 12/12/2017 and 12/01/2018) and emergency interventions that has been put in place.

Suspected unlawful abstraction of water in the Dam due to the shortage / unavailability of water on the Berg River system. The WCDM has requested help and support of Department of Water and Sanitation hence a team has been formed to conduct compliance monitoring and enforcement inspections on water users in Misverstand Dam and Berg River.

The Department of Water and Sanitation released five cubic million meters of water on Wednesday, 16 April 2018 at 14:00. It was in aid to help alleviate pressure from the on-going drought and supplied water to 22 towns in the West Coast region for domestic, industrial and agricultural use.

Find attached a thorough report depicting the services rendered to ensure the success of the project (**ANNEXURE D**).

6.5 Smoke alarms

Annually thousands of people are displaced due to especially disasters like fire and flooding. Stellenbosch Municipal region is confronted with these challenges affecting our residents.

Although fire poses a great risk in general, informal settlements and people living in informal dwellings and back yarders are more vulnerable. High density living coupled consequences, if and when a fire breaks out.

Smoke detectors programme was rolled out at 2 TRA areas as part of the early warning in aid to minimize impact in the event of a fire and limit the number of people

affected and/or displaced. To date a total of 341 was installed in Klapmuts, 140 in Jamestown and 29 in Longlands

These detectors will immediately sound the alarm when smoke is detected, allowing for quick evacuation and action. It is equipped with 10 year lithium battery, and will be installed free of charge.

6.6 Drought/day zero planning

The Provincial drought was reclassified in terms of section 23(3) as a national drought on 8 February and it was as such published In the Government Gazette no 41439. In terms of the reclassification, the primary responsibility to coordinate and to manage the disaster is designated to the national executive. A call was subsequently made by national to all organs of state to strengthen and support the disaster management structures to implement contingency plans and ensure that immediate relief, recovery and reconstruction measures are put in place to enable the national executive to effectively deal with the effects of the disaster.

Stellenbosch municipality also endeavours to sustain a state of readiness through a continuous and integrated multi sectoral, multi-disciplinary process of planning and implementation of measures aimed at: -

- Preventing or reducing the risk of disasters
- Mitigating the severity or consequences of disasters
- Emergency preparedness
- A rapid and effective response to disasters; and
- Post- disaster recovery and rehabilitation

A drought/day zero mitigation plan (**ANNEXURE E**) in line with national and provincial directives was drafted after extensive consultation with the aim to ensure that the taps don't run dry and to at least provide sufficient water to fulfil in the basic needs of the people and the municipality.

7. Financial Implications

None

8. Legal Implications

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

9. Staff Implications

None

10. Previous / Relevant Council Resolutions:

Item 8.5.2, the revised plan, was approved at the 13th Council meeting of 25 October 2017.

11. Risk Implications

None

12. Comments from Senior Management:**12.1 Director: Community and Protection Services:**

Supports the item.

12.2 Municipal Manager:

Supports the item.

ANNEXURES:

Annexure A - Reviewed Disaster Plan

Annexure B - Ward Base Risk Assessment - Tender BSM 49/17

Annexure C - Winter Readiness and Preparedness planning

Annexure D - Misverstand Dam report

Annexure E - Drought/day zero planning

FOR FURTHER DETAILS CONTACT:

NAME	Wayne Smith
POSITION	<i>Manager: Fire Services and Disaster Management</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>Ext 8771</i>
E-MAIL ADDRESS	<i>wayne.smith@stellenbosch.gov.za</i>
REPORT DATE	<i>13 June 2018</i>

ANNEXURE 1

**APPENDIX 1
2018
Reviewed Disaster Plan**



Municipal Disaster Management Plan

Stellenbosch Municipality

Core Plan for inclusion within the IDP of the Stellenbosch Municipality

JUNE 2018

In case of an emergency, the user of this document should immediately turn to the attached preparedness plan for guidelines on managing response.

TABLE OF CONTENTS

1	Introduction	2
1.1	Legal requirements	2
1.2	Key outcomes	5
1.3	Linkage with the Integrated Development Plan of the Stellenbosch Municipality	5
1.4	Linkage with the Disaster Management Framework of the Cape Winelands District Municipality	6
1.5	Structure of the plan	7
1.6	Definitions and abbreviations	8
2	Institutional Arrangements	9
2.1	Shared responsibility for disaster management	9
2.1.1	Nodal points for disaster management	9
2.1.2	Departments with primary responsibility for specific hazards and disaster risks	9
2.1.3	Assignment of responsibility to deal with specific disaster risks	9
2.2	Corporate Disaster Management Structure for the Stellenbosch Municipality	9
2.2.1	Stellenbosch Disaster Management	9
2.2.2	Municipal Disaster Management Advisory Forum	9
2.2.3	Interdepartmental Disaster Management co-ordination	<u>10</u>
2.2.4	Nodal points for disaster management within municipal departments	<u>10</u>
2.2.5	Departmental planning groups	<u>10</u>
2.2.6	Risk reduction project teams	<u>10</u>
2.2.7	Preparedness planning groups	<u>10</u>
2.2.8	Joint response & relief management teams	<u>11</u>
2.2.9	Recovery & rehabilitation project teams	<u>11</u>
2.2.10	Stellenbosch Disaster Management Communications Centre	<u>11</u>
2.2.11	Stellenbosch Disaster Operations Centre (DOC) / Joint Operations Centre (JOC)	<u>11</u>
3	Risk Assessment	12
3.1	General Area Description	<u>13</u>
3.2	Risk Profile of the Stellenbosch Municipality	<u>13</u>
4	Disaster Risk Reduction Plans	14
4.1	Risk reduction plans for the Stellenbosch Municipality	<u>14</u>
4.2	Risk reduction capacity for the Stellenbosch Municipality	<u>14</u>
5	Preparedness Plans	14
5.1	Preparedness plans of the Stellenbosch Municipality	<u>14</u>
5.2	Preparedness capacity for the Stellenbosch Municipality	<u>15</u>
6	Response & Recovery	16
6.1	Response Procedure	<u>16</u>
6.1.1	Notification/activation	<u>16</u>
6.1.2	Rapid Initial Assessment	<u>17</u>
6.1.3	Establish response management structure	<u>17</u>
6.1.4	Re-assess	18
6.1.5	Establish incident management objectives	19
6.1.6	Plan of action	19
6.1.7	Implementation	20
6.1.8	Strategic Response Management Structure	<u>20</u>
6.1.9	Monitor/Evaluate	<u>21</u>

6.1.10	Close incident & document	21
6.1.11	De- mobilise	21
6.1.12	Complete Review (Post Mortem)	21
6.1.13	Corrective actions	21
6.2	Declaration of a state of disaster and disaster classification.....	21
7	<i>Testing and review of the plan</i>	22
8	<i>Annexures</i>	22
9	<i>Reference documents</i>	23
10	<i>Annexure A: Disaster Preparedness Guidelines</i>	24
10.1	Disaster Preparedness Plan: Fire	24-25
10.2	Disaster Preparedness Plan: Flooding.....	26-27
10.3	Disaster Preparedness Plan: Earthquake	28-29
10.4	Disaster Preparedness Plan: Infrastructure Failure	30-31
10.5	Disaster Preparedness Plan: Transport Incidents.....	32
10.6	Disaster Preparedness Plan: Hazardous Materials Incidents	33
11	<i>Annexure B: Disaster Risk Reduction Guideline</i>	35
11.1	Disaster Risk Project Proposals: Fire.....	35-37
11.2	Disaster Risk Project Proposals: HazMat Incidents	38-40
11.3	Disaster Risk Project Proposals: Flooding	41-42
11.4	Disaster Risk Project Proposals: Earthquake	43-44
11.5	Disaster Risk Project Proposals: Infrastructure Failure.....	45-47
11.6	Disaster Risk Project Proposals: Transport Incidents	48-50
12	<i>Annexure C: Key Stakeholders Contact List / Emergency Numbers List for Stellenbosch</i> ..	51

1 INTRODUCTION

This plan confirms the arrangements for managing disaster risk and for preparing for- and responding to disasters within the Stellenbosch Municipality as required by the Disaster Management Act, 2002 (Act 57 of 2002). *In case of an emergency, the user of this document should immediately turn to the attached preparedness plan for guidelines on managing response.*

1.1 Legal requirements

The Stellenbosch Municipality is legally obliged to prepare a disaster management plan for its area according to the circumstances prevailing in the area; to co-ordinate and align the implementation of its plan with those of other organs of state and institutional role players; and to regularly review and update its plan. The municipality must also consult the local municipalities within its area and local communities on the preparation or amendment of its plan.

The Disaster Management Amendment Act, 2015 (Act no 16 Of 2015) will commence on 1 May 2016. The Proclamation that was published in the Government Gazette No. 399430 on 22 April 2016.

Amendment of section 53 of Act 57 of 2002 of the Disaster Management Act, – hereafter referred to as “the Act”) requires the Stellenbosch Municipality to:

21. Section 53 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Each municipality must—

- (a) conduct a disaster risk assessment for its municipal area;
- (b) identify and map risks, areas, ecosystems, communities and households that are exposed or vulnerable to physical and human-induced threats;
- (c) prepare a disaster management plan setting out—
 - (i) the way in which the concept and principles of disaster management are to be applied in its municipal area, including expected climate change impacts and risks for the municipality;
 - (ii) its role and responsibilities in terms of the national, provincial or municipal disaster management framework;
 - (iii) its role and responsibilities regarding emergency response and post disaster recovery and rehabilitation;
 - (iv) its capacity to fulfil its role and responsibilities;
 - (v) particulars of its disaster management strategies;
 - (vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies; and
 - (vii) specific measures taken to address the needs of women, children, the elderly and persons with disabilities during the disaster management process;
- (d) co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players;

(e) provide measures and indicate how it will invest in disaster risk reduction and climate change adaptation, including ecosystem and community-based adaptation approaches;

(f) develop early warning mechanisms and procedures for risks identified in the municipal area;

(g) regularly review and update its plan; and

(h) through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), consult the local community on the preparation or amendment of its plan.”.

.....prepare a disaster management plan for its area according to the circumstances prevailing in the area and within the ambit of its municipal disaster management framework.

Section 53(2) (a) of the Act specifies that the disaster management plan for a municipality must form an integral part of the municipality’s integrated development plan (IDP). Section 26(g) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) lists “applicable disaster management plans” as core components of an IDP.

The Municipality must submit a copy of its Disaster Management (DM) plan, and of any amendment to the plan, to the Disaster Management Centre of the Western Cape Province and the National Disaster Management Centre.

1.2 Key outcomes

This plan seeks to achieve the following key outcomes:

- Integration of Disaster Risk Management into the strategic and operational planning and project implementation of all line functions and role players within the municipality.
- Resilient communities
- An integrated, fast and efficient response to emergencies and disasters by all role-players.

1.3 Linkage with the Integrated Development Plan of the Stellenbosch Municipality

Both the Municipal Systems Act and the Disaster Management Act requires the inclusion of this plan into the Integrated Development Plan (IDP) of the Stellenbosch Municipality. It would however not be practical to include the complete Disaster Management Plan with all its annexures within the Integrated Development Plan of the Stellenbosch Municipality. Therefore the complete plan can be considered as an annexure to the IDP, while this core document without annexures will be submitted for inclusion within the IDP document.

A separate disaster management plan included into the IDP but standing on its own and isolated from the rest of the IDP does not necessarily give evidence of the integration of disaster management into the IDP. All departments and role players submitting input to the content of the current and future IDP of the municipality are therefore urged to consider the inclusion and integration of disaster risk management into their strategies, operational planning and project implementation.

It is strongly recommended that the municipality institutes the compulsory consideration of disaster risk management in the planning and execution stages of all IDP projects. This will ensure the integration of disaster management into the IDP, and will ensure that all plans and projects are focused on contributing to disaster risk reduction and disaster preparedness – thus reducing the impact of disasters on lives, property, community activities, the economy and the environment in the Stellenbosch Municipality.

1.4 Linkage with the Disaster Management Framework of the Cape Winelands District Municipality

The Stellenbosch Municipality must prepare and execute its disaster management plan within disaster management framework of the Cape Winelands District Municipality. The National, Western Cape Provincial and Cape Winelands frameworks will guide the development of this plan and future versions of this plan.

1.5 Structure of the plan

The Municipal Disaster Management Plan of the Stellenbosch Municipality consists of the components as indicated in the figure below.

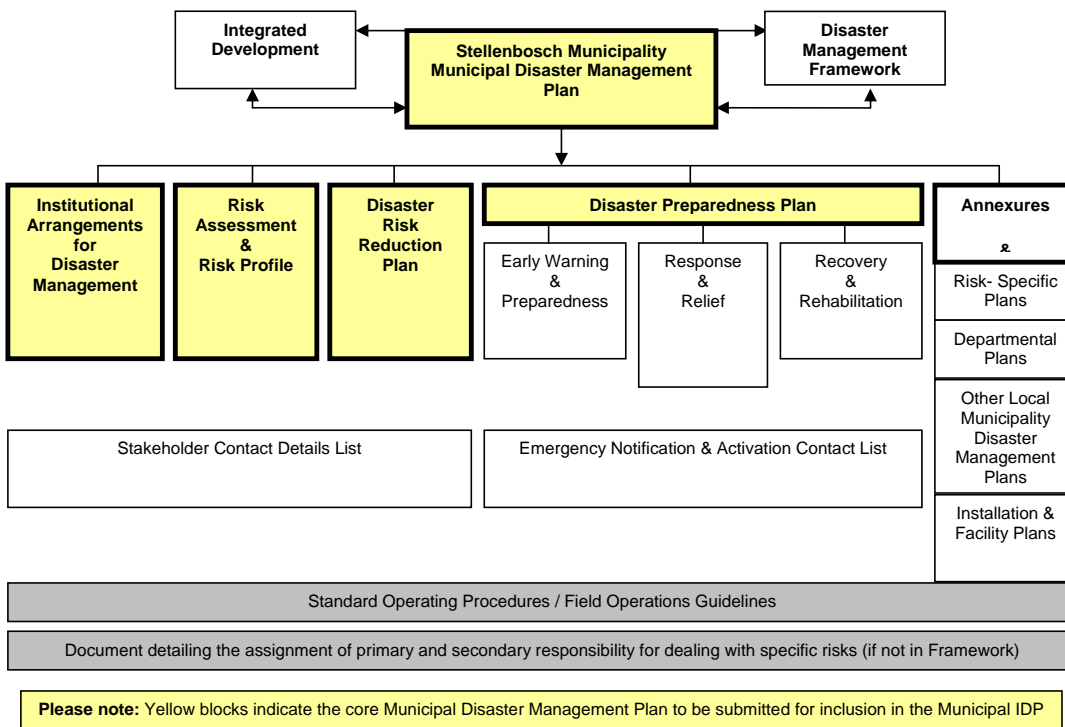


Figure 1: Structure of the Stellenbosch Municipal Disaster Management Plan

1.6 Definitions and abbreviations

ASAP	As Soon As Possible
DMC	Disaster Management Centre
LA	Local Authority
JOC	Joint Operations Centre
SAWS	South African Weather Service
DOC	Disaster Operational Centre

2 INSTITUTIONAL ARRANGEMENTS

2.1 Shared responsibility for disaster management

The responsibility for reducing disaster risk, preparing for disasters, and responding to disasters is shared among all departments and employees of the Cape Winelands District Municipality, local municipalities within the Cape Winelands District Municipality, all departments and employees of the Stellenbosch Municipality, all provincial and national organs of state operating within the municipality, all sectors of society within the municipality and, perhaps most importantly, all the residents of the municipality.

2.1.1 Nodal points for disaster management

Although the municipal department within the Stellenbosch Municipality assigned with the Disaster Management function should direct and facilitate the disaster risk management process, it cannot perform the whole spectrum of disaster risk management activities on its own. Disaster risk management is everybody's business. It is required that each municipal department within the Municipality assign a person or section within the department / local municipality to be the nodal point for disaster management activities in that department / local municipality. The same applies to national and provincial departments operating within the municipality.

The disaster management activities to be performed within departments and local municipalities include participation in disaster risk reduction as well as preparedness and response.

Action: The Disaster Management Centre of the Stellenbosch Municipality will circulate forms on an annual basis requesting role players to indicate their nodal points for disaster management. The forms shall provide space for indicating the department, position and full contact details (also after hours) of the nodal point and at least one alternate contact person.

2.1.2 Departments with primary responsibility for specific hazards and disaster risks

Where a department has primary responsibility for a specific hazard, the department's role in disaster risk management for that specific hazard will be more than mere participation: it will have to lead risk reduction as well as preparedness activities due to its expertise in the field.

Stellenbosch Disaster Management can support such a department with advice, information, facilitation and coordination.

Action: Stellenbosch Disaster Management will maintain a list of hazards that may affect the municipality with associated primary role players indicated for risk reduction as well as preparedness for each specific hazard. (See next section for the process of assigning such responsibility.)

The plans for disaster risk reduction and preparedness compiled by these primary role players should be attached to this plan or should be referenced as supporting documentation as indicated in Figure 1: Structure of the Stellenbosch Municipal Disaster Management Plan, on page 6. These documents must be easily accessible to all relevant role players.

2.1.3 Assignment of responsibility to deal with specific disaster risks

Departments that are responsible for specific services in normal conditions will remain responsible for such services during disasters. The declaration of a state of disaster and the tighter coordination instituted during disasters does not absolve any agency of its assigned responsibilities.

Legislation assigns responsibility for most disaster risks to specific departments or functions. There is however grey areas related to some disaster risks. In order to ensure clear roles and responsibilities and enhance integrated disaster risk management efforts, such grey areas must be addressed and clearly assigned responsibilities must be confirmed.

Action: The risk profile of the Stellenbosch Municipality will be considered and primary and supporting role players will be identified for each identified risk. Such allocation of primary and supporting roles will be done in consultation with all relevant role players, will be informed by existing legal frameworks, and assignment will be done on a consensus basis.

The above assignment of responsibilities will be revisited and confirmed on an annual basis, and will be recorded and distributed in the format indicated in **Table 1** below.

Table 1: Assignment of primary and supporting role-players for disaster risks

Description of disaster risks identified in the risk profile of the municipality (Complete one table per risk)	Primary role player in risk reduction to be indicated here	Supporting role-players
	Primary role player in preparedness to be indicated here.	Supporting role-players
	Primary role player in response and relief to be indicated here.	Supporting role-players
	Primary role player in recovery & rehabilitation to be indicated here.	Supporting role-players

The document assigning responsibilities can become an annexure of the Municipal Disaster Management Plan of the municipality, if such assigning of responsibilities has not been dealt with in the Municipal Disaster Management Framework.

2.2 Corporate Disaster Management Structure for the Stellenbosch Municipality

The Corporate Disaster Management structure for the Stellenbosch Municipality must deal with both pro-active and reactive disaster management issues and encompasses more than the department which is responsible for the function. The structure can include the following elements which may be collapsed into a smaller number of elements if less complexity is required:

2.2.1 Stellenbosch Disaster Management

The Directorate: Community and Protection Services within the municipality assigned with the Disaster Management function. A local municipality is not legally obliged to establish a Disaster Management Centre, but it is recommended.

The Disaster Management Centre of the Stellenbosch Municipality must aim to prevent or reduce the risk of disasters, mitigate the severity or consequences of disasters, prepare for emergencies, respond rapidly and effectively to disasters and to implement post-disaster recovery and rehabilitation within the municipality by monitoring, integrating, co-ordinating and directing the disaster risk management activities of all role players. A fully established and functioning Municipal Disaster Management Centre is a key element of this plan.

Action: The Stellenbosch Municipality will establish and maintain a fully staffed and resourced Disaster Management Centre.

2.2.2 Municipal Disaster Management Advisory Forum

Metropolitan or district municipalities may establish municipal disaster management advisory forums as described in Section 51 of the Disaster Management Act, 2002. Local municipalities are not required to establish advisory forums. It is however advantageous for a municipality to establish such a forum to coordinate strategic issues related to disaster management such as risk assessments and to approve and/or review the disaster management plan for the municipality before it is submitted to Council. The frequency of meetings of such a body is 2-4 times per year or as required.

Action: The Stellenbosch Municipality will consider the establishment of a Local Disaster Management Advisory Forum / Sub Advisory Forum and act upon its decision in this regard.

2.2.3 Interdepartmental Disaster Management co-ordination

Internal coordination will occur at manager level where instructions and identified projects from the Advisory Forum can be implemented and tracked. Municipal top-management meetings can serve as a coordination forum for disaster management issues within the municipality. Although a dedicated structure can be created for this purpose, this role will be performed by the top management team of the municipality to reduce the complexity of the disaster management structure. Ad-hoc external representation may form part of the deliberations upon invitation.

Action: The Stellenbosch municipality will consider the establishment of a dedicated body for interdepartmental Disaster Management coordination, or will assign this responsibility to the top management team (or officials) of the municipality.

2.2.4 Nodal points for disaster management within municipal departments

Refer to section 2.1.1 above.

2.2.5 Departmental planning groups

This element relates to planning groups that can be established within departments within the Municipality to deal with internal disaster management issues such as the compilation of departmental or local municipal disaster management plans and contingency plans for facilities and services of the department or local municipality. The disaster management nodal points of such departments or local municipalities will be involved in these planning groups.

Action: Nodal points will be empowered and supported by their departments / organisations to establish, manage, and participate in departmental and/or local municipal planning groups.

2.2.6 Risk reduction project teams

A multi-disciplinary project team convened to address and reduce a specific disaster risk. Convened by the primary role-player for the risk and supported by Disaster Management.

Action: The primary role-players for specific hazards or disaster risks, in collaboration with Stellenbosch Disaster Management, will establish and manage risk-reduction project teams as required or when requested by the Disaster Management Advisory Forum. (Existing structures should be used as far as possible to prevent duplication and reduce the meeting burden on role-players.)

2.2.7 Preparedness planning groups

A multi-disciplinary planning group convened to ensure a high level of preparedness for a specific disaster risk. Convened by the primary role-player for the risk and supported by Disaster Management.

Action: The primary role-players for specific hazards or disaster risks, in collaboration with Stellenbosch Disaster Management, will establish and manage preparedness planning groups as required or when requested by the Disaster Management Advisory Forum. (Existing structures should be used as far as possible to prevent duplication and reduce the meeting burden on role-players.)

2.2.8 Joint response & relief management teams

Mostly flowing from a preparedness planning group, a team that is mobilised to deal with the immediate response & relief required during or immediately after major incidents and disasters. Will normally convene in the Disaster Operations Centre (see description below).

Action: The preparedness planning group for each hazard will detail how the activation of a joint response and relief management team for that specific hazard will be managed, and who will form part of the team.

2.2.9 Recovery & rehabilitation project teams

These are project teams managing recovery and rehabilitation after disasters, mostly on a project-management basis. Disaster recovery and rehabilitation must focus on risk elimination or mitigation. Departments who are responsible for the maintenance of specific infrastructure are also responsible for the repair or replacement of such infrastructure after disasters.

Action: The preparedness planning group for each hazard will detail how the activation of recovery and rehabilitation project teams for that specific hazard will be managed, and who will form part of the teams.

2.2.10 Stellenbosch Disaster Management Communications Centre

This is the centre providing 24-hour emergency and essential services contact points to the public within the municipal area. The Centre is responsible for day-to-day emergency response by municipal departments and for the establishment of strategic communication links. Stellenbosch Fire and Rescue Services Control Centre will liaise closely with the Emergency Control Centres / Groups of the local municipalities and other stakeholders within the Stellenbosch Municipality on an on-going basis.

Action: Stellenbosch Disaster Management will maintain a fully staffed and resourced municipal Fire and Rescue Services Control Centre, and if required, collaborate with other agencies to maintain 24-hour per day, 7 days per week public emergency call-taking capacity.

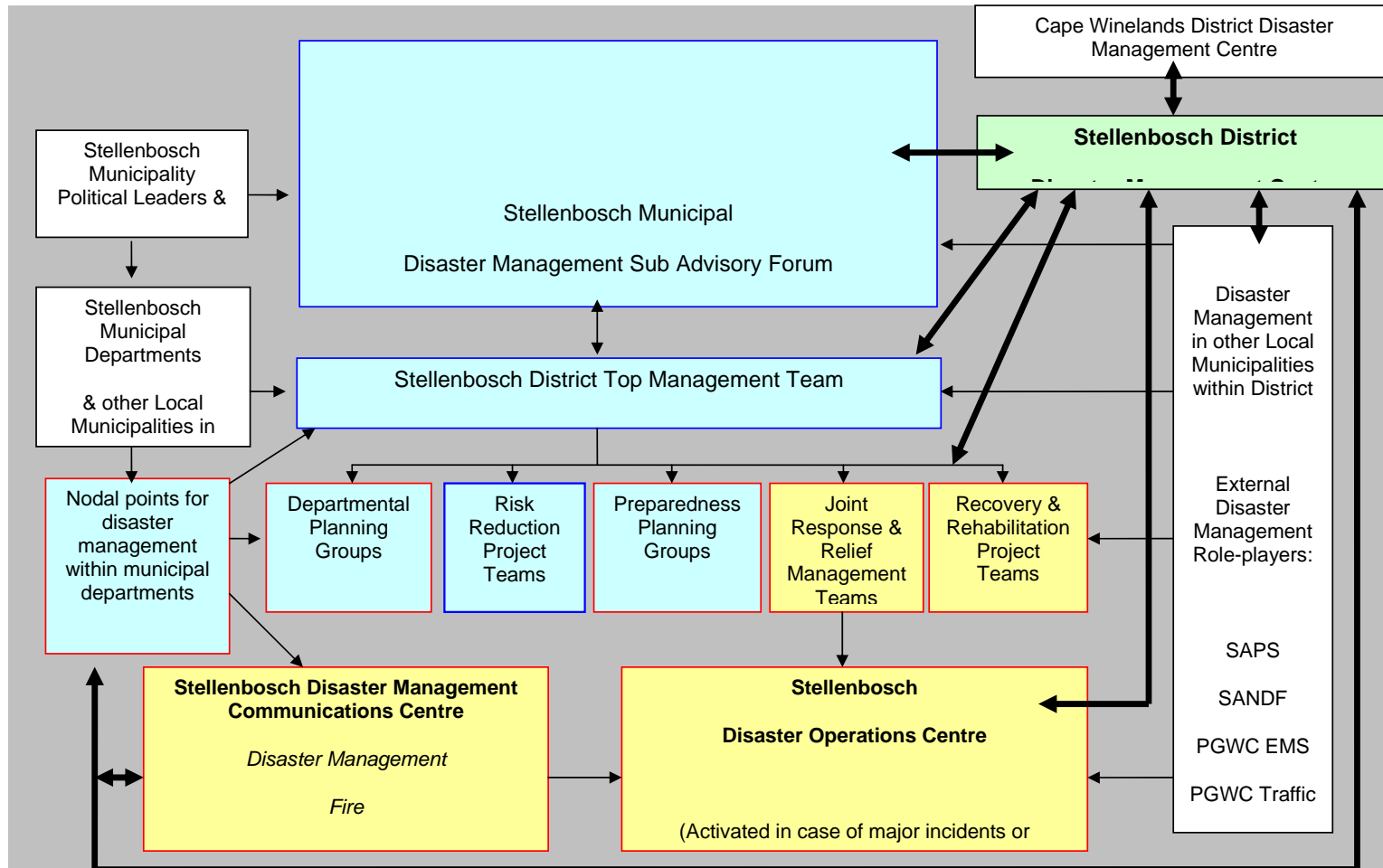
2.2.11 Stellenbosch Disaster Operations Centre (DOC) / Joint Operations Centre (JOC)

Stellenbosch Municipality does not have a dedicated facility equipped to serve as command and coordination centre during disasters, where the joint response & relief management team will convene. Alternative facilities should be identified as back-up to the primary DOC. The term JOC for Joint Operations Centre can also be used for this facility.

Action: Stellenbosch Disaster Management will establish and maintain a fully staffed and resourced Fire and Rescue Services Control Centre for activation as required and will identify fall-back or alternative facilities for the same purpose.

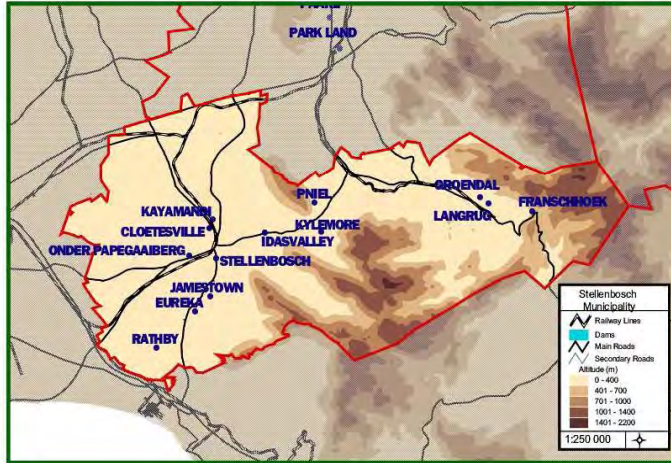
A MOA between Stellenbosch Municipality and Cape Winelands District Municipality- should the need be to use their fully equipped/resourced centre in Stellenbosch, would be ideal.

Figure 2: Municipal Disaster Management Structure (Can be collapsed into less elements if less complexity is required)



3 RISK ASSESSMENT

3.1 General Area Description



3.2 Risk Profile of the Stellenbosch Municipality

Various disaster risks have been identified and assessed during 2008, as set out in detail in the Risk Assessment Report accompanying this document.

The following disaster risks were identified as priority risks to be addressed by disaster risk reduction as well as preparedness plans:

1.	Fire – Veld & Runaway Fires
2.	Dam Wall Failure: Idas Valley
3.	Floods
4.	Chemical spills: Hazmat incidents
5.	Explosive storage: (fuel, gas)
6.	Environmental pollution: (air, water, ground contamination, pesticides)
7.	IT – Failure of system: Access to info
8.	Infrastructure Decay : No / dysfunctional infrastructure / service delivery (sewerage, toilets, grey water, electricity)
9.	Transport incidents (road, railway accidents)
10.	Rock Falls
11.	Aircraft accidents
12.	Seismic: Earthquakes
13.	Erosion
14.	Communicable disease: (H1N1 Influenza (Swine Flu))
15.	Insufficient hydrants
16.	Power failure
17.	Strikes / Social conflict
18.	Climate change: (high/strong winds, severe heat/cold)
19.	Poverty
20.	Chlorine stations

The above lists illustrate the types of disasters that pose the highest risks within the area of the Stellenbosch Municipality and their possible effects. The communities at risk can be derived from the risk lists, and are also shown in the risk assessment that was conducted for the area.

More detailed risk descriptions, inclusive of hazards, vulnerability and capacity descriptions, are available in the original risk assessment document.

4 DISASTER RISK REDUCTION PLANS

Disaster risk reduction plans providing for prevention and mitigation strategies have been compiled through a participative process and have not been vetted or submitted to feasibility studies.

The risk reduction plans outlined in this document and its annexures which are implementable must be considered for inclusion within the IDP projects of the municipality and if included must be budgeted for in terms of the operating and capital budgets of the municipality. Each project should be evaluated to determine which municipal department can lead its implementation. When a lead department is assigned through consensus in the DMAF, such a lead department must manage all planning and budgeting processes for said project. The Disaster Management department of the Stellenbosch Municipality must assist in this regard.

Where the proposed project falls outside the mandate of the municipality, the municipality should establish a lobbying and monitoring mechanism to motivate the need for the project in the correct governmental or societal sector and to track progress on the project. It is anticipated that many projects will need to be executed on a partnership level, and in such cases the department of the municipality responsible for service delivery partnerships should take the lead with support from the Stellenbosch Disaster Management Centre.

4.1 Risk reduction plans for the Stellenbosch Municipality

Risk reduction project proposals for priority risks are listed in the attached risk reduction plan document.

4.2 Risk reduction capacity for the Stellenbosch Municipality

The organisational structure for risk reduction within the municipality includes Stellenbosch Disaster Management, the Disaster Management Advisory Forum, the top management team of Stellenbosch Municipality, the nodal points for disaster management within municipal departments within the municipality, departmental planning groups, risk reduction project teams and preparedness planning groups. See **Figure 2: Municipal Disaster Management Structure** on page 12.

The total structure of the municipality, with every member of personnel and every resource should also be committed to disaster risk reduction.

On-going capacity building programmes will be required to ensure the availability of adequate capacity for risk reduction.

5 PREPAREDNESS PLANS

Preparedness plans are compiled in order to enable fast and efficient response to predicted and unpredicted emergencies. *In case of an emergency, the user of this document should immediately turn to the attached preparedness plan for guidelines on managing response.*

5.1 Preparedness plans of the Stellenbosch Municipality

Risk-specific preparedness plan proposals for priority risks are listed in the attached preparedness plan document, along with a standard response procedure for Disaster Management. The risk-specific preparedness plans have been compiled through a participative process.

5.2 Preparedness capacity for the Stellenbosch Municipality

The organisational structure for preparedness within the municipality includes Stellenbosch Disaster Management, the Disaster Management Advisory Forum, the top management team of the Stellenbosch Municipality, the nodal points for disaster management within municipal departments within the municipality, departmental planning groups, preparedness planning groups, Joint Response & Relief Management Teams, Recovery & Rehabilitation Project Teams, and the

Stellenbosch municipal Fire and Rescue Services Control Centre. See **Figure 2: Municipal Disaster Management Structure** on page 12.

The total structure of the municipality, with every member of personnel and every resource can potentially form part of preparedness capacity. On-going capacity building programmes will be required to ensure the availability of adequate capacity for disaster preparedness.

The Stellenbosch Fire and Rescue Services Control Centre are responsible for the operational procedures associated with day-to-day operational response to emergencies by municipal departments.

The Stellenbosch Fire and Rescue Services Control Centre and the Stellenbosch top management team are jointly responsible for the emergency management policy framework and organisation that will be utilized to mitigate any significant emergency or disaster affecting the municipality.

6 RESPONSE & RECOVERY

During response and recovery operations the relevant disaster preparedness plans of the municipality will be executed by the disaster management structures.

6.1 Response Procedure

During Disaster Response the Unified Command approach will be implemented and the Western Cape Disaster Preparedness Response and Relief Plan (DPRRP) will be utilised. The duplication of the DPRRP inside this plan would constitute unnecessary duplication and therefore the DPRRP is seen as a reference document, while the response and relief procedure from the DPRRP will be summarised here for quick reference.

The basic steps and actions of the response and relief management procedure are summarised below.

Table 2: Steps in the response and relief procedure

Number	Steps	Components
S1	Notification and Activation	Detection Mobilisation
S2	Rapid Assessment	
S3	Integrated Structure	Unified Incident Management FCP / On-site JOC Team Coordinator Inner Cordon Outer Cordon Staging areas Process Management Sectors
S4	Re-Assess	Resources Hazard Situation
S5	Objectives	
S6	Plan of action	Planning Implementation
S7	Monitor / evaluate / review	
S8	Close and document	

This procedure is compatible with KPA 4 of the SA National Disaster Management Framework

6.1.1 Notification/activation

During the notification phase, it must be ensured that management and operational staff are informed and mobilised as speedily and effectively as possible. To facilitate the foregoing it is imperative that 24 hour duty and standby rosters are kept current and available at the 24 hour communication facilities for the PDMC and all service communications centres who have an emergency and/or Disaster response role in the Province.

Such call-out lists must indicate the first response mobilisation and 2nd line responders clearly.

It is therefore necessary to design Standardised response procedures and protocols for specific incidents and also consider variables such as season, time of day etc.

6.1.2 Rapid Initial Assessment

The basis for any effective response is the initial rapid, but accurate on-scene assessment of the situation i.e. nature of the hazard, resource requirements, immediate threats to people, property and the environment, magnitude and boundaries of current and possible future impacts, and to be able to communicate this information in a predetermined standardised format.

Rapid and effective response can also be facilitated if a standardised initial report-back includes response suggestions and needs.

The rapid initial assessment must be as accurate as possible with accurate predictions of what may still occur,

6.1.3 Establish response management structure

Once the initial response has been effected and services arrive on the scene the process for the implementing of the secondary response must be initiated as soon as possible. This response must be based on the needs received from the scene as a result of the rapid assessment.

This response must build on existing response levels and strengthen the deployments and actions on scene.

Structures to coordinate response

The establishment of a structure to manage, co-ordinate and integrate response actions at the scene of an incident is imperative and a priority for all services involved at an incident. Such a basic structure should be contained in a "Standardised incident management plan" agreed to beforehand by all role-players.

There are a number of essential elements to the structure and principles, which should be observed at all times;

Flexible organisation

The composition of the organisation must be adapted to the size, magnitude and nature of the incident. The organisation must be adapted (increased or decreased) as circumstances dictate.

Standardised Terminology

All services must be informed and be familiar with the organisation and terms used by services, which may be involved in an incident.

Tactical Incident Management facilities / structures

As part of the management structure, there are a number of essential facilities / structures, which may need to be established at the scene of an incident, these can include:

- Outer perimeter / cordon / public exclusion zone
- Inner perimeter
- Establishing a landing zone
- Staging area
- Incident command post
- Casualty clearing post
- Information point / media liaison
- Communications network
- Access control to incident site and emergency infrastructure

The above elements are described in further detail in the disaster response activities and their action steps.

On-Site Incident Coordination Point

This is an on-scene facility where tactical decision-making and control of inter-disciplinary coordination takes place. Also known as Incident Command Post (ICP), On-site JOC / Forward Control or Command Post (FCP).

This is the single point of command for all on-site operations during the response phase of an emergency and will be located at an appropriate location at or near the scene of the emergency, normally within the outer perimeter.

The incident Commanders / Managers from key response agencies will operate under Unified Command to co-ordinate incident operations.

Joint Incident Management Team / Unified Command

One of the main objectives to ensure effective on-scene management of services is to establish a "Unified Incident Management" system. This system allows for a structure whereby overall incident objectives and strategies can be formulated.

In incidents involving multiple jurisdictions, a single jurisdiction with multi-agency involvement, or multiple jurisdictions with multi-agency involvement, unified command allows agencies with different legal, geographic, and functional authorities and responsibilities to work together effectively without affecting individual agency authority, responsibility, or accountability.

In this regard it is important that the representatives be suitably mandated and takes full responsibility and charge of its service at that level.

It will ensure that the agreed upon operational plan and integrated tactical strategies are implemented by making optimum use of available resources.

It is normally structured to facilitate activities in five major functional areas:

- command,
- operations,
- planning,
- logistics, and
- finance and administration.

This organisation should also include the following elements depending on the situation;

- Safety
- Media / public liaison – information
- Liaison – supporting agency / jurisdiction liaison (DisMan well-placed for this)

Depending on the situation the estimated duration of the incident must be established in order to plan the need for the rotation of staff and to plan meals, etc.

Determining the primary role-player for an incident or activity

If a situation occurs where there is no immediate agreement between parties regarding who should be the primary role-player in a specific emergency situation, the DPRRP contains a procedure that should be followed.

Communications

For Provincial communication networks and structures see the main document to which this document is an annexure.

6.1.4 Re-assess

The first very important step after the Joint Incident Management Team has been established is for them to re-assess the situation. During this process, there are three aspects which must be addressed.

Re-assess Resources

The team need to establish:

- present deployment and how effective it is
- possible further immediate, medium and long-term resource needs.

An analysis of special equipment and services and needs must be done at this stage.

When evaluating the mobilising of additional resources the following needs must be taken into account;

- The type of human resources required i.e. skills and type of tasks to be performed.
- What equipment and supplies is required and which must come first (Priorities)
- Who will be responsible for the control of essential supplies
- Which essential services are required and/or should be restored first (Priorities)
- Observe and ensure that supply chain management / logistics are complied with (Accountability)
- Possible invoking of mutual aid arrangements and/or other formalised agreements



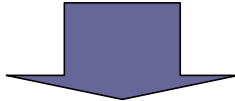
Re-assess Hazard

A thorough analysis of the potential impact of the hazard must be made. In this regard the following should be assessed;

- Present impact
- Potential hazard impact (worst case scenario)
- Also think beyond present situation
- Obtain specialist input
- Consider implementation of risk specific plans

Re-assess Situation

In this regard the following aspects must be carefully analysed and assessed;

<p>Look up - Establish present weather and get prediction for next 24 hours. It is important to look at the impact of the weather may have on the situation and what short and long term – changes may be predicted.</p>	
<p>Look around - Look at the topography and natural environment and establish what effect it would have on the hazard behaviour and impact</p>	
<p>Look down - Look at the built environment, the natural environment and the economical activities and establish how the hazard can possibly affect these activities. It is also important to consider/establish land owner and type of facility – e.g. key points being affected.</p>	

Do a complete evaluation to establish the severity and implications of the problem (direct and indirect implications)

6.1.5 Establish incident management objectives

Once the re-assessment have been completed the team should decide on the incident management objectives, and the following should receive attention;

- Broad statement of intent
- Think strategically
- Determine priorities
- Ensure public protection and secure affected area

It is important that emergency worker and public protection be observed throughout the process of setting objectives.

6.1.6 Plan of action

Once the incident management objectives are complete a well framed and well prepared plan of action is essential for the effective execution of the operation.

To plan effectively the following should be considered;

- Situational analysis (Clearly mapped)
- Resource status and response levels (Accurate recording)
- Think of worst case scenario (Think ahead)
- Plan for all phases (response, relief, recovery, rehabilitation and reconstruction)
- Decide on key objectives and responsibilities
- Consult with external organisations
- Protective actions (Response activities)
- Protective action strategies (Response management strategies)
- Incident Communication planning (Radios, IT , Public and Media)
- Develop alternatives (think beyond the normal)
- Review alternatives
- Decide on plan of action

6.1.7 Implementation

Once a decision has been made on the plan of action the plan must be communicated clearly to all role-players. In this regard, the following should receive particular attention;

- Communicate objectives, responsibilities, timeframes clearly
- Action tasks clearly and to specific services and/or sections
- Motivate staff and support implementation throughout.

6.1.8 Strategic Response Management Structure

Disaster Operations Centre/Joint Operations Centre

The Disaster Operations Centre is an off-site, centralised facility, which is provided by the Provincial or Municipal Disaster Management Centre, where multi-disciplinary co-ordination and strategic decision-making takes place. It is a fully equipped dedicated facility within the Western Cape Provincial Disaster Management Centre.

For the purpose of multidisciplinary strategic management of response and recovery operations, this facility must be capable of accommodating any combination of emergency and essential services representatives, including all relevant role players and stakeholders identified in response and recovery plans.

This facility must be activated when a local, provincial or national disaster occurs or is threatening to occur.

The Disaster Operations Centre may be activated immediately upon receipt of information of a specific type of incident, or may be activated upon request or advice of the joint incident management team(s) at the scene of the incident(s).

Initial Strategic Situation Analysis

Once the initial activation has taken place the following should take place;

- Convene meeting in the JOC
- Review situation on available information
- All possible role-players must be identified and mobilised if not yet present.
- Identify and appoint incident co-ordinator
- Ensure all services required have been activated and are responding to their areas of responsibility
- Compile initial situation report for distribution to all stakeholders, internal and external.
- Establish public notification needs
- Establish public safety advisory needs
- Generate media release for public communication
- Monitor, assess and support services on-scene
- Establish possible resource needs
- Evaluate resources available vs. resources possibly required
- Establish availability of resources, consult database
- Establish possible need for invoking mutual aid agreements and do initial notifications of possible support required
- Monitor, re-assess and adapt strategy

Structures to provide relief

Additional off-site structures may need to be established to provide relief, these could include

- Mass Care centres
- Victim information centres
- Reconciliation areas (where victims and their friends / family can be reunited)
- Data processing centres
- Media briefing facilities

- Counselling facilities
- Animal holding areas

6.1.9 Monitor/Evaluate

The successful implementation and execution of any plan is very dependent on sustained and effective monitoring and evaluation of its effectiveness.

This must be ensured by observing the following principles;

- To constantly receive and evaluate feedback reports from line departments
- To regularly direct requests and ask questions
- To take note of and observe status changes on an on-going basis
- To analyse actions and anticipate problems/changes (be flexible)
- To regularly re-assess the situation and the effectiveness of actions and adapt strategies as circumstances dictate. Repeat process - Schedule meetings at specific agreed regular times.

6.1.10 Close incident & document

Once an incident has been effectively managed and services can return to normal operations, the following actions must be taken;

6.1.11 De- mobilise

Once the response to an incident is completed and there is consensus amongst all role-players that the point has been reached for services to stand-down from the incident and to return to their normal activities, the demobilisation phase is reached.

Ensure that all services have received de-mobilising orders and are reporting to their work stations.

6.1.12 Complete Review (Post Mortem)

After each incident, copies of all messages, reports and incident logs of all services must be submitted to the PDMC for joint analysis and review.

There must be a formal and structured critical review of all actions and all findings and/or areas of concern must be recorded and included in a report with the necessary recommendations and/or corrective actions to improve response in future.

6.1.13 Corrective actions

Corrective action plans must be drawn up and are designed to implement changes that are based on lessons learned and recommendations made from reports and reviews after actual incidents or from training and exercises.

Such actions and recommendations must include time frames and deadlines for implementation.

6.2 Declaration of a state of disaster and disaster classification

It is advisable that the Stellenbosch Municipal Council adopts a formal policy for the declaration of a local state of disaster. Such a policy will replace this section of the plan which provides a general description of issues surrounding the declaration of a state of disaster.

When a disastrous event occurs or is threatening to occur in the area of the municipality, the DMC / Section will determine whether the event is a disaster in terms of the Act, and, if so, the Head of the Centre will immediately

- initiate efforts to assess the magnitude and severity or potential magnitude and severity of the disaster;
- alert Disaster Management role players in the municipal area that may be of assistance in the circumstances;
- initiate the implementation of the disaster response plan or any contingency plans and emergency procedures that may be applicable in the circumstances; and
- inform the National Disaster Management Centre and the Western Cape Provincial Disaster Management Centre via the Cape Winelands District Disaster Management Centre of the disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of the disaster.

When informing the National Centre and the Western Cape Provincial Disaster Management Centre via the Cape Winelands DMC the Stellenbosch Disaster Management Centre may make recommendations regarding the classification of the disaster as may be appropriate.

Irrespective of whether a local state of disaster has been declared or not, the municipality is primarily responsible for the co-ordination and management of local disasters that occur in its area.

Whether or not an emergency situation is determined to exist, municipal and other agencies may take such actions under this plan as may be necessary to protect the lives and property of the inhabitants of the municipality.

Declaration of a local state of disaster: In the event of a local disaster the municipal council may by notice in the provincial gazette declare a local state of disaster if existing legislation and contingency arrangements do not adequately provide for the municipality to deal effectively with the disaster; or other special circumstances warrant the declaration of a local state of disaster.

If a local state of disaster has been declared, the Council may make by-laws or issue directions, or authorise the issue of directions to:

- Assist and protect the public;
- Provide relief to the public;
- Prevent or combat disruption; or
- Deal with the destructive and other effects of the disaster.

7 TESTING AND REVIEW OF THE PLAN

The municipality will regularly review and update its plan, as required by Section 48 of the Disaster Management Act, 2002. The Disaster Management Advisory Forum shall be responsible for the review of the municipal disaster management plan on an annual basis.

Action: The DMAF will implement an annual review of this plan.

8 ANNEXURES

Annexure A: Standard Operating Procedures, Contingency Plans etc.

Annexure B: Key Stakeholders Contact List / Emergency Numbers List for Stellenbosch

Annexure C: Advisory Forum Membership List

Annexures to be developed by the Stellenbosch Disaster Management Centre:

- Disaster Preparedness Plans
- Disaster Risk Reduction Guidelines
- Standard Operating Procedures and Field Operation Guides for each identified hazard
- Assignment of primary and supporting role-players for disaster risks
- Information and communication systems description
- Contact details for the Disaster Operations Centre representatives from the relevant role-players for each hazard.

9 REFERENCE DOCUMENTS

Cape Winelands District Municipality Draft Disaster Management Framework

Cape Winelands District Municipality Community Based Risk Assessment, 2008.

Towards Disaster Management Plans for the Cape Winelands District Municipality (Hazard Identification, Vulnerability Assessment, and Risk Prioritisation), 2005

Sensitising document: Transport of Hazardous Materials in Bulk: Spoornet, Undated.

Agricultural Disaster Risk Management: Agricultural Drought Management Plan, Department of Agriculture, Aug 2007.

Emergency Preparedness and Response Plan, Drakenstein Local Municipality, March 2009.

Contingency Plan, Metrorail Western Cape, October 2008.

Hospital Emergency Plans, Medi-Clinic – Worcester, Paarl

Hospital Emergency Plans, Western Cape Department of Health

Outbreak response team

Education: Principal each school is responsible. Plan per school. Unannounced visits and testing of emergency plans. Schools must have plans for when things go wrong with transport. Organized into circuits.

- a) Constitution of the Republic of South Africa, 1999.
- b) Disaster Management Act, 2002 (Act 57 of 2002)
- c) National Disaster Management Framework, 2005 (Government Notice 654 of April 2005: A Policy Framework for Disaster Risk Management in South Africa)
- d) Fire Brigade Services Act (Act 99 of 1997) as amended.
- e) Fund Raising Act (Act No 107 of 1978) (FRA)
- f) Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- g) Major Hazardous Installations Regulations of the Occupational Health and Safety Act
- h) Road Traffic Act
- i) Social Assistance Act, 1992 (Act no 59 of 1992)

10 ANNEXURE A: DISASTER PREPAREDNESS GUIDELINES

NB: New risks and the resulting plans can be completed after the conclusion of the Risk Assessment and added as the plan is reviewed and updated.

Disaster Preparedness Plan: Fire

No	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
1.	Inform Fire Services	First person to notice incident	Local authority fire call centre	Immediately	To respond resources
2.	Respond resources	Fire Services Control Centre	Local authority fire call centre	Immediately	To limit impact
3.	For facilities: Activate facility fire teams	Facility manager or as per plan	Facility manager's office	Immediately when the incident is reported	To contain situation
4.	For facilities: Fire team to extinguish small fires	Trained fire team	At the point of incident	ASAP	To prevent / minimize the chance of the fire spreading
5.	For facilities: Evacuate facility	Evacuation teams / SAPS / Fire	At facility	ASAP	To prevent injury/deaths
6.	For facilities: Check the name list of all evacuated people	Trained control team	At specific control points (assembly areas) outside the building / facility	ASAP after evacuation	To ensure everyone is out of the building / facility
7.	Assess Situation	First Responders on scene	At scene	On arrival	To determine needs
8.	Request additional resources	First Responders on scene	From scene through local authority fire call centre	After assessment	To manage situation
9.	Implement appropriate emergency intervention	First responders on scene	At scene	On arrival	To protect life and property and neutralize any impacting hazard
10.	Setup command post	Senior officer on site	Safe area on site	Immediately	To plan and implement correct immediate responses
11.	Establish incident management plan per service	Services on scene	On scene	ASAP	To effect appropriate immediate response and relief actions
12.	Assess impact	Services on scene	On scene	Immediately	To determine future relief and recovery actions
13.	Notify Disaster Management team if major incident	Services on scene / Senior officer on scene	From command post	As soon as required	To facilitate multidisciplinary co-ordination and major incident management support
14.	Crowd and traffic control	SAPS, Traffic, Law Enforcement, Private security if appropriate	Around scene	Immediately	To control people and traffic at the incident

No	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
15.	Assemble joint incident management team	Senior representatives of all services on scene	At appropriate single command post, in case of fire incident preferably at fire command post	Immediately once more than one service working on scene	To ensure multidisciplinary coordination that enables effective response and relief
16.	Design joint incident action plan	Joint incident management team	Command post / FCP	ASAP	To manage situation
17.	Implement joint plan of action	Joint incident management team	On scene	ASAP	To normalize situation
18.	Seek missing people	Search team/ Fire/ EMS/ SAPS	Through the whole building / facility / affected area	ASAP once missing people have been reported	To rescue missing persons
19.	Treat injured people	Trained first aid team/ EMS / Fire	At the first aid post / triage area	Immediately when injury is reported	To treat injuries
20.	Inform next of kin of injured people	Facility manager / SAPS / EMS	At the facility manager / director's office / from scene	Immediately when injury is reported	To inform family members of the conditions of the injured relative and how to reach them
21.	Monitor actions	Joint incident management team	On scene	Ongoing during incident management	To ensure effective planning and execution
22.	Area /Facility clean-up	All services	On site	On completion of rescue/ immediate emergency actions	To prevent further incidents/ environmental impacts
23.	On-site inspection	EMS/ Traffic/ Fire / SAPS forensics	On scene	On completion of emergency actions	To ensure site is safe for use again
24.	Stand down	All services	On scene	Once site is declared safe	To normalize services operations
25.	De- brief	All role-players	Pre-determined venue	Within one week	To evaluate actions and improve future response
26.	Update plans and procedures	All role-players	At service HQ	ASAP	Effective service delivery

10.1 Disaster Preparedness Plan: Flooding

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
1	Notify response teams (Municipal engineering, SAPS, Fire & Rescue, EMS, Dept. Water Affairs, SAWS)	Local Authority	24 Hour Call centre	Immediately	To activate response teams
2	Activate response teams	District Disaster Management and Services Standby Teams	From locations/ standby positions	Immediately	To assess impact and actions required
3	Identify affected and damaged area	District Disaster Management and Services Standby Teams	In affected area	Immediately	To determine the extent of the damage in order to assess the affected area
4	Determine impact	District Disaster Management and Services Standby Teams	At affected area	Immediately	To determine the actions and level of response required
5	Implement appropriate emergency intervention	First responders on scene	At scene	On arrival	To protect life and property and neutralize any impacting hazard
6	Activate JOC	Head of DMC and senior management of all services / jurisdictions involved.	DMC or alternative	Immediately if major flooding incident	To plan strategically and coordinate multidisciplinary response, relief and rehabilitation
7	Assess information	All services	JOC	Immediately	To plan actions
8	Design plan of action	DM Co-ordination Team / JOC Team	JOC	After assessment	To facilitate response and relief
9	Implement response actions	District Disaster Management Team, SANDF, SAPS, EMS	Affected area	ASAP	To prevent injury / mortality and to provide basic needs / services
10	Provide relief	Relevant Stakeholders	At affected area / relief center	After assessment	To minimize impact
11	Mopping up	Relevant Stakeholders	Affected area	ASAP	To normalize community
12	Assess possibility of further flooding	District Disaster Management Team, SAWS	Entire area	Immediately	To minimize and/or prevent further disruption / damage
13	Issue early warning to areas vulnerable to further flooding	District Disaster Management Team, SAWS	Vulnerable areas	Immediately	To minimize and/or prevent further disruption / damage
14	Institute recovery measures	PDMC, Treasury, Relevant Departments	JOC	Once situation is under control	To restore normal activities in area

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
15	Road closures	Municipality / Prov Traffic	On Site	ASAP	To prevent loss of life and property
16	Communication with population of affected areas	Municipality / Media / Disaster Management / SAPS	On-site media liaison point / Media Centre close to JOC	ASAP	To prevent loss of life and property through public communication
17	Arrange temporary accommodation	Municipality / Social services/ NGO's	Available venues	When needed	To provide temporary accommodation – emergency shelter
18	Organize medical search parties	EMS / Fire & Rescue	On site	ASAP if people reported missing / unaccounted for	To treat medical cases
19	Flood management	Department of Water Affairs	On site and downstream	ASAP	To manage the effects of the flood
20	Rapid initial impact assessment	Municipal engineer and Provincial roads engineer	In affected area	Once flooding has subsided, if infrastructure damage suspected	To establish impact and immediate required repair to infrastructure as well as assistance required from province / national
21	Priorities, plan and implement emergency repairs to infrastructure	Infrastructure owner	Areas with damaged infrastructure	ASAP – depending on prioritization and available resources	To restore critical and essential services
22	Verification of impact assessment	Province / NDMC / Contracted impact assessment team	Areas with damaged infrastructure	ASAP after rapid initial impact assessment	To quantify and verify infrastructure damage and repair / replacement cost in monetary terms

10.2 Disaster Preparedness Plan: Earthquake

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
1	Notification and activation	Any person observing impact	LA 24 hour control center	ASAP	To activate response teams
2	Activate response teams	LA 24 hour control center	LA 24 hour control center	ASAP	To assess and determine needs
3	Activate DMC JOC	DMC	DMC or appropriate alternative	ASAP	To co-ordinate actions
4	Assess and establish the extent of the earthquake	Survivors and emergency services	In area	ASAP	To determine needs and strategies
5	Collate info	JOC Team	JOC	ASAP	To determine priorities
6	Determine evacuation needs	JOC Team	At affected areas	ASAP	To provide relief to affected people
7	Establish plan of action	JOC Team	JOC	After initial assessment	To provide relief to affected people
8	Arrange accommodation for evacuees	JOC Team	Identified halls and mass care centers	ASAP	To provide relief to affected people
9	Treat injured people	EMS, Hospital and clinic staff	First Aid posts, hospital and clinics	ASAP	To treat injuries and prevent fatalities
10	Arrange search and rescue	JOC Team	In identified areas	ASAP	To rescue trapped people and animals
11	Arrange trauma counselling	JOC Team	Affected areas	ASAP	To assist all traumatized people
12	Monitor and re-assess	JOC Team	Affected areas	Asfter initial assessment and planning	To evaluate actions
13	Adapt planning	JOC Team	JOC	ASAP	To facilitate normalization
14	Arrange an infrastructure impact / damage assessment	JOC Team	Affected areas	ASAP	To create a report of damaged infrastructure and determine needs
15	Establish a central call center	Local authority	Affected area	As needed	To address shelter / housing needs
16	Set up satellite operation centers	Appointed site commanders	On site / in areas as required	As needed	To coordinate response
17	Determine short, medium and long term needs	JOC Team	JOC	ASAP	To plan service restoration
18	Develop reconstruction and redevelopment plans and strategies	JOC Team	JOC	ASAP	To normalize and resettle area

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
19	Implement reconstruction program	JOC Team	Affected areas	After initial emergency response	To normalize and resettle area
20	Monitor actions	JOC Team	JOC	Ongoing	To ensure effective planning
21	Area cleanup	All services	Affected areas	On completion of rescue/ immediate emergency actions	To prevent further incidents/ environmental impacts
22	On-site inspection	All services	Affected areas	On completion of emergency actions	To ensure area is safe for use again
23	Stand down	All services	Deployment points	Once area is declared safe	To normalize services operations
24	De- brief	All role-players	Pre-determined venue	Within one week	To evaluate actions and improve future response
25	Update plans and procedures	All role-players	DMC	ASAP	Effective service delivery

10.3 Disaster Preparedness Plan: Infrastructure Failure

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
1.	Notify service	Any person observing failure	LA 24 hour control center	ASAP	To activate response teams
2.	Activate response teams	Service control centers	Service control centers	ASAP	To restore service
3.	Assess situation	Response teams	At site of failure	On arrival	To determine needs
4.	Request additional resources	Response teams	Service control center	ASAP	To facilitate rapid restoration of service
5.	Determine plan of action	Service management with other involved parties	At site	ASAP	To co-ordinate response
6.	Secure area	SAPS, local and provincial traffic	At site	ASAP	To protect workers and public
7.	Implement plan	Services responsible	At site	ASAP	To restore services
8.	Monitor actions	Service management, Service control centers	On scene, Service Control Centre	On going	Ensure effective planning
9.	Area / Road cleanup	All services	On site	On completion of rescue/ immediate emergency actions	To prevent further incidents/ environmental impacts
10.	On-site inspection	EMS/ Traffic/ Fire/ SAPS forensics	On scene	On completion of emergency actions	To ensure site is safe for use again
11.	Stand down	All services	On scene	Once site is declared safe	To normalize services operations
12.	De- brief	All role-players	Pre-determined venue	Within one week	To evaluate actions and improve future response
13.	Update plans and procedures	All role-players	At services' HQ	ASAP	Effective service delivery
14.	<u>Specific contingencies:</u>				
15.	No water: Make use of reserve tanks	Technicians	Hospitals	ASAP	Water is vital in the effective functioning of hospitals
16.	No electricity: make use of generators	Technicians	In the area of the incident	ASAP	To rectify the situation
17.	Identify sewage system failure	Technicians	Hospitals	ASAP	To prevent pollution
18.	No refuse removal: contact the municipality	Hospital manager	Hospitals	ASAP	Refuse needs to be removed as they can pose as health risks

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
19.	Roads and RDP houses must be repaired and maintained	Individuals	In the area of the incident	ASAP	Fix the problem area
20.	Dam overflow: Contact department of water affairs	Individuals	In the area of the incident	ASAP	Prevent the loss of water

10.4 Disaster Preparedness Plan: Transport Incidents

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
1.	Notify Control Centre	Public / Official witnessing incident	At LA 24-hour Control Centre	ASAP	To trigger Response
2.	Contact Fire, Traffic Services, SAPS and EMS	LA Control Centre	LA Control Centre	ASAP	To limit effects of incident
3.	Notify response teams	Service Control Centers	Service Control Centers	ASAP	To control / normalize traffic, see to people involved
4.	Assess and set up command post	Incident Management Team	On scene	On Arrival	To plan response and relief
5.	Activate additional response	Services	On scene	After initial assessment	To ensure effective response actions and resources
6.	Determine action plan	Incident Management Team	On scene	ASAP	To implement integrated response actions
7.	Execute action plan	Response teams	On scene	ASAP	To prevent or limit loss of life and property
8.	Monitor actions	Incident Management Team	On scene	On going	Ensure effective planning
9.	Area cleanup	All services	On site	On completion of rescue/ immediate emergency actions	To prevent further incidents/ environmental impacts
10.	On-site inspection	EMS/ Traffic/ Fire/ SAPS forensics	On scene	On completion of emergency actions	To ensure site is safe for use again
11.	Stand down	All services	On scene	Once site is declared safe	To normalize services operations
12.	De- brief	All role-players	Pre-determined venue	Within one week	To evaluate actions and improve future response
13.	Update plans and procedures	All role-players	At service HQ	ASAP	Effective service delivery

10.5 Disaster Preparedness Plan: Hazardous Materials Incidents

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
1	Notify Fire Dept. / SAPS	Member of public or official observing incident 1st person on scene (10111/112/10177/ 021 887 4446)	On site - safe distance from incident	ASAP	To action response
2	Notify Hazmat team and Fire/ Local, Prove Traffic/ EMS / SAPS / Transnet	Emergency call center / Fire dispatcher	Call center	ASAP	To activate response
3	Identify type of hazmat	Responding agencies / Hazmat technician	On site	ASAP	To determine appropriate response
4	Identification of affected area	Responding agencies / Hazmat technician	On site	ASAP	To determine appropriate response
5	Assess and set up on-site command center	Hazmat team	On site	Immediately	Co-ordination
6	Removal of hazardous material	Hazmat team e.g. within the fire department or contractor	On site	ASAP	To increase the safety of the area
7	In case of rail, notify Transnet	Fire dispatcher	Call center	ASAP	To activate response
8	Assess the situation	Hazmat crew	On site (at a safe distance)	Once on scene	To facilitate plan of action, and assess situation
9	Saving of lives	Hazmat crew /primary respondent	On site	ASAP	To save lives
10	Secure the area	Traffic/ SAPS / Spornet	On site	Once on scene	Personnel and public and environmental safety
11	Evacuation	SAPS / Fire / Traffic	On site	Immediately once determined necessary	To protect life
12	Command vehicle / Establish incident management team	Fire dept. dispatcher / Fire Dept. / senior fire officer on duty	On site	Once area layout is established	To facilitate coordination / draw up a plan of action
13	Deploy contaminant specialist	Spornet or transport company	On site	After area is secured	To ensure correct measures are taken
14	Stopping leakage, if any	Hazmat crew	On site	ASAP	To stop further leakage
15	Containment of spill	Hazmat crew	On site	ASAP	To contain spill

	What must be done	Who must do it	Where it must be done	When it must be done	Why it must be done
16	Activate cleanup specialist	Command vehicle / incident management team	On site	If extent of incident requires it	To clean up properly
17	Notify DWAF	Command vehicle / incident management team	Command vehicle / incident management team	ASAP	To analyses water quality
18	Notify and caution downstream Water users association / Agricultural unions/ Local / District and Neighbouring Municipalities	Command vehicle / incident management team	From site (via control centers)	Once nature of spill confirmed	To prevent usage of affected water
19	Notify DEA	Command vehicle / incident management team	From site (via control centers)	Once nature of spill confirmed	Analyze water quality
20	Notify Cape Nature	Command vehicle / incident management team	From site (via control centers)	Once nature of spill confirmed	Analyze water quality
21	Re-assessment	Command vehicle / incident management team	On site	Regularly during incident management	To determine effectiveness and appropriateness of current response
22	Mobilize cleanup specialist. If rail – Transnet recovery unit	Command vehicle / incident management team	On site	If extent of incident requires it	Final cleanup
23	Incident stand down	Command vehicle / incident management team	On site	Once situation normalized and under control	To close incident and restore normal operations
24	On site Debriefing	Command vehicle / incident management team	On site	After stand-down	Compilation of detailed incident report.
25	Final De-briefing	Incident Management Team	Appropriate meeting venue	Within 1 week of incident	To learn from mistakes, update plans
26	Follow up testing of soil and water	DEA	In situ, follow ups after the incident	As required	Follow up studies

11 ANNEXURE B: DISASTER RISK REDUCTION GUIDELINE

11.1 Disaster Risk Project Proposals: Fire

Risk Reduction Category	Risk Reduction Project Proposals
Physical Planning Measures	1 Build fire stations
	2 Plan and provide for buffer zone between residential and vegetation areas
	3 Plan and provide access roads for fire trucks in informal settlements
	4 Plan to prevent illegal electricity connections in informal settlements
	5 Plan fire services in line with new development needs
	6 Ensure that development of dwellings does not take place before adequate bulk services are provided
	7 Encourage and facilitate Integrated catchment management planning
Engineering & Construction Measures	8 Ensure compliance with fire regulations and by-laws
	9 Install fire alarms in buildings
	10 Plan and provide fire escape routes and doors
	11 Plan and provide fire breaks in high risk vegetation areas
	12 Provide suitable roads as evacuation routes in informal settlements
	13 Provide informal areas with fire-resistant materials
	14 Plan and develop fire early warning systems
	15 Provide additional fire hydrants
	16 Research and upgrading / improvement of firefighting equipment/ trucks/ hydrants
	17 Provide fire hydrants in informal settlements
	18 Install watch towers, fire breaks, fire extinguishers in forestry areas
	19 Improve the quality and provide appropriate of firefighting equipment at all levels
	20 Ensure that fire hydrant water supply is sufficient in higher lying areas
Economic Measures	21 Provide for capital projects in municipal budget
	22 Provide funds for upgrading of fire equipment
	23 Fines for illegal electrical connections

Risk Reduction Category	Risk Reduction Project Proposals
	24 Implement program to decrease high risk housing
	25 Authorities to develop a project to make fire extinguishers more affordable for every household, as well as a means of making the maintenance thereof less expensive
	26 Rural areas property rebates for areas under conservation
	27 Action plans in place
	28 Reaction plan in place
Management & Institutional Measures	29 Train fire marshals for commercial/industrial complexes
	30 Appoint / train appropriate staff
	31 Conduct fire and evacuation drills
	32 Ensure evacuation doors are unlocked
	33 Running of programs for prevention of arson
	34 Maintenance program for fire extinguishing equipment
	35 Identify and procure appropriate equipment
	36 Structured and sustained fire-prevention inspections
	37 Cleaning of undergrowth around buildings
	38 Train and deploy fire fighting volunteers at fire stations and road works
	39 Identifying high risk fire areas (hotspots)
	40 Identify safer alternatives for cooking and lighting i.e. stoves, lamps etc.
	41 Ensure correct storage of combustible materials
	42 Develop and implement maintenance programs for of access routes in high risk fire areas
	43 Train and develop fire response teams
	44 Training at all levels to improve the implementation of incident command system as a standard operating procedure
	45 Develop a management policy for the sale of paraffin
46 Establish and support Fire Protection Association	
47 Develop area fire management plans	

Risk Reduction Category	Risk Reduction Project Proposals
	48 Refrain from using recycling cardboard containers for recycling of paper
	49 Revisit policy for evicting shack dweller
	50 Maintenance programme
Societal Measures	51 Develop fire evacuation procedures for commercial/industrial complexes
	52 Declare non-smoking areas
	53 Prohibit fires in high risk areas
	54 Conduct fire hazard awareness programs
	55 Conduct community awareness programs in communities
	56 Implement community based programs for the proper care/maintenance of electrical equipment
	57 Include fire prevention education in school curriculum
	58 Include disaster risk management in school curriculum
	59 Implement fire education, fire risk awareness, recruitment of volunteer fire fighters, social responsibility, ownership system e.g. hydrants

11.2 Disaster Risk Project Proposals: HazMat Incidents

Risk Reduction Category	Risk Reduction Project Proposals
Physical Planning Measures	1 Zoning for HMI's (Building codes)
	2 Proactive hazmat classification of installations
	3 Proper planning into the placement of factories and plants
	4 Manage development around HMI's
	5 Limit population figures around HMI's
	6 Enforcement and evaluation of risk assessment for major hazardous installations
	7 Enforcement and evaluation of EIA's for HMI's
	8 Enforcement of proper labeling of chemicals and poisons (labels)
	9 Monitoring and restricting and managing routes for hazmat materials in transit (railways/roads)
	10 Safe packaging and storage to prevention of leakage and seepage of hazmat and poisons
	11 Specific parking areas for hazmat vehicles along the roadside
	12 Increased hazmat capabilities allocated to areas on main routes where hazmat freight vehicle parking areas are to be found
Engineering Construction Measures	13 Enforcement of Construction needs to be determined by type of particulates being used and stored
	14 Identification of Containment sites and measures
Economic Measures	15 Fines for non-compliance
	16 Awards to compliant companies
	17 Fines for not having correct signage when transporting hazmat
	18 Fines for not having correct paperwork when transporting hazmat
	19 Spiller pays fine structure for hazmat spillage, and enforcement thereof
	20 Polluter pays
Management & Institutional Measures	22 Compliance with storage and handling specifications
	23 Annual compliance certificate for hazmat/lpg coupled with an inspection, using of approved/certified service providers

Risk Reduction Category	Risk Reduction Project Proposals
	24 Declaration of what is being transported, and enforcing escorts for high risk cargo
	25 Informing of LM's what cargo is passing through it's boundaries, especially if alternate routes are used
	26 Regulation of overnight stops for trucks transporting hazmat
	27 Introduction of measures which regulate the times at which hazmat can be transported
	28 Spiller to use accredited/competent mop up teams
	29 Create capacity for regular site inspections
	30 Create capacity for regular Vehicle inspections
	31 Enforcing Registers of hazmat on the premises
	32 Increased monitoring by law enforcement (road/railway)
	33 Regular Training of rescue personnel and transport personnel (Drivers)in contact and handling of with hazmat
	34 Education campaign for local cellars and farmers who transport spirits as mixed loads.
	35 Identify and manage Nodal points of inspection ~ yard/ weighbridges/ destination
	36 Regulation of bulk sale of fuel
	37 Enforce Occupational Health and safety adherence
	38 Registration/compliance of all hazmat and hazardous material installations (databases)
	39 Identification and register of all MHI's / inspection and liaising per area.
	40 Enforcement of storage regulations
	41 Enforcement of AVCASA regulations for pesticides
	42 Shift from reactive to proactive measures
	43 Annual compliance certificate for hazmat/lpg coupled with an inspection, using of approved/certified service providers
	44 Effective communication of Hazmat / poisons requirements
	45 Operational plans/ and response teams that are trained and practiced at hazmat installation
	46 Training exercise to improve response management skills
	47 Address lack of capacity at times of detours when passing small poor towns (Resource skills distribution)

Risk Reduction Category	Risk Reduction Project Proposals
	48 Monitoring and accreditation and registration of cleanup teams and disposal sites, and a contact database
	49 Enforcement of NEMA Section 30
	50 Enforcement of spiller pays regulation of using approved service providers
	51 Simplified coding system for Hazmat
	52 Promoting Cooperative governance between organs of state responsible for control of hazardous materials
	53 Simplifying recognition system of cargos to effect quicker and correct response in case of incident
Societal Measures	54 Community/individual training
	55 Regular Awareness published in news papers
	56 Education of farm workers how to handle/store hazmat/ poisons/ protective clothing
	57 Information sessions on pesticide poisonings on farms / misuse / misapplication
	58 Notification of times of "in-line" dosage of pesticides and poisonings
	59 Early warning system for spills/exposures.
	60 Community based training/awareness

11.3 Disaster Risk Project Proposals: Flooding

Risk Reduction Category	Risk Reduction Project Proposals
Physical Planning Measures	1 The enforcement of Environmental Impact Assessment with all development projects (EIA)
	2 Plan for the Upgrading of existing infrastructure to cope with new developments.
	3 Identification and plotting of vacant high risk flood areas for future reference and avoid human settlements in such areas
	4 Avoid development and settling of communities along rivers and within the floodline
	5 Apply and update Zoning regulations regularly
	6 Identify alternate suitable venues/facilities for emergency services
	7 Apply Low intensity land use in 1:100 flood line areas
	8 Study and understand the impact of climate change on development
	9 Signage
	10 Asset management
	11 Maintenance
Engineering & Construction Measures	12 Study EIA to inform construction and building measures
	13 Identifiable flood measuring and early warning systems
	14 Plan and Build retention dams to reduce risk of flooding
	15 Restore and maintain water catchment areas
	16 Build retaining walls to protect buildings
	17 Improve and upgrade storm water reticulation systems regularly
	18 Develop and maintain Early warning systems
	19 Develop and maintain sustained cleaning programs for rivers and dams
	20 Plan bigger capacity dams to regulate flow of water
	21 Implement programs and measures to prevent erosion
	22 Plan and erect Visible warning signs in low lying areas
Economic Measures	23 Provide for disaster relief funds

Risk Reduction Category	Risk Reduction Project Proposals
	24 Adequate provision for the for maintenance of storm water systems
	25 Farmers developing areas for agricultural use in flood prone areas should pay increases insurance on crops in those areas
Management & Institutional Measures	26 Plan for the support for affected communities
	27 Develop and maintain flood Emergency response teams
	28 Develop and supervise Maintenance programs
	29 Ensure that SOP for disasters are developed and maintained
	30 Facilitate Strategic planning of resources to cover all areas during emergencies
	31 Plan and ensure Strategic distribution of disaster management resources across area
	32 Ensure the provision of Emergency flood kits
	33 Mutual aid agreements to be established for relief and response
	34 More command center vehicles
	35 Quality assessments
36 Asset management	
Societal Measures	37 Develop Awareness training and workshops in high risk areas
	38 Develop and inform communities of response actions to early warning systems
	39 Ensure Coordination and cooperation with NGO's
	40 Community awareness
	41 Early warning systems

11.4 Disaster Risk Project Proposals: Earthquake

Risk Reduction Category	Risk Reduction Project Proposals
Physical Planning Measures	1 Identify earthquake prone areas/geological faults are
	2 Development of suitable Building codes (enforcement thereof)
	3 Develop Zoning codes for high risk areas
	4 Limit development in high risk areas
Engineering Construction Measures	5 Approval of Single storey buildings in prone areas only
	6 Enforcement Area specific building methods/codes
	7 Design strong/earthquake resistant infrastructure/services
Economic Measures	8 Disaster relief funds from National Government
	9 Household insurance (act of god)
	10 MOU's with suppliers of emergency materials / supplies
	11 Incentives for compliance with building codes.
Management Institutional Measures	12 Develop institutional capacity for management of incidents
	13 Good response support services (police, fire department etc.)
	14 Development of Good evacuation plans
	15 Plan for relocation of people in prone areas
	16 Development and training for Mass casualty response team
	17 Development and communication of Recovery plans and strategies
	18 Identify Effective communication systems other than cell phones or radios
	19 Investigate and plan for Air evacuation system
	20 Development and training of Search and rescue teams and strategies
	21 Identify mass care facilities outside possible affected areas

Risk Reduction Category	Risk Reduction Project Proposals
	22 Develop mass care strategy
	23 Develop strategy and process for public notification and to inform communities about the risk
	24 Develop Mutual aid agreements and MOU's for identified tasks
	25 Plan and develop strategies and procedures for Trauma counselling
	26 Plan for emergency responders management and care
	27 Strict enforcement of building codes in identified earthquake prone areas
Societal Measures	28 Education on warning systems
	29 Awareness raising (how to act /react)
	30 Develop self-reliant communities/emergency preparedness
	31 Inclusion of programs in schools in earthquake prone areas

11.5 Disaster Risk Project Proposals: Infrastructure Failure

Risk Reduction Category	Risk Reduction Project Proposals
Physical Planning Measures	1 Perform composite risk assessments prior to developing services.
	2 Research and development of alternative energy sources other than electricity e.g. generators
	3 Research of effective and correct waste removal and storage
	4 Development of standards and quality assurance of RDP houses
	5 Development and enforcement of min standards for service delivery
	6 Standardizing on a planning horizon at least 50 years
	7 Monitoring and responding to farmers altering river courses
	8 Planning of user -friendly public transport services
Engineering Construction Measures	9 Applying min standards for all services
	10 Structured maintenance programs for service infrastructure
	11 Safe-guarding of essential service infrastructure
	12 Maintain the integrity of dams, dam walls etc.
	13 Proper assessment of building material and architectural plans
	14 Preventative maintenance and upgrading of equipment/facilities
Economic Measures	15 Fines for exceeding limits
	16 Improve ineffective systems lead to loss of revenue
	17 Fines for transgressions i.e. littering/dumping
	18 More effective road restrictions and toll fees should be implemented

Risk Reduction Category	Risk Reduction Project Proposals
	19 Corrupt service providers to be blacklisted
	20 More structured bulk service infrastructure contributions to be implemented
	21 Budgetary provision for sustained infrastructure maintenance to be made
	22 More effective basic service rates contribution by all users to be implemented
Management Institutional Measures	23 Buildings should have ISO 14001 accreditation in terms of water usage
	24 Mitigation/emergency measures/strategies should be in place in the event of sewage system failure
	25 Structured and sustained maintenance programs for service infrastructure
	26 Design and development of emergency measures in the event of service failure(Departmental emergency plans)
	27 Safe public transport systems to be implemented
	28 Design/upgrade bulk services before development
	29 Structured asset management with regards to infrastructure development and maintenance
	30 Emergency procedure development for all service disruptions
	31 Enforcement of Energy saving laws at all levels
	32 Defining and development of early warning system linked to management plan
	33 Monitoring of community responsibility w.r.t. feedback on structure service and quality
	34 Enforcing water conservation measures and/or by-laws
	35 Dedicated government supervision and quality assurance on all contracts
	36 Appointment of competent individuals to manage and monitor
37 Ensure aid agreements and supplier agreements in case of specific infrastructure failure	

Risk Reduction Category	Risk Reduction Project Proposals
Societal Measures	38 Community awareness in terms of water usage and economic use of services
	39 Transport management i.e. "lift clubs" to reduce road traffic
	40 Advocacy campaign i.t.o saving measures (electricity)
	41 Structured and sustained training and education (correct use of infrastructure)

11.6 Disaster Risk Project Proposals: Transport Incidents

Risk Reduction Category	Risk Reduction Project Proposals
Physical Planning Measures	1 Plan alternative routes/road capacity required for increase in traffic
	2 Research and planning of safe sites for airports
	3 Research and planning of public transport safety measures
	4 Incorporate pedestrian safety into new developments
	5 Plan for increased, improved and effective infrastructure with regard to public transport
	6 Plan and ensure correct placement of railway crossings and pedestrian crossings
Engineering Construction Measures &	7 Planning and design of safe railway crossings
	8 Determining need and planning of pedestrian crossings
	9 Effective management of time delay in traffic lights change
	10 Make use of traffic circles to slow down traffic
	11 Construction of speed bumps in residential areas
	12 Setting standards and updating aviation standards
	13 Design and implement bicycle lane for cyclists
	14 More effective traffic light programming for peak and off peak times
	15 Enforce exhaust emissions standards
	16 Plan for effective bus lanes as well as heavy vehicle lanes on major routes
	17 Ensure constant maintenance of all transport infrastructure
Economic Measures	18 Decrease in public transport travelling cost to promote public transport and decrease road traffic

Risk Reduction Category	Risk Reduction Project Proposals
	19 More effective management and processing of fines for all traffic offenders
	20 Introduce cost effective and time effective rail transport for commuters and freight to reduce road transport
Management & Institutional Measures	21 Design and implement Points demerit system for transgressors
	22 Identification and enforcement of alternate route for heavy duty vehicles
	23 Develop good institutional capacity and programs to promote transport safety
	24 Develop good infrastructure and capacity to facilitate effective law enforcement
	25 Capacity and structured audits for licensing
	26 Train and implement more scholar patrols
	27 Promote use of reflective bands for children
	28 Implement capacity to manage register for traffic offenders
	29 More advanced and affordable skills development programs for professional drivers
	30 More structured and vigilant testing/monitoring of licensed drivers and vehicles
	31 Use accredited contractors and building materials for road construction
	32 Enforcement of clear road signs/warnings and markings during construction periods
	33 Implement and manage structured general road maintenance programs
	34 Implement restriction measures to control heavy vehicles' times and routes
35 Design and implement traffic management plans	
36 Learner license and driver training programs in schools for development of young responsible drivers	

Risk Reduction Category	Risk Reduction Project Proposals
	37 Develop a system whereby intoxicated pedestrians are effectively removed from busy roadways and prosecuted
	38 Permit system
Societal Measures	39 Discourage aggression/ road-rage
	40 Promote alternative transport
	41 Structured education on road safety
	42 Structured program to increase awareness of pedestrians

12 ANNEXURE C: KEY STAKEHOLDERS CONTACT LIST / EMERGENCY NUMBERS LIST FOR STELLENBOSCH

STELLENBOSCH MUNICIPALITY						
NAME	DEPARTMENT	DESIGNATION	TEL	FAX	CELL	Email
Geraldine Mettler Hannelie Lategan	Corporate Services	Municipal Manager PA of MM	021-808 8025 021-808 8025	021-808 8026 021-808 8026		municipal.manager@stellenbosch.gov.za hannelie.lategan@stellenbosch.gov.za
Gerald Esau Leanne Pedro Cllr. Quintin Smit	Community & Protection	Director PA Portfolio Councillor	021-808 8437 021 808 8437		082 474 4268 073 608 1867	gerald.esau@stellenbosch.gov.za Comm.Temp@stellenbosch.gov.za quintin.smit@stellenbosch.gov.za
Wayne Smith Bertie Brandsen	Fire Brigade Services Fire Brigade Services	Chief Fire Officer Head: Fire Safety	021-808 8888 021 808 8881	021-883 3200	0714437337 084 516 5752	wayne.smith@stellenbosch.gov.za Bertie.brandsen@stellenbosch.gov.za
Shezayd Seigels	Disaster Management	Head: Disaster Management	021-808 8888	0865746470	082 050 4834	shezayd.seigels@stellenbosch.gov.za
Janine Waldis Ayanda Royi Lizelle Stroebel	Municipal Traffic Municipal Traffic Municipal Traffic	Manager Head: Admin Operations Head: Law Enforcement	021-808 8813 021-808-8800 021-808-800	021-808 8809 021-808 8809 021-808 8809	0823248354 084773206 0829271010	janine.waldis@stellenbosch.gov.za ayanda.royi@stellenbosch.gov.za lizelle.stroebel@stellenbosch.gov.za
Neville Langenhoven Cedric Thorpe	Law Enforcement Law Enforcement	Manager: Law Enforcement Head: Law Enforcement	021-808-8447 021-808 8937	021-808 8182	0845065060 0823815555	neville.langenhoven@stellenbosch.gov.za cedric.thorpe@stellenbosch.gov.za
Deon Louw Sylvia Pretorius Dries Van Taak	Engineering Services	Director Admin Manager: Water/sewage	021-808 8023 021-808 8023 021-808 8218	021-883 9874	0788019628 076 412 4482	Deon.louw@stellenbosch.gov.za Sylvia.pretorius@stellenbosch.gov.za dries.vantaak@stellenbosch.gov.za
Nombulelo Zwane Saliem Hadier		Manager: Electricity Manager: Solid Waste Head: Roads and Storm water	021-808 8770 021-808 8241	021-883 9874 021-883 9874	082 826 5587 072 655 4870	Nombulelo.zwane@stellenbosch.gov.za saliem.hadier@stellenbosch.gov.za
Johan Fullard			021-808-8023	021-883 9874	0728292779	johan.fullard@stellenbosch.gov.za
Ms Erica Ferreira	Insurance claims		021-808 8510			Erika.Ferreira@stellenbosch.gov.za
Thabiso Mfeya Piet Smit Charlotte Lamorh Lester Van Stavel Johru Robyn	Municipal Housing & Property Management Municipal Housing: rentals Municipal New Housing Municipal Informal Housing	Director Manager Manager Manager Manager	021-808 8757 021-808 8757 021-808-8762 021-808-8762		0723895650 084 506 5065 079 772 0230 0824427709 0835600816	thabiso.mfeya@stellenbosch.gov.za Piet.smit@stellenbosch.gov.za charlotte.lamorh@stellenbosch.gov.za lester.vanstavel@stellenbosch.gov.za jophru.robyn@stellenbosch.gov.za
Marius Wust Rochelle Nichols	Finance	Director PA	021-808 8528 021-808 8528	021-808 8574 021-808 8574		marius.wust@stellenbosch.gov.za rochelle.nichols@stellenbosch.gov.za

Comment [LD1]: New Manager: Electricity

NAME	DEPARTMENT	DESIGNATION	TEL	FAX	CELL	EMAIL
Dupré Lombaard	Planning, Property	Director	021-808 8676			dupre.lombaard@stellenbosch.gov.za
Annalene De Beer Stuart Grobbelaar Annelie Rossouw	Strategic & Corporate Services	Director Liaison Officer IDP Manager	021- 808 8018 021-808 8079			Annaleen.debeer@stellenbosch.gov.za Stuart.grobbelaar@stellenbosch.gov.za
Mr Shaun Minnies Ms Janine Bauers Mr Roy Veldtsman	Cape Winelands District Municipality	Disaster Management	086 126 5263 (021) 888-5163		082 779 9823 072 440 1996 082 770 0848	shaun@capewinelands.gov.za Janine@capewinelands.gov.za rcv@lando.co.za
H.D Boock Mrs Teresa Davids Mr Fabian Van Wyk Mr Marius Engelbrecht		Health Services	021-888 5828	021-887 9365	082 413 4480 083 959 4810 082 375 7663 072 122 5680	hein@capewinelands.gov.za teresa@capewinelands.gov.za
Mr Derick Damons	Groot Drakenstein	Chief: Fire and Disaster Management Officer			082 415 9342	Derick.damons@draketsien.gov.za
Ms Denise Johnson Mr David McFarlen	PAWC: Primary Health - STB STB Ambulance		021- 883 3445		072 432 0798 082 464 1509	Denise.johnson@westerncape.gov.za
Mr Daniel Solomons Mr Neville Hendricks		Chaplin			082 686 3205 083 392 0532	daniel2004@telkomsa.net
Mr Garth Van Zyl	EMR - Medicare		021- 876 4316		074 363 7744	garth@medicare-emr.co.za
Mrs Allison Smith	Department of Social Development & Social Relief Services				083 628 7100	Allison.Smith2@westerncape.gov.za
Mr Schalk Carstens Ms Jacqui Pandaram	PDMC				083 273 1372 076 079 1395	SchalkWillem.Carstens@westerncape.gov.za jacqueline.pandaram@westerncape.gov.za
Ms Levona Van Aarde Mr Wilfred Pietersen	Red Cross: Co-ordinator		(021) 797-5360		079 895 1994 082 896 8422	

Comment [LD2]: New Liaison Officer

NAME	DEPARTMENT	DESIGNATION	TEL	FAX	CELL	EMAIL
Mr P Williams	Stellenbosch Centre for the Disabled		(021) 887-8688			
	ABBA		(021) 883-8030			
	Child Welfare		(021) 887-2816			
DS Van Zyl					082 871 3155	
Mr Godfrey Martin					083 229 3849	
Ds Daniel Bock	Raad vir Kerklike Samewerking				076 042 5073	
Mr Viljoen Van der Walt	University Stellenbosch: USB					
Mr Angelo Achmardt			(021) 808 9111		084 546 2685	
Mr Danie Keet	Eikestad News		(021) 887-2840		082 453 4350	danie.keet@media24.com

|

COMMUNITY & SOCIAL SERVICES: DSD and SASSA

NAME	CONTACT NO	EMAIL
Stellenbosch Municipality	Community Development	
Michelle Aalbers	083 560 5935	Michelle.aalbers@stellenbosch.gov.za
Funeka Mayembana	079 824 9378	Funeka.mayembana@stellenbosch.gov.za
Portia Jansen	083 712 5770	Portia.jansen@stellenbosch.gov.za
Fiona Kruiwagen	062 689 6413	Fiona.kruiwagen@stellenbosch.gov.za
Stellenbosch Municipality	Disaster Management	
Wayne Smith	071 443 7337	Wayne.smith@stellenbosch.gov.za
Shezayd Seigels	082 050 4834	Shezayd.seigels@stellenbosch.gov.za
Wiseman Ndamase	076 618 6612	Wiseman.ndamase@stellenbosch.gov.za
Department: Social Development	Paarl Regional Office	
Terence Orr	082 826 4457	Terence.orr@westerncape.gov.za
Brian Goliath	082 777 7247	Brian.goliath2@westerncape.gov.za
Peter Gabriels	083 980 3458	Peter.gabriels@westerncape.gov.za
Department: Social Development	Disaster Management (CT)	
Caesar Sauls	079 932 4127	Caesar.sauls@westerncape.gov.za
Linice Noland	082 956 3416	Linice.noland@westerncape.gov.za
SASSA	Local Office (Paarl)	
Morne Nortje	076 339 6091	morneN@sassa.gov.za
June Davids	083 774 1578	juneD@sassa.gov.za
SASSA	Regional Office (CT)	
H de Grass	083 265 1699	henryDG@sassa.gov.za
A Brink	083 409 2533	andreb@sassa.gov.za
B Letompa	073 391 4918	busisiweLE@sassa.gov.za
P Pietersen	083 535 7429	patience@sassa.gov.za
L Qabisisa	082 774 6596	lungileQa@sassa.gov.za
Z Madolo	082 045 1190	zukiswaM@sassa.gov.za
A Bester (SCM)	082 927 9039	annelizeb@sassa.gov.za
L Berling	082 577 5699	LorraineB@sassa.gov.za

Comment [LD3]: Additional contact list

ANNEXURE 2



management consulting

31 3rd Street | Melville | 2109 | South Africa

18 May 2018

Att : Mr W Smith
The Municipal Manager
Stellenbosch Municipality
Stellenbosch
7600

Sir

Progress Report: Ward – Based Risk Assessment Stellenbosch Municipality

Herewith an update on the Ward Based Risk Assessment

As per the methodology, the ward based risk assessment is being implemented in four phases. The anticipated completion date for the fieldwork and information gathering is the 30th June 2018. Phases one and two was completed by 15 December 2017 with one ward (ward 22) outstanding in phase 1. Ward 22 was completed in April 2018.

Phase One entailed the following :

During this phase the project was introduced to the speaker and following the initial meeting with the speaker, the project was introduced to all ward councilors. The project was also introduced and interviews conducted with the following stakeholders and role players:

Disaster Management Stellenbosch Municipality

Stellenbosch SAPS

Stellenbosch Fire Department

Disaster Management Cape Winelands District Municipality

Stellenbosch Traffic Department

Stellenbosch Municipality Law Enforcement

Klapmuts SAPS

Franschoek SAPS

Cloetesville SAPS

Electrical Engineer Stellenbosch Municipality

Stellenbosch Municipality Human Settlements

Roads and Stormwater Engineer

keith adrian Mienies +27 79 119 8553 | keith@awconsulting.co.za

andre Wagner +27 82 461 8687 | andre@awconsulting.co.za



management consulting

31 3rd Street | Melville | 2109 | South Africa

Franschhoek Clinic

Environmental Health Practitioners

Groendal Clinic

Khayamandi Clinic

Kylemore Clinic

Idas Valley Clinic

Stellenbosch Provincial Hospital

Jamestown Clinic

The internal departments of the Stellenbosch Municipality were also consulted to their respective specific field of work and they were:

Disaster Management – Provided information regarding the entire municipal area. Information received entailed previous disastrous events, hazards and risks within several low income areas within the municipality etc.

Fire Department – The aim of the meeting was to identify high fire hazard areas, both veld fires and residential fires. Mr Smith provided us with the information based on statistics gathered from their call logs and personal experience.

Traffic department – the aim was to identify the high traffic accident zones within the municipal area. Each ward was covered and several high accident zones were identified by Ms Swanepoel. This information is then compared to information received from the ward committee/community.

Engineering – Each engineering department was consulted separately due to the difference in expertise. The engineers provided us with technical information regarding risks and hazards pertaining to the several electrical complications, electrical boxes, sub stations, copper thefts, illegal electrical cables, issues concerning localised flooding due the blocked storm water drains etc.

SAPS and Law Enforcement – Each local SAPS was consulted individually and the aim of each consultation session's aim was to identify the high crime areas as well as the type of criminal activities that are occurring within the Stellenbosch Municipal area on a daily basis.

Provincial Clinic – As part of the Ward Based Risk Assessment, it is also important to identify the various diseases experienced within the different residential areas within Stellenbosch

keith adrian Mienies +27 79 119 8553 | keith@awconsulting.co.za
andre Wagner +27 82 461 8687 | andre@awconsulting.co.za



management consulting

31 3rd Street | Melville | 2109 | South Africa

Municipality. Several 'burden of diseases' were identified by the operational managers who were consulted per residential area.

Environmental Health Practitioners – The Environmental Health practitioners working within the Cape Winelands District Municipality were consulted to gather information regarding the environmental health hazards experienced within all areas within the Stellenbosch Municipal area. Each EHP covers certain areas which were all discussed and issues such as water pollution, public urination, high risk installations, sanitation and illegal dumping concerns were raised.

Human Settlements – The human settlements department provided us with information regarding the circumstances in the various informal areas situated within the Stellenbosch Municipal area. The information received dealt with the lack of proper sanitation, the increased fire risk due to wooden structures and lack of proper electrical connections etc. These all contribute to daily risks and hazards within the communities.

Phase Two:

Interviews with Ward Councilors and Ward Committees in all 22 wards are completed.

Phase Three

In phase three focus group interviews with community members using participatory risk assessment methods in each ward will be conducted. EPWP workers were selected with the co – operation of municipal officials and all the fieldworkers were trained on 7 May 2018. Fieldwork will start on the 22nd May 2018 and continue for four weeks. The fieldworkers will conduct a door to door community survey in the 22 wards.

Phase Four

All the information and input gathered in phases one, two and three will be combined in the final risk assessment document on completion of phase three.

Challenges:

To note, various obstacles were experienced with the roll-out of the project of which was verbally communicated to the Municipality. The obstacles were beyond our control and typical of community projects. These challenges were amongst others the following, namely

- Despite proper planning, scheduled meetings were cancelled on the last minute by the administration or ward Councilors,
- Non-attendance of invitees,
- Cancellation of community meetings or no turn-out,

keith adrian Mienies +27 79 119 8553 | keith@awconsulting.co.za
 andre Wagner +27 82 461 8687 | andre@awconsulting.co.za



management consulting

31 3rd Street | Melville | 2109 | South Africa

- Extra meetings were scheduled due to the distance community members had to travel or the layout of the geographical dispersion of the ward.

Needless to say, these contingencies caused rescheduling of meetings and workshop to prevent and to ensure that we receive detailed information and data from community members and not depriving them to give input on their hazards and risks within their wards.

It is our aim and part of our business culture to submit a good product to all our client's and make sure we meet all the conditions our clients asked for.

Kind Regards

A. WAGNER

ANNEXURE 3



ANNEXTURE C

WINTER READINESS PLANNING DISTRICT AND LOCALS WINTER READINESS PLANNING 2018

MUNICIPALITY	MANDATE	ANTICIPATED RISK	INITIATIVES	AVAILABLE RESOURCES	RESPONSIBLE PERSON
Cape Winelands	<ul style="list-style-type: none"> Disaster Management Act Fire Brigade Services Act 	<ul style="list-style-type: none"> Flooding Snow falls Informal Settlement Fires High Winds 	<ul style="list-style-type: none"> Dissemination of early warnings Public awareness Mutual aid agreements with local municipalities in case of dwelling fires 	<ul style="list-style-type: none"> CWDM Disaster Management - Equipment and Personnel CWDM Roads Department – equipment and personnel (clearing of district roads and causeways) 	<ul style="list-style-type: none"> S.P Minnies 082-779-9823
MUNICIPALITY	MANDATE	ANTICIPATED RISK	INITIATIVES	AVAILABLE RESOURCES	RESPONSIBLE PERSON
Stellenbosch	<ul style="list-style-type: none"> Disaster Management Act Fire Brigade Services Act 	<p>Bad weather, strong winds and horrific conditions contributes to:</p> <ul style="list-style-type: none"> Anticipated flooding in low lying areas, especially informal areas. Flooding of pre-identified low cost and informal houses built at low levels. Storm Surge. River/Flash Flood. Very cold temperatures. Structural fires/damage. Overflow of Dam walls Communicable disease outbreaks 	<p>During the year, the Municipality's storm water systems are maintained by dedicated operational (in-house) teams.</p> <p>Pro-active measures to mitigate flooding in especially informal settlements are in place, which includes:</p> <ul style="list-style-type: none"> Re-location of structures; Provide community level awareness raising through education; Targeted clearing and cleaning of water course had commenced where additional resources (external contractors) were procured to assist with the clearing operations. 	<p>Disaster Management co-ordinate a multi-disciplinary rapid response team 24- hrs. with an institutional capacity of:</p> <ul style="list-style-type: none"> Fire and Rescue Services Engineering Services Informal Human Settlement Housing Department Community Development Traffic Services Law Enforcement Communications <p>Personnel:</p> <ul style="list-style-type: none"> On duty daily: 14 Standby: 3 Available: 20 	<p>Emergency Centre Tel. 021 808 8888</p> <p>Manager: Fire Services & Disaster Management: Mr Wayne Smith</p> <p>Tel. 021 808 8771 Cell. 071 443 7337 <i>Wayne.smith@stellbosch.gov.za</i></p>

		<ul style="list-style-type: none"> - Homeless people sleeping below bridges. <p>Other risks as per risk profile.</p>	<ul style="list-style-type: none"> - Rehabilitation of access roads into the most vulnerable settlements. - Efforts were made to improve storm water infrastructure; - Maintenance is continuously done on toilet infrastructure. - Health and Hygiene awareness are on-going. - Early warnings (from SAWS); - Cleaning of rivers, drains and storm water pipes, etc. - Residents of informal areas are encouraged to dig trenches around their dwellings to divert rain water accumulation. - Trimming and maintenance of trees, etc. - Regular communication with staff/ward offices <p>Assistance provided</p> <ul style="list-style-type: none"> - Distribution of sand bags to prevent or reduce severe flooding; - Issue flood kits (micron type plastic to prevent or reduce water damage to homes), where necessary; - Issue of blankets, where necessary; - Providing temporary shelters, especially where dwellings are completely flooded or destroyed. 	<p>Vehicles available:</p> <ul style="list-style-type: none"> - 2 x rescue - 6 x heavy fire fighting - 2 x light - 4 x sedans <p>Equipment available: 2 x Portable pumps, other mopping up equipment</p> <ul style="list-style-type: none"> - 1 x canoe - 1 x wetrok - 2 x portable generators - 2 x portable floodlights <p>Resources Continuous liaison with Engineering services to provide sand and sandbags to enable fire fighters to fill up sandbags to be used in mitigating the effects of flooding. Other resources are immediately accessible within each line function/department.</p> <p>External Contractors Standby teams and associated materials and equipment</p> <p>Accommodation @ municipal facilities</p> <ul style="list-style-type: none"> - Kayamandi Corridor - Community Hall - Kylemore Community Hall - Klapmuts Community Hall - Franschoek Community Hall - Cloetesville Community Hall - Jamestown Sports Complex - Vlottenburg – Methodist Church 	<p>Head: Disaster Management: Ms Shezayd Seigels:</p> <ul style="list-style-type: none"> - Tel. 021 808 8888 - Cell. 082 050 4834 <p><i>Shezayd.seigels@sellenbosch.gov.za</i></p> <p>Seniors are on standby. The control room can be contacted on 021 808 8890, who will relay any storm water emergency to the relevant senior on standby.</p>
--	--	---	--	--	--

			<p>Communication</p> <ul style="list-style-type: none"> - Maintain communication between external role-players i.e. EMS, SAPS, SASSA, Department of Health, Department of Education, University of Stellenbosch, Child Welfare, etc. - SMS group listing is in place. 	<p>Storage facilities</p> <ul style="list-style-type: none"> - Housing Department – Drukkerslaan - Fire Services : <ul style="list-style-type: none"> * Stellenbosch * Lamotte * Klapmuts 	
--	--	--	--	--	--

ANNEXURE 4



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Feedback report

Disaster Management

Misverstand Dam Joint Operations



“Disaster Management is everybody’s business.”

OVERVIEW

The Disaster Management Act 57 of 2002 defines the roles of local authorities and provincial and national government in disaster management. The Disaster Management Act focuses on speeding up response times to ensure that disasters are dealt with efficiently and effectively by providing clear guidelines for the classification of disasters and the declaration of a state of disaster.

In simple terms, the Disaster Management Act is about all spheres of government, all sectors within government, communities and businesses working together to reduce the risk of disasters and to ensure that arrangements are in place to minimize the impact of disasters on the community.

OBJECTIVES OF THE ACT

The Disaster Management Act provides a platform from which all spheres of government and communities can work together to prevent or reduce the risks of disasters including steps which are aimed at–

- preventing or reducing the risk of disasters;
- taking measures to reduce the impact or consequences of a disaster;

BACKGROUND

Due to prolonged lower than normal rainfall received from the past years in the Western Cape Province, the Department of Water and Sanitation (DWS) as the custodian of water resources is tasked with the responsibility to ensure compliance against gazette restrictions on drought affected catchments (Government gazette dated 12/12/2017 and 12/01/2018) and emergency interventions that has been put in place.



Figure 1:

The Misverstand Dam has been under the enormous pressure in the past couple of months.

Suspected unlawful abstraction of water in the Dam due to the shortage / unavailability of water on the Berg River system. The WCDM has requested help and support of Department of Water and Sanitation hence a team has been formed to conduct compliance monitoring and enforcement inspections on water users in Misverstand Dam and Berg River.

LEGAL FRAMEWORK

THE USE OF WATER PROHIBITED FROM THE BERG RIVER AS FROM 18 APRIL 2018 (UNTIL FURTHER COMMUNICATED) IN TERMS OF ITEM 6 OF SCHEDULE 3 READ TOGETHER WITH SECTIONS 72 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)

Reference is made to the releases from the Berg River Dam into the Berg River to augment supply to Misverstand weir as from 18 April 2018.

All water users (persons (government, agriculture, irrigation boards, individuals) taking water from the river) who have access/means to abstract water from the Berg River are hereby prohibited from taking water from the Berg River as from 18 April 2018 (14H00) until further communication from the Department and or through your relevant Irrigation Board's representative. This means that no person may abstract water from the Berg River during this period until communicated otherwise.

In terms of Item 6.(i) & (ii) of Schedule 3 of the National Water Act, 1998 (Act 36 of 1998) read together with section 72 of this said Act water users are in terms of this communication informed that:

1. the use of water (abstracting water) from the Berg River is prohibited as from 18 April 2018 until further communication from the Department; &
2. The use of waterworks (pumps, earthworks or equipment installed or used for or in connection with water use) are also prohibited.

Any person in control of an impedance structure (weir, sandbags, etc.) not authorized must take reasonable responsible steps to ensure that such structures are removed within the next 24 hours of this communication. Any unauthorized damming up of water in the river will not be tolerated and landowners, lawful occupiers of land where these activities are taking place must ensure that the river bed is in its most natural state as far as possible.

As a measure of caution, people / riparian owners are advised to refrain from accessing the river or crossing the river and if needs be for them to do so, to please take caution in areas near or in the river.

A joint team of Law Enforcers from various Departments will be on the ground monitoring the releases from the Berg River Dam to augment supply to Misverstand Weir and land owners/ lawful land occupiers (water users) are encouraged to cooperate with these Enforcers.

DISCUSSION

The curtailment of 60% of water use on all agricultural and 45% on domestic and industrial water use in the area is required. In the past few years, there have been numerous reports of non-compliance with our water legislation by a variety of water users, which include but are not limited to agricultural operations in the Western Cape. These transgressions, includes unlawful abstraction of water, over-abstraction, pollution and unauthorized construction / enlargement of Dams.

Due to increased unlawful water use activities, a need has been identified to mitigate against the detrimental environmental, social and economic impacts these activities have. History was made when the three spheres of government came together in a joint enforcement operation to monitor the transfer of water from the Bergriver Dam to the Misverstand Dam. It took 8 days, more than 45 crew, 24/7 shift and over 121km dedicated their time on this once-in-a –lifetime experience to support the broader community.

The decision was taken following assessments by the national and provincial departments which indicated that the Misverstand Dam could run out of the water by 24 April.

The Department of Water and Sanitation released five cubic million meters of water on Wednesday, 16 April 2018 at 14:00. It was in aid to help alleviate pressure from the on-going drought and supplied water to 22 towns in the West Coast region for domestic, industrial and agricultural use.

Based upon the MOU, the Joint Operations Centre was activated in Mooresburg where all operations were co-ordinated. Operational activities and decision making of various role-players on the ground were communicated from the Operational Centre in Paarl.

ROLE-PLAYERS

To ensure effective services the role-players below contributed immensely to the cause to ensure efficient delivery:

- Department of Water and Sanitation
- Department: Environmental Affairs and Development Planning
- Department of Local Government
- SAPS
- National Prosecuting Authority
- Local Municipalities:
 - Stellenbosch
 - Drakenstein
 - Bergriver
 - Swartland
 - Saldanha
- District Municipalities:
 - West Coast
 - Cape Winelands

Long term programmes to deal with challenges of water is a must as there are huge challenges in the Western Cape and other areas of the country and therefore food security is under threat. National Minister Gugile Nkwinti and Western Cape Local Government Minister Anton Bredell welcomed the water release and reiterated that all spheres of government must

- plan together
- adopt strategy to ensure enough supply of water for agricultural and domestic use.



Figure 5:

All operational staff received accreditation from the Department: Water and Sanitation for the duration of the project. This appointed gave each access to all premises.



Figure 6:
An aerial view of the state of drought along the Berg River



Figure 7:
Water release: Bergriver Dam, Franschhoek



Figure 8:

Joint Operations Task Team consisting of all spheres of government
(National Department of Water and Sanitation, Department: Environmental Affairs and Development
Planning, Department of Local Government, SAPS, National Prosecuting Authority
Local Municipalities: Stellenbosch, Drakenstein, Bergriver, Swartland, Saldanha,
District Municipalities: West Coast, Cape Winelands)



Figure 9:

JOC Centre @Moorreesburg where operations were closely monitored under the leadership of
Municipal Manager: Mr David Joubert



Figure 10:
The EPW programme was utilized to the fullest by appointing volunteers to sweep the area along the river by clearing unnecessary rubble and obstacles in anticipation of the flow 5 hours ahead



Figure 11:
A view of the Zonkwasdrift River crossing before and after





Figure 12:
The Mooresburg Municipality availed their mobile JOC in addition to their DM centre



Figure 13:
Stellenbosch Fire and Rescue Services in action





Figure 14:
Stellenbosch Municipal Law Enforcement: Compliance, Monitoring and Enforcement unit in conjunction with other law enforcement agencies



Figure 15:
MEC, Anton Bredell, National role-players and various Executive Mayors took time out at the Misverstand Dam to thank all for their efforts during the operation.



Figure 16:

All role-players were invited to a special thanks giving ceremony under the leadership of the West Coast District Municipality where they received a Certificate of Appreciation from the Executive Mayor of West Coast and MEC, Anton Bredell

The under mentioned officials from Stellenbosch received certificates in acknowledgement and commitment of the operation.

1. JOC representation
 - Disaster Management
Shezayd Seigels
2. Law Enforcement:
 - Thobile Somdaka
 - Ilze Pierce
 - Ivine Arendse
 - Aldrid Mentoor
 - Hendrico Erasmus
 - Doris Giba
 - Ashley Paulse
 - Celest Lackay
 - Audrey Abrahams
 - Cynthia Peteni
 - Cecil Abrahams
 - Tommy Pietersen
 - Reginald Jacobs
 - John Tyatyeka
 - Carmen Telemachus
 - Mustafa Ras

3. Fire & Rescue Services

- Drone operation:
Tasso Steyn
Kenny Alberts
- Swift Water Team:
Jurgen Williams
Nicole Smit
Bradley Bloom
Xanfer Booyesen
Francois Ruiters



Figure 17:

MEC, Anton Bredell and Directors from Department Water and Sanitation congratulated Stellenbosch Municipality for their initiatives and was requested to support and partake in the drafting of the Blue print: Misverstand Dam Joint Operations.

It is trusted also that by sharing this knowledge, all relevant stakeholders will support and join our efforts to ensure that indeed our nation's water resources are protected for current and future generations. Stellenbosch Disaster Management was able to contribute immensely with the knowledge and operational experience gained over the years. Fire and Rescue services were broad on board to provide aerial support via the drone as well as the swift water teams to be able to provide the JOC with footages along the river banks where access were prohibited from the main entrances to premises.

This operation tested all throughout to perform in a co-ordinated role, ensuring that multi-disciplinary and essential services work in an integrated and efficient manner.

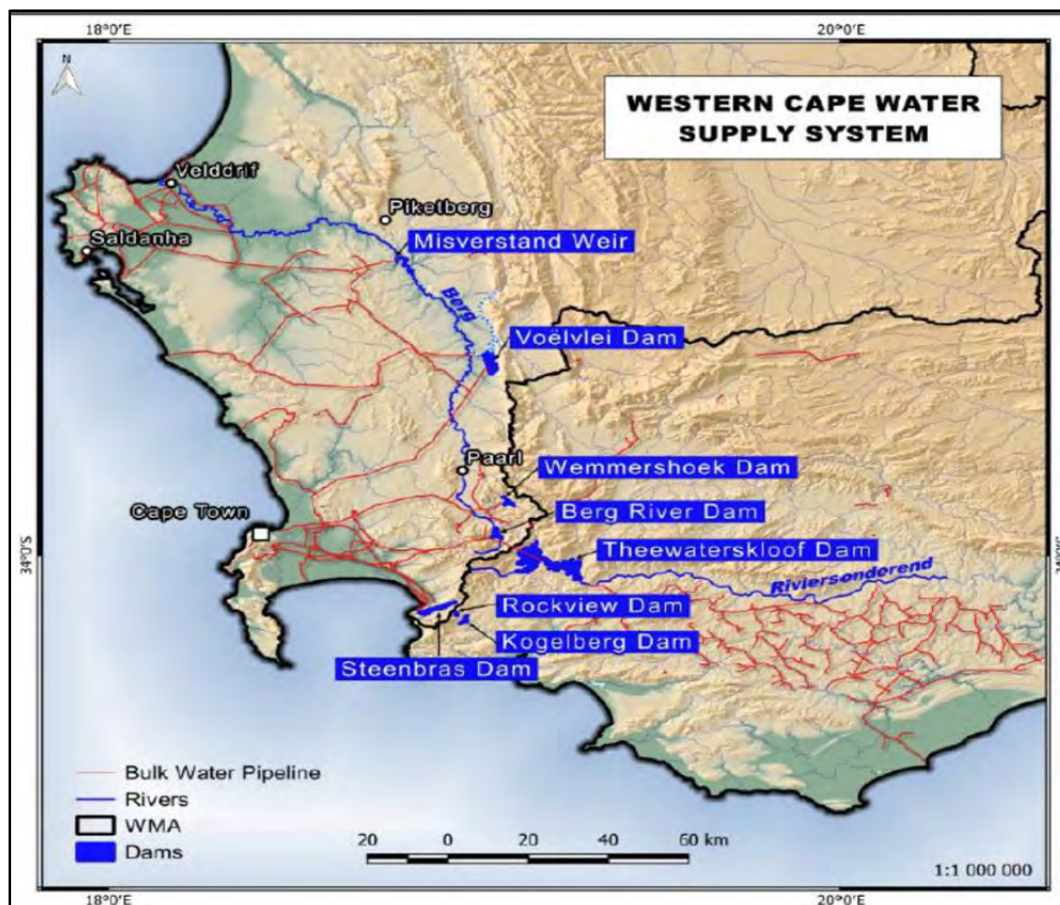
ANNEXURE 5

ANNEXTURE E

Drought Intervention and Day zero planning.

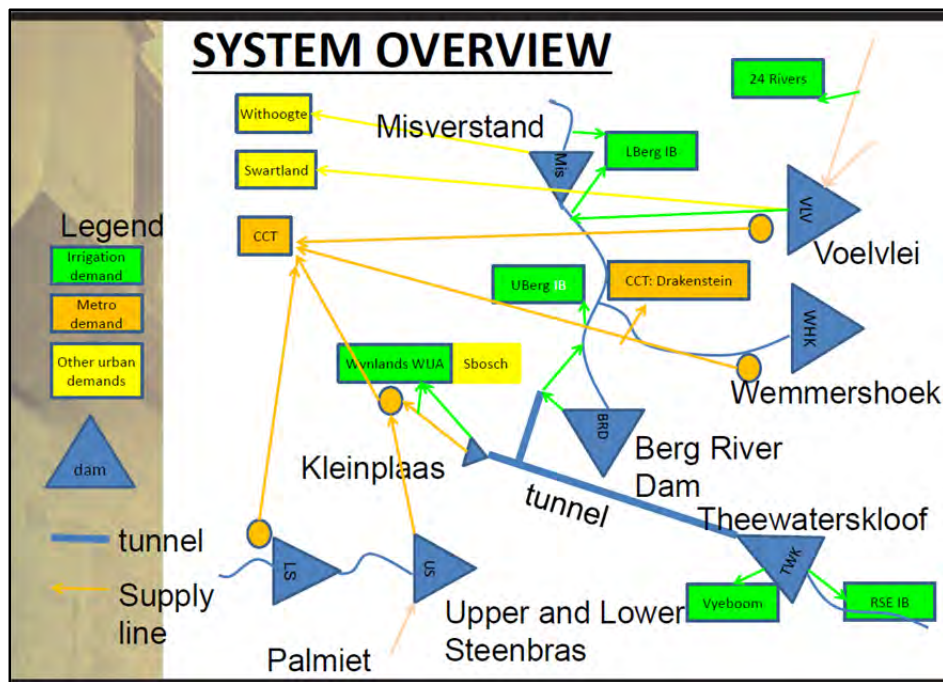
BACKGROUND ON EXISTING WATER RESOURCES STELLENBOSCH AND WESTERN CAPE.

SM has basically 3 sources of water in WCWSS, DWS and own sources. The figure below indicates the Western Cape Water Supply System (WCWSS) and the major storage dams. SM has a legal agreement with the WCWSS to supply water through various water connections to SM with a network of bulk water distribution network. The WCWSS dams that directly influence the water supply to SM are Wemmershoek, Theewaterskloof/Bergrivier and Steenbras upper & lower dams. From own sources it is the Paradyskloof 1 & 2 dams.



WCWSS Dams (Source DWS Website)

The illustration below indicates the system diagrammatically. To note the tunnel connection between the Theewaterskloof and Bergrivier dams.



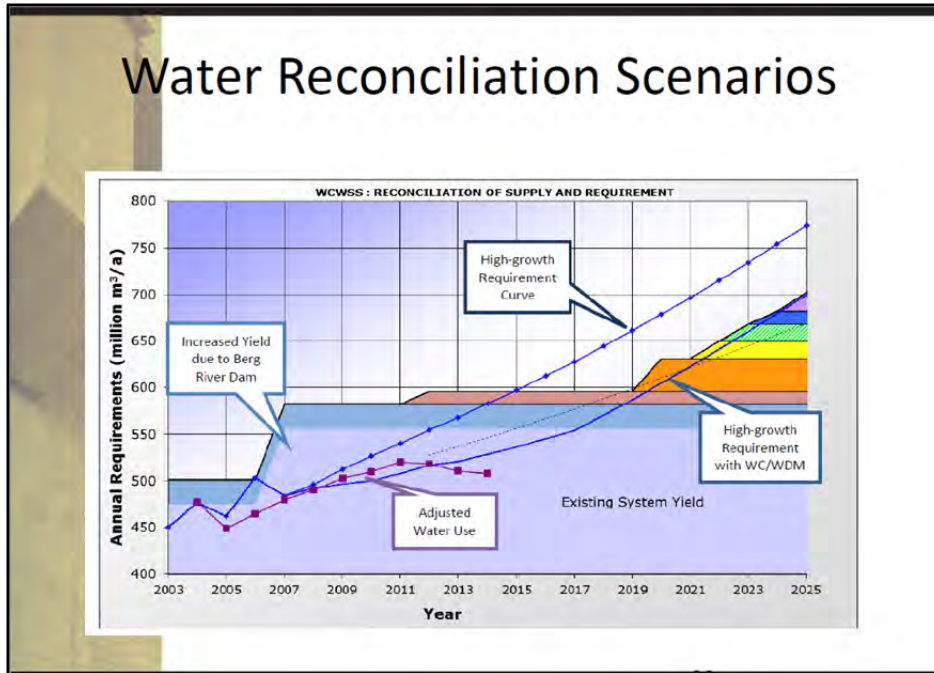
The WCWSS: Source: DWS Website:

http://www.dwa.gov.za/Projects/RS_WC_WSS/Docs/Reconciliation%20Strategy.pdf

WATER DEMAND AND FUTURE PROJECTIONS

Western Cape

The figure below indicates the different reconciliation Scenarios for water demand In the Western Cape. The addition of the Bergriver dam is indicated below and plays an important role to the augmentation of the Theewaterskloof tunnel to SM as well as the augmentation to Voelvlei dam through the Bergriver. The High Growth scenario without WCWDM shows a deficit in available water. With proper WCWDM implemented, the available water supply will be more than the projected demand.



Mitigation plans and actions to provide alternative water and augment existing water sources

Stellenbosch

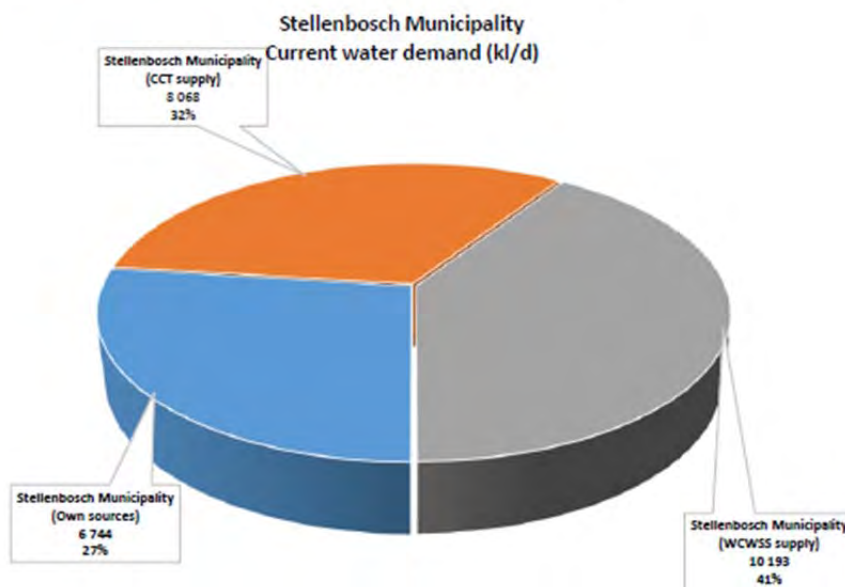
STELLENBOSCH WATER DEMAND PROJECTIONS



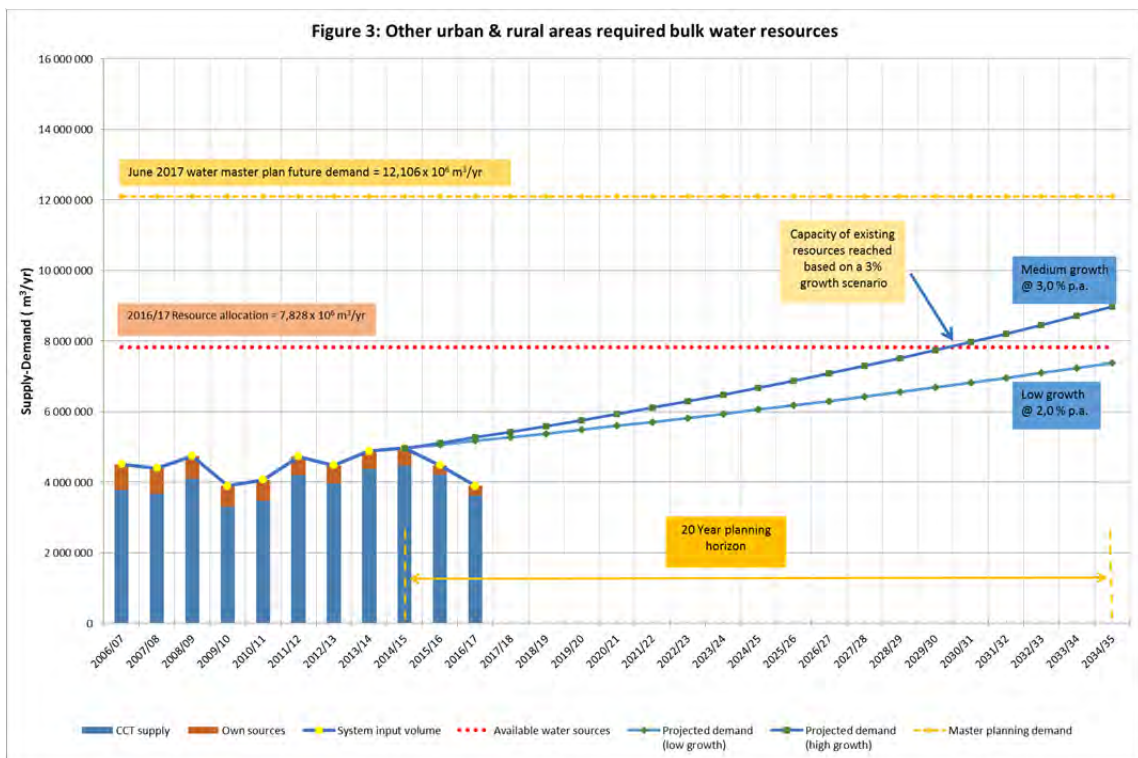
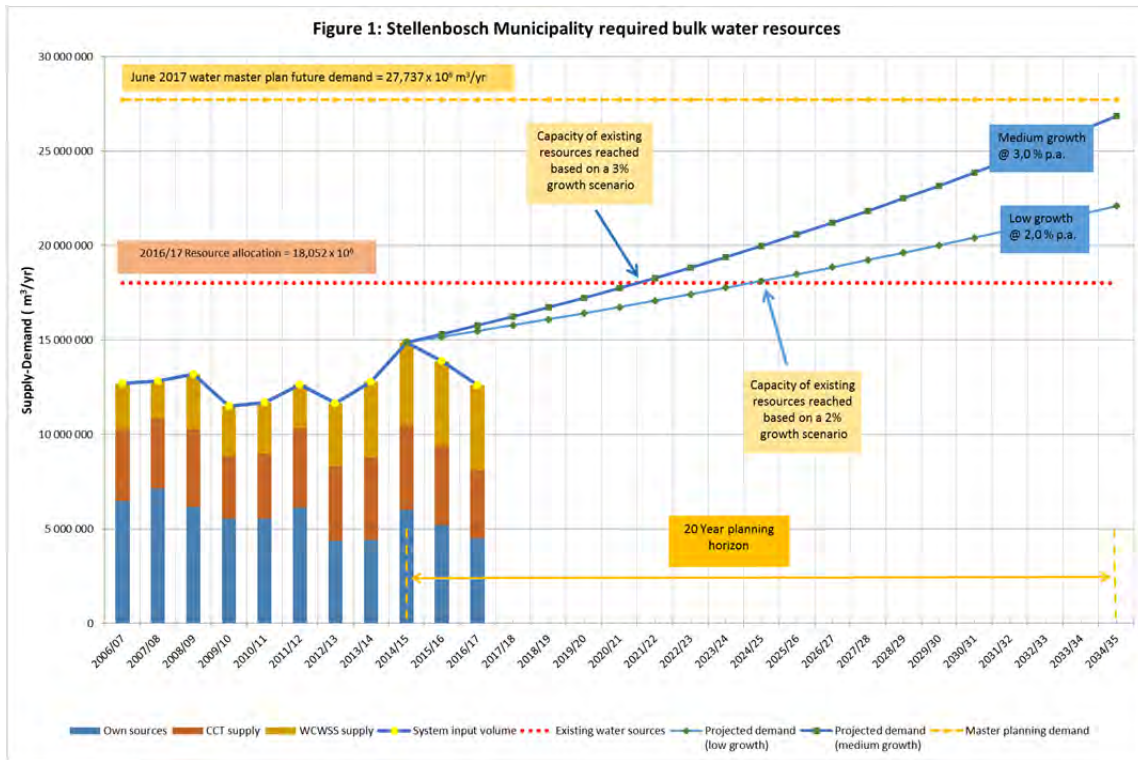
Stellenbosch Municipality (SM) : Water Dashboard

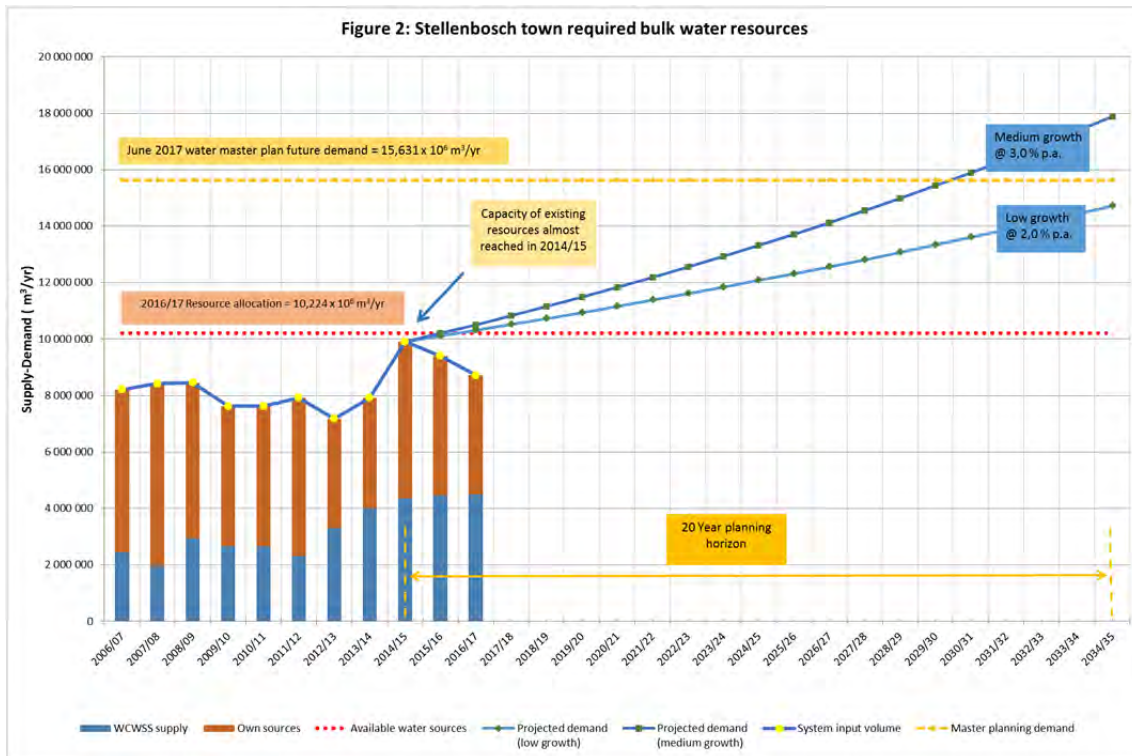
19 February 2018

Stellenbosch Municipality: Current water demand per source



The demand projections for WC024 were done during May 2017 as part of the Water Master Plan. The strategy made provision for different growth scenarios. The area of the WC024 is divided in the total demand, demand of the areas excluding Stellenbosch Town and Stellenbosch Town itself.





Supply by City of Cape Town (CoCT) to Stellenbosch.

A service level agreement exists between CoCT and Stellenbosch Municipality to provide a certain amount of water per year to SM. This quantity/allocation of water per year is not reached. The contract made provision for a yearly increase of the water quantity. The same is the case with the raw water abstraction volumes also part of the table below.

Below is the registered volume of 18 789 MI/a of water in favour of SM. Used is only 13 900 MI/a.

Water system	WARMS registration number	SM account number	Water Source	Registered volume (m ³ /a)	Volume used (2002 or earliest records thereafter) (m ³ /a)	2015/16 volume used (m ³ /a)
Stellenbosch town	22059898	100216050	Jonkershoek Valley	7 224 000	5 759 376	4 941 297
	22095527	100127730	WCWSS (DWS)	3 000 000	2 457 926	4 468 638
	22059406	100155449	Ground water	5 000	5 000	No info**
	22059969	100155870	Ground water	5 000	5 000	No info**
	22078323	100047450	Ground water	5 000	5 000	No info**
	22059264	100155368	Ground water	5 000	5 000	No info**
	22078332	100047530	Ground water	5 000	5 000	No info**
	22059273	100215310	Ground water	5 000	5 000	No info**
	No info**	No info**	Ground water	No info**	No info**	No info**
	No info**	No info**	Ground water	No info**	No info**	No info**
Stellenbosch leiwater	22096759	-	Eersterivier	704 618	704 618	No info**
Franschhoek	22078305	100065440	Ground water	220 752	144 911	65 825
	22059237	100155260	Perdekloof weir	576 648	378 535	171 947
	22059433	100155260	Du Toits River	103 680	68 060	30 916
	No info**	No info**	Groendal water source	No info**	No info**	No info**
	No info**	No info**	Ground water	No info**	No info**	No info**
	No info**	No info**	Ground water	No info**	No info**	No info**
	No info**	No info**	Ground water	No info**	No info**	No info**
	CCT registration	-	Wemmershoek WTW	CCT allocation*	859 383	1 211 390
Dwars River	CCT registration	-	Wemmershoek WTW	CCT allocation*	729 836	772 390
	No info**	No info**	Ground water	No info**	No info**	No info**
	No info**	No info**	Ground water	No info**	No info**	No info**
	No info**	No info**	Ground water	No info**	No info**	No info**
	22059371	100215400	Ground water	78 840	78 840	No info**
			Ground water			
Klapmuts	CCT registration	-	Wemmershoek WTW	CCT allocation*	298 726	588 339
	No info**	No info**	Ground water	No info**	No info**	No info**
Raithby	CCT registration	-	Included under Faure	Included under Faure	Included under Faure	Included under Faure
	No info**	No info**	Ground water	No info**	No info**	No info**
Faure (rural)	CCT registration	-	Faure WTW (Theewaterskloof dam)	CCT allocation*	301 955	461 871
Polkadraai (rural)	CCT registration	-	Blackheath WTW (Theewaterskloof dam)	CCT allocation*	575 599	351 870
Koelenhof (rural)	CCT registration	-	Wemmershoek WTW	CCT allocation*	849 038	743 070
Muldersvlei (rural)	CCT registration	-	Wemmershoek WTW	CCT allocation*	138 927	130 276
Croydon (rural)	CCT registration	-	Steenbras Upper dam	CCT allocation*	10 236	No info**
Helderberg (rural)	CCT registration	-	Steenbras Upper dam	CCT allocation*	17 603	13 832
Meerlust (rural)	CCT registration	-	Wemmershoek WTW	CCT allocation*	31 723	14 822
	No info**	No info**	Ground water	No info**	No info**	No info**
Registered water:			Surface water (urban)	7 904 328	6 205 971	5 144 160
			Surface water (leiwater)	704 618	No info**	No info**
			Government scheme	3 000 000	2 457 926	4 468 638
			Ground water	329 592	No info**	No info**
			Sub-total	11 938 538	8 663 897	9 612 798
*Water purchased from CCT:			Bulk treated water	6 848 000	3 813 025	4 287 860
Total:				18 786 538	12 476 922	13 900 658

Alternative water sources. (Part of Master Planning and also Drought Interventions).

Conservative borehole Planning and calculations of the amount of water needed in the Stellenbosch area were done then new Borehole planning and augmentation actioned. The WC024 area is divided into four main water supply areas. It is Stellenbosch town, Klapmuts, Dwarsrivier and Franschhoek. Wemmershoek. There are four boreholes drilled in the Wemmershoek area and will provide sufficient water that will serve the Franschhoek area with basic water. The consumption is currently about 3.5 MI / day. The boreholes can supply about 4 ml / day and will provide purified water in the existing network.

Drilling is in Dwars River and Klapmuts currently in the process. There is already water in the two areas that will satisfy requirements of basic water. It is currently not enough to meet

normal consumption and the further investigation and exploration for more groundwater has been in process.

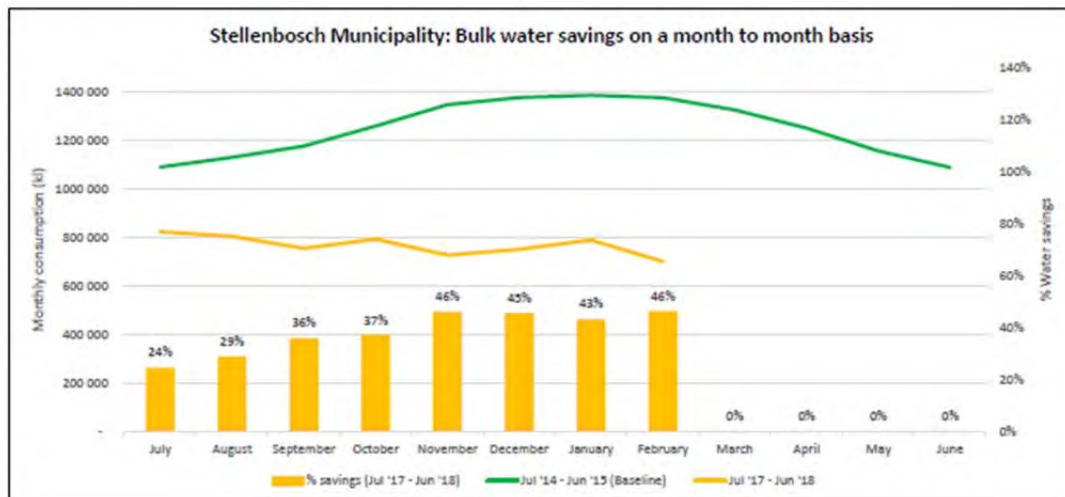
Stellenbosch town currently has water supply of the Eerste river as well as Theewaterskloof. Additional to the river supply are two storage dams with 110 days of water supply storage currently. If the Theewaterskloof and the Eerste river is cut off, there are still about 3 months of water stock in the storage dams.

Most farms and rural areas are served by private sources. If the resources are exhausted, they will also be using the distribution points at certain points in Stellenbosch. Other farms and rural areas in need can be using the assistance of the fire and emergency services.



Stellenbosch Municipality (SM) : Water Dashboard

19 February 2018



Stellenbosch Municipality: Bulk water savings per supply area

Town/ supply area	Baseline demand (Feb 2015) ML/d	Current demand (average of last 7 days) ML/d	% Reduction (Target = 45%)
Stellenbosch town ¹	29.4	15.9	46.0%
Franschhoek area	5.2	2.5	51.3%
Dwars River area	3.2	2.8	12.5%
Klapmuts ²	2.3	1.3	44.3%
Rural water schemes	6.5	2.5	62.2%
Total	46.6	25.0	46.4%

Stellenbosch Municipality: Bulk water savings per source

Town/ supply area	Baseline demand (Feb 2015) ML/d	Current demand (average of last 7 days) ML/d	% Reduction (Target = 45%)
CCT	16.4	8.5	48.0%
SM + WCWSS ³	30.2	16.5	45.5%
Total	46.6	25.0	46.4%

¹ De Zalze supplied from Faure rural water scheme during 2014/15 financial year, currently supplied with water from the Stellenbosch system.

² Current demand is average of last 14 days

³ Integrated system

If DAY ZERO occurs (April to June):

If day zero for COCT come, we will deal with it as followings in Stellenbosch:

If residents of the surrounding municipalities and in areas where day zero does apply are in need of water, we anticipate that we will have to provide water at certain points to them.

Stellenbosch have three very strong boreholes is and they were strategically chosen to be equipped with mobile water purification. The three points are Van der Stel Sport Grounds, Die Braak in the town centre and Cloeteville sports grounds. We are currently in process to create installations at these strategic points where people can collect water. The collection points include taps and also larger pipes to fill with tankers. The terrain choices are done so that there are large open areas where there is adequate space for vehicles to queue as well as to a number of people to come and collect water with containers. The points will be staffed by emergency personnel and officials of the municipality that the actions are organised and orderly and happen in a safe manner.

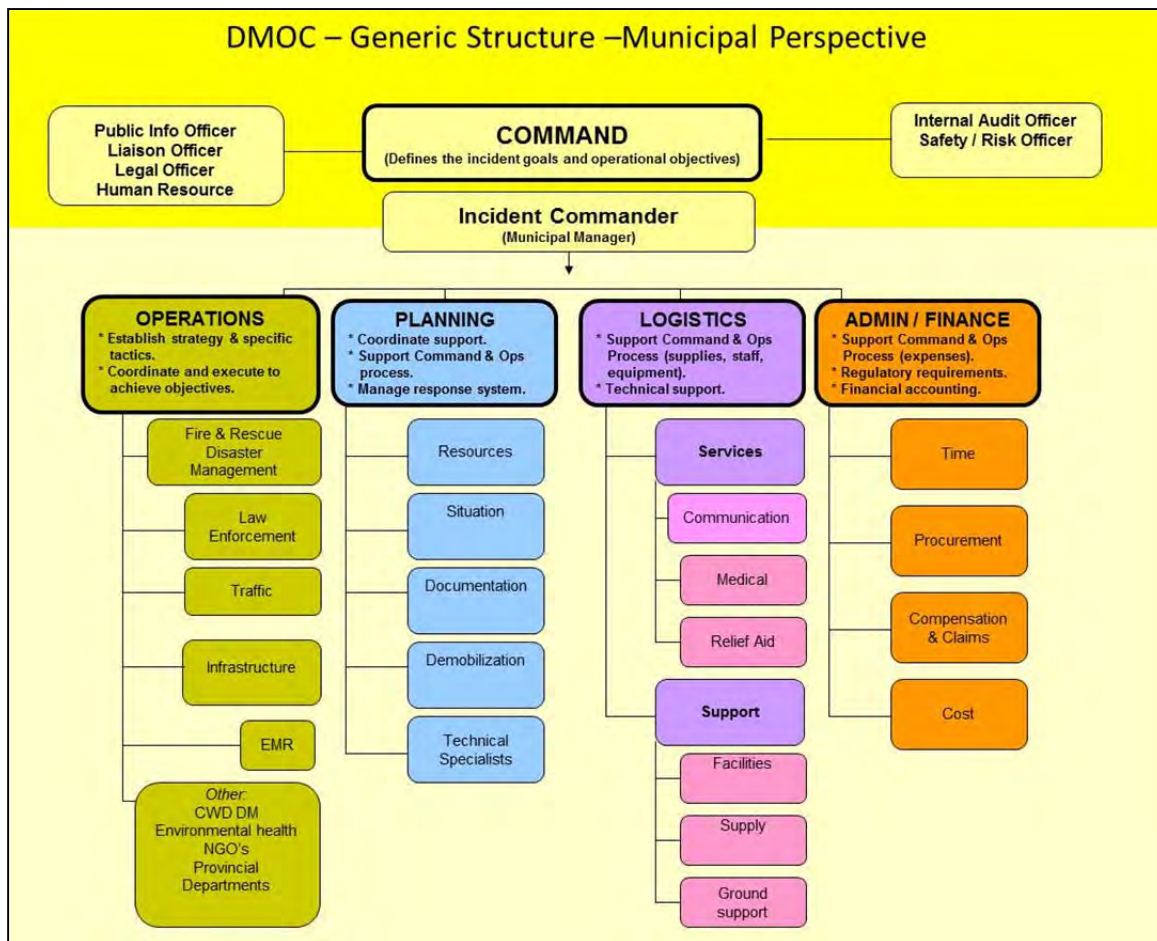
Furthermore, there are 5 strong boreholes in Stellenbosch which is equipped with mobile water treatment modules that will provide purified water in Stellenbosch town. There are 7 finished strong boreholes and that supply water to town. There are still plans for about 3 boreholes for the town centre. If our water is project is completed, the centre town will be

using the borehole water that is linked directly in the middle town's water network to supply water and supply water to reservoirs. Businesses in the business centre will be able to function normally. The target date to implement the points is the end of March 2018. The rural areas if needed will use the water distribution points to get water.

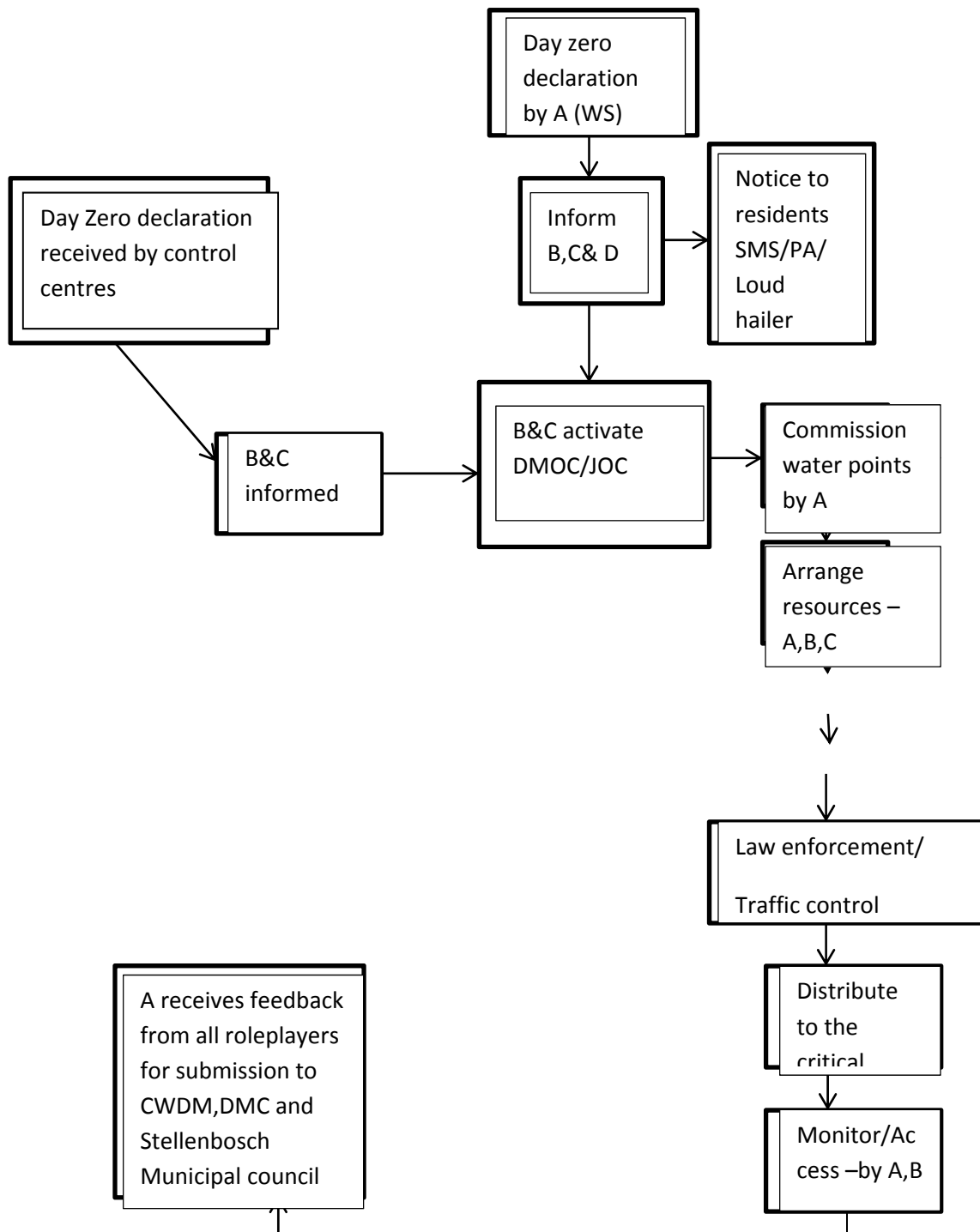
We are also in process to make provision at the fire department /stations by providing new boreholes and water tanks. This will be grey borehole water that will be available for fire emergencies and also available if needed for human consumption after very basic treatment with chlorine.

Protection of our boreholes and water installations against ordinary crime and panic attacks is also an issue. SAPS and own Law Enforcement services will patrol the installations and equipment. These patrols will include regular visits to distribution points as well as ensuring that the distribution of water are done in an orderly manner through the physical manning of these water points by the presence of a law enforcement officer at each distribution point.

Day Zero: Hi level intervention management



POSSIBLE FLOW DIAGRAM OF EVENTS: DAY ZERO – WATER SHORTAGE



- A: Manager Water Services**
- B: Head disaster**
- C: Chief Fire Officer**
- D: Municipal manager**
- E: Traffic**
- F: Law Enforcement**
- G: CWDM**

Departments and primary responsibilities

Department/Discipline	Primary responsibility	Contact Official
Disaster Management	Incident size-up Activation of DMOC Early Warning	Mr W Smith - 0714437337 Me Shezayd Segels - 0820504834
Water services	Ensure adequate resources are available to satisfy basic needs Water shedding Carting of water to remote areas	Dries van /Taak - 0764124482 Adrian Kurtz - 0829033123
Fire & Rescue Services	Carting of water to remote areas	Head: Fire Operations Duty Officers - 0826477587
Traffic/Law enforcement	Regulate traffic flow to and from water points Ensure safety and orderly behaviour at filling points	Head Law enforcement C Thorpe - 0823815555 Head Traffic law enforcement L StroebeL - 0829271010
Community Development	To identify the most vulnerable	Manager: Community development M Aalbers - 0835605935
SAPS	Sustaining law and order	Stellenbosch – 021 8095015/12
EMS	Put on alert	021 9370500
Roads & Storm water	Access infrastructure to water points Road repairs and routes recovery	Manager: Road s and Stormwater J Muller - 0740484725
Communications Municipal SAPS	Internal and External Communication	Manager: Communications

7.2	CORPORATE SERVICES: (PC: CLLR E GROENEWALD (MS))
-----	---

7.2.1	EXTENTION OF LEASE AGREEMENT: STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH
-------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 November 2018

1. SUBJECT: EXTENTION OF LEASE AGREEMENT: STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH

2. PURPOSE

To obtain Council's approval to conclude a Lease Agreement with Stellenbosch Animal Hospital in relation to erven 2498 and 2499, Stellenbosch.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

On 2018-05-23 Council considered a report dealing with the possible renewal of a Lease Agreement with Stellenbosch Animal Hospital, without following a public competitive process.

Council approved the request, subject to Council's intention so to act being advertised for public comment/counter proposals. Council's intention to lease the land to the animal hospital was published only 10 Inputs from the public was received and it is listed under discussion below. Most of the inputs support the lease agreement.

Council must now consider the inputs/objections received and make a final decision on a way forward.

5. RECOMMENDATIONS

- (a) that Council takes note of the inputs/comments received;
- (b) that Council approves the conclusion of a Lease Agreement with the Stellenbosch Animal Hospital for the use of erven 2498 and 2499 for a period of 5 years at a rate of R19 720/month, with an escalation of 6% p.a, as from 1 December 2018; and
- (c) that the Municipal Manager be authorised to sign all documents necessary to effect the lease.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 On 2018-05-23 Council considered a report on the possible renewal of the Stellenbosch Animal Hospital's Lease Agreement for a period of 9 years and 11 months. Having considered the report Council resolved (majority vote) as follows:

- “(a) that Council, in principle, dispense with the prescribed competitive process;*

- (b) *that Council approve, in principle, to enter into an agreement for a period of 5 years at a minimum rental of R 19 720/month, with an annual escalation of 6%;*
- (c) *that Council's intention be advertised, calling for public comments/counter proposals;*
- (d) *that the matter be re-submitted to Council for a final decision after the public participation process; and*
- (e) *that Council do not need property for its own use in line with Section 14 of the MFMA".*

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

6.2 Discussion

6.2.1 Policy on the Management of Council owned property

As was indicated earlier, in terms of paragraph 9.2.2 of the Municipal Council may **dispense with the competitive processes** established in the policy, and may enter into a **Private Treaty Agreement** through any convenient process, which may include direct negotiations, including in response to an unsolicited application, but only in the certain circumstances, and only **after having advertised Council's intention so to act**. One of the circumstances listed is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years.

6.2.2 Public Notice(s)

Following the above Council resolution Council's intention to extend the Lease Agreement in related to erven 2498 and 2499, Stellenbosch with a period of 5 years were advertised, calling for written inputs/objections to the proposed extension. A copy of the Official Notice is attached as **APPENDIX 2**. A further notice was placed on 27 September 2018 on instruction of the Municipal Manager which is attached as **APPENDIX 3**.

6.2.3 Written submissions:

The following written submission were received:

- a) Derrick Hendricks: Agenda item did not comply with legislative prescripts. Notice is misleading. Disciplinary proceedings must be instituted against officials that have misled Council.
- b) Stellenbosch Animal Hospital: Stellenbosch Animal Hospital was requested by the Municipality to relocate to the current site in 1981, following complaints of neighbours (Piet Retief Street) at the time. If the municipality did not request the relocation, they would still be operating from their own premises. They have, over the past 37 years, renovated the building at their cost.

They further request a longer term lease agreement (9 years 11 months), alternatively to buy the property;
- c) Fiona Erskine: Support the renewal of the lease;
- d) Sylvery Marrison: Support the renewal of the lease;
- e) Jacques Ina Lourens: Request that contract be renewed for a period of 10 years.
- f) Patricia Saulus: Request that contract be renewed for a period of 10 years

- g) Elizabeth Lechuti: Is worried that the facility might have to close down should the lease not be renewed;
- h) Winelands Community Business Opportunity Forum: Vehemently oppose the renewal of current lessee to Stellenbosch Animal Hospital;
- i) Franschhoek SPCA: Support the request for a lease extension of 9 years and 11 months; and
- j) Dr PE Classen: Support the request for a lease extension of 9 years and 11 months.

Copies of the various inputs are attached as **APPENDIX 4**.

6.2.4 Market rental

As was indicated earlier Pendo Property Valuers valued the market rental at R19 720 per month.

6.3 Financial Implications

The annual income for Stellenbosch Municipality amount to R236 640.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications.

6.6 Previous / Relevant Council Resolutions

Item 7.5.2 dated 23 May 2018.

6.7 Risk Implications

Their input has no risk implications.

6.8 Comments from Senior Management

The item was not re-circulated for comments.

ANNEXURES:

Appendix 1 – Council resolution 23 May 2018

Appendix 2 - Advertisement dated 14 June 2018

Appendix 3 - Advertisement dated 27 September 2018.

Appendix 4 - In puts received during public participation process.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-11-01

APPENDIX 1

7.5.2	AUTHORISATION: PUBLIC TENDER PROCESS: ERVEN 2498 AND 2499
-------	--

1. PURPOSE OF REPORT

To obtain the necessary authorization to go out on tender for the lease of erven 2498 and 2499.

2. BACKGROUND

2.1 Initial Lease Agreements

On 1 October 1981 a 5 year Lease Agreement was concluded between Stellenbosch Municipality and the Stellenbosch Animal Hospital in relation to the building on erven 2498 and 2499.

2.2 Renewal of Lease Agreement

Subsequently, in 1986, 1996 and 2006 respectively, the Agreement was renewed for periods of 9 years and 11 months.

2.3 Extension of last Lease Agreement

The last Lease Agreement has terminated on 31 July 2016. There was no renewal clause in the in the agreement. A copy of the Agreement is attached as **APPENDIX 1**. For this reason a notice was send to the Stellenbosch Animal Hospital on 22 June 2016, informing them that the Lease Agreement would come to an end on 31 July 2016, a copy of which is attached as **APPENDIX 2**.

On 30 June 2016 a self-explanatory letter was received from Dr Gilliomee, requesting a further renewal of the Lease Agreement for a period of 9 years and 11 months. A copy of the letter setting out the motivation is attached as **APPENDIX 3**.

Having considered the request the then Acting Municipal Manager (July 2016) extended the contract for a period of twelve months to afford the Lessee to consider alternative arrangements. A copy of the approval is attached as **APPENDIX 4**. The above approval was subject to Stellenbosch Municipality's intention so to act being advertised for public input.

A notice was compiled and sent to the Supply Chain Department to be published in the Eikestad News. A copy of the notice is attached as **APPENDIX 5**.

*We were recently informed by the SCM Department that, due to unknown reasons, the notice was never published. As the 12 months period has almost run out, there is no need/rationale for publishing the notice at this stage.

3. DISCUSSION

3.1 Existing Lease Agreement

As already indicated above, the existing Lease Agreement does not have a renewal clause.

3.2 System of Delegation

In terms of the approved System of Delegation (See delegation 538) the Municipal Manager may “*approve the renewal of lease agreements, **where the agreement provides for such renewal, for a period not exceeding 10 years***”. This delegation is further subject to a **new market related rental to be approved by the CFO**.

Seeing that the current agreement does not have a renewal clause, this delegation cannot be used.

In terms of delegation 530 the Executive Mayor may “*grant a right to use, control or manager a fixed capital asset, up to an annual contract value not exceeding R5M, subject to compliance with Regulation 34(1) of the Asset Transfer Regulations*”.

3.3 Asset Transfer Regulations

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

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

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

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

*In terms of the municipal valuation role the property's value is R3 920 000 (i.e. less than R10M). This means that the prescribed public participation process **does not have to be followed**.

In terms of Regulation 36, the municipal council (read Mayco) **must**, when considering such approval, take into account:

- a) whether such asset may be required for the municipality's **own use** during the period for which such right is to be granted;
- b) the extent to which any compensation to be received will result in a significant economic or **financial benefit** to the municipality;
- c) the **risks and rewards** associated with such right to use; and
- d) the **interest of the local community**

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality (read Mayco) may grant the right only in accordance with the **disposal management system** of the municipality, irrespective of:-

- a) the value of the asset; or
- b) the period for which the right is granted

3.4 Policy on the Management of Council owned property

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act.

One of the circumstances listed in (l) is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years. Such agreements may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose, subject to such renewal being advertised, calling for public comment.

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

3.5 Market rental

Hereto attached as **APPENDIX 6** a valuation report compiled by Pendo Property Valuers, valuing the market rental at R 19720.00 per month.

4. INPUTS FROM OTHER DEPARTMENT**4.1 CFO**

Finance supports the item.

4.2 LEGAL SERVICES

In terms of the Stellenbosch Supply Chain Management Policy the market value of a property is determined by two independent valuers and not the municipality's valuation. Two independent valuers need to be appointed to establish the market value of the property. The market value of the property will establish whether a public participation process needs to be followed in terms of Regulation 34(1)(a) or not. The recommendations should be amended accordingly to ensure that the in principle decision is made after the market value of the property is determined.

The rest of the item is supported.

Please note: Following the above legal input Pendo Property Valuers were appointed to determine a market related rental. (see paragraph 3.5 *supra*). The recommendations have been amended accordingly.

4.3 PLANNING & ECONOMIC DEVELOPMENT

None

5. CONCLUSION

From the above it is clear that, although the Executive Mayor has the (delegated) authority to conclude a Lease Agreement up to a maximum annual contract value of R5M, it is subject to the provisions of the ATR, i.e. Regulations 34; 36 and 41; read with the provisions of paragraph 9.2.2 of the Property Management Policy, as set out above.

This means that:

- a) the Executive Mayor can, in terms of regulation 34(1)(b), **approve in principle** the awarding of rights, and
- b) that, following the in principle decision in terms of (a), **a competitive process** in terms of the SCM Policy must then be followed, unless
- c) the Executive Mayor is of the opinion that a **public competition would not serve a useful purpose**.

RECOMMENDATIONS

MAYORAL COMMITTEE MEETING: 2018-05-16: ITEM 5.5.3

RESOLVED

That it be recommended to Council:

- (a) that Council, in principle, dispense with the prescribed competitive process;
- (b) that Council approve, in principle, to enter into an agreement for a period of 5 years at a minimum rental of R 19 720/month, with an annual escalation of 6%;
- (c) that Council's intention be advertised, calling for public comments/counter proposals; and
- (d) that the matter be re-submitted to Council for a final decision after the public participation process.

7.5.2	AUTHORISATION: PUBLIC TENDER PROCESS: ERVEN 2498 AND 2499
-------	---

1. PURPOSE OF REPORT

To obtain the necessary authorization to go out on tender for the lease of erven 2498 and 2499.

2. BACKGROUND

2.1 Initial Lease Agreements

On 1 October 1981 a 5 year Lease Agreement was concluded between Stellenbosch Municipality and the Stellenbosch Animal Hospital in relation to the building on erven 2498 and 2499.

2.2 Renewal of Lease Agreement

Subsequently, in 1986, 1996 and 2006 respectively, the Agreement was renewed for periods of 9 years and 11 months.

2.3 Extension of last Lease Agreement

The last Lease Agreement has terminated on 31 July 2016. There was no renewal clause in the in the agreement. A copy of the Agreement is attached as **APPENDIX 1**. For this reason a notice was send to the Stellenbosch Animal Hospital on 22 June 2016, informing them that the Lease Agreement would come to an end on 31 July 2016, a copy of which is attached as **APPENDIX 2**.

On 30 June 2016 a self-explanatory letter was received from Dr Gilliomee, requesting a further renewal of the Lease Agreement for a period of 9 years and 11 months. A copy of the letter setting out the motivation is attached as **APPENDIX 3**.

Having considered the request the then Acting Municipal Manager (July 2016) extended the contract for a period of twelve months to afford the Lessee to consider alternative arrangements. A copy of the approval is attached as **APPENDIX 4**. The above approval was subject to Stellenbosch Municipality's intention so to act being advertised for public input.

A notice was compiled and sent to the Supply Chain Department to be published in the Eikestad News. A copy of the notice is attached as **APPENDIX 5**.

*We were recently informed by the SCM Department that, due to unknown reasons, the notice was never published. As the 12 months period has almost run out, there is no need/rationale for publishing the notice at this stage.

17TH COUNCIL MEETING: 2018-05-23: ITEM 7.5.2

During debate on the matter, the Speaker requested that the word "**unless**" be rectified, as put by the Administration at the end of the sentence in (b) on top of page 126 on Vol 1, and that it should read as follows:

- (a); and
- (b) that, following the in principle decision in terms of (a), **a competitive process** in terms of the SCM Policy must then be followed,
- (c) unless the Executive Mayor is of the opinion that a **public competition would not serve a useful purpose**.

After two warnings during deliberations on the matter, the Speaker ordered Councillor F Adams to leave the Chamber (at 12:45) for violating Rule 28 of the Rules of Order By-Law.

RESOLVED (majority vote)

- (a) that Council, in principle, dispense with the prescribed competitive process;
- (b) that Council approve, in principle, to enter into an agreement for a period of 5 years at a minimum rental of R 19 720/month, with an annual escalation of 6%;
- (c) that Council's intention be advertised, calling for public comments/counter proposals;
- (d) that the matter be re-submitted to Council for a final decision after the public participation process; and
- (e) that Council do not need property for its own use in line with Section 14 of the MFMA.

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

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

APPENDIX 2

BOSCH
FRANSCHHOEK
UMASIPALA • MUNICIPALITY

DE

ERF 52, STELLENBOSCH:
HIP

on the Management of Council-owned property of
up Dealership for a further period of 5 years

Agreement during 2013 for the leasing of erf 52 for

approve, in principle the renewal of the Lease
through Stellenbosch Municipality's Policy on the
described, competitive process and to enter into a
ng advertised it's intention so to act

available at the office of the Manager: Property

to the proposed renewal of the Lease Agreement,
21 days from date of this notice.

Rhyneveld Street

one who cannot read or write is welcome to

14 JUNE 2018
DATE



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITEIT • UMASIPALA • MUNICIPALITY

OFFICIAL NOTICE

PROPOSED RENEWAL OF LEASE AGREEMENT: ERVEN 2498 AND 2499: STELLENBOSCH ANIMAL HOSPITAL

Notice is hereby given in terms of par. 9.2.2 of Stellenbosch Municipality's Policy on the Management of Council-owned property of the Municipality's intention to renew the existing Lease Agreement with Stellenbosch Animal Hospital for a further period of 5 years

Background

On 1981-10-01 Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Animal Hospital in relation to erven 2498 and 2499, Stellenbosch. Although the agreement was renewed a number of times, the agreement terminated on 31 July 2016.

The Stellenbosch Animal Hospital has now requested that the Lease Agreement be extended for a further period of 9 years and 11 months.

At a Council meeting held on 2018-05-23 the Municipal Council decided to approve, in principle, the renewal of the Lease Agreement for a period of 5 years, subject to a new market related rental.

Although Stellenbosch Municipality's Policy on the Management of Council-owned property allow Council to dispense with the prescribed, competitive process and to enter into a private treaty agreement through direct negotiations, it may only do so after having advertised it's intention so to act.

Further Particulars:

Further particulars, including the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours.

Invitation to submit written inputs

Any interested and effected party who wishes to submit comments/objections to the proposed renewal of the Lease Agreement, can do so by submitting it in writing to the Manager: Property Management within 21 days from date of this notice.

Objections/inputs can be submitted by hand, posted or by e-mail to:

Physical Address: 3rd Floor
Absa (Oude Bloemhof) Building, Corner of Plein and Rhyneveld Street
Stellenbosch
7600

Postal address: PO Box 17
Stellenbosch
7599

e-mail: piet.smit@stellenbosch.gov.za

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management for assistance.

G METTLER
MUNICIPAL MANAGER

14 JUNE 2018
DATE

APPENDIX 3



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

OFFICIAL NOTICE

PROPOSED RENEWAL OF LEASE AGREEMENT: ERVEN 2498 AND 2499: STELLENBOSCH ANIMAL HOSPITAL

Notice is hereby given in terms of par. 9.2.2 of Stellenbosch Municipality's Policy on the Management of Council-owned property of the Municipality's intention to renew the existing Lease Agreement with Stellenbosch Animal Hospital for a further period of 5 years.

Background

On 1981-10-01 Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Animal Hospital in relation to erven 2498 and 2499, Stellenbosch. Although the agreement was renewed a number of times, the agreement terminated on 31 July 2016.

The Stellenbosch Animal Hospital has now requested that the Lease Agreement be extended for a further period of 9 years and 11 months.

At a Council meeting held on 2018-05-23 the Municipal Council decided to approve, in principle, the renewal of the Lease Agreement for a period of 5 years, subject to a new market related rental and further subject thereto that Council's intention so to act be advertised, calling for public comments/counter proposals.

Although Stellenbosch Municipality's Policy on the Management of Council-owned property allow Council to dispense with the prescribed, competitive process and to enter into a private treaty agreement through direct negotiations, it may only do so after having advertised its intention so to act.

Further Particulars:

Further particulars, including the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours.

Invitation to submit written inputs

Any interested and effected party who wishes to submit comments/counter proposals to the proposed renewal of the Lease Agreement, can do so by submitting it in writing to the Manager: Property Management on or before 25th October 2018.

Objections/counter proposals can be submitted by hand, posted or by e-mail to:

Physical Address: 3rd Floor

Absa (Oude Bloemhof) Building, Corner of Plein and Rhyneveld Street
Stellenbosch

7600

Postal address: PO Box 17

Stellenbosch

7599

e-mail:

piet.smit@stellenbosch.gov.za

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management for assistance.

G METTLER
MUNICIPAL MANAGER

APPENDIX 4

Piet Smit

From: Derrick Hendrickse <derrickpal@telkomsa.net>
Sent: 21 June 2018 12:05 AM
To: Piet Smit; mm; Mayor (Gesie Van Deventer); Donovan Joubert (Speaker); Directors Group; Shireen De Visser; Faiz Hoosain
Cc: Council Stellenbosch; Mervin Williams; Elizabeth Rhoda
Subject: [EX] Inputs on Proposed renewal of the Lease Agreement Erven 2498 and 2499 to Animal Hospital
Attachments: Incorrect Official notices placed in Eikestad newspaper.pdf; Agenda.17th Council.2018-05-23 item 7.5.2 AUTHORISATION PUBLIC TENDER PROCESS ERVEN 2498 AND 2499.pdf; Minutes 17th Council 2018-05-23 item 7.5.2.pdf
Importance: High

Dear Property manager : Mr P Smit

With reference to the attach Notice that was published in the 24 June 2018 Eikestad newspaper, I herewith submit my inputs and comments on the advertised renewal of the lease of Proposed renewal of the Lease Agreement Erven 2498 and 2499 to Animal Hospital , as follows:

1. The Council agenda Item that served at the Council meeting (See attached copy) did not comply with the legislative prescripts as it did not comply with the Municipal Asset transfer regulations as to what council must consider and resolve on . Specifically Council was mislead as the items made not reference to MATR chapter 2 requirements. Nor was the Notice that appear on page 139 of the attached agenda item complied with . This notice indicate that the Animal Hospital leases expired in July 2016 and that they were given 12 months to find alternative acclamation. The officials has once again failed to administer the lease agreements properly and now want to abuse the DA majority to still advance the white privileges obtained under Apartheid in this manner.
2. The DA majority in Council with the advise of the municipal officials has failed in their constitution duty to use the lease of this property to redress the imbalanced created by the inhuman Apartheid regime whereby Black people was deprived from leasing municipal property.
3. The DA lead Council has failed to make this property available exclusively to give access to black people to lease or buy, so as to redress the skewed property ownership within Stellenbosch.
4. By advertising the proposed renewal of this lease the DA lead Council is continuing the wrong in how this lease was awarded to the Animal Hospital under the Apartheid era in 1981. They were the awarded this lease without any tender process.
5. This advert is even misleading and illegal as it does not Comply with the Council resolution on this agenda item (See attached minutes)
6. This current DA lead council with the aid of the municipal officials are ignoring the previous Council resolutions and advertisements on this property.

Taken the above into account I call on the Speaker and the Mayor to institute disciplinary proceeding against the officials that have advised the DA lead Council incorrectly and even place a misleading advertisement.

I beg to ask how manner other municipal properties are being leased out with out proper monitoring of the lease agreements and enforcing the legal prescripts on these properties.

Regards

Derrick Hendrickse

DRS. A.B. KIDD (BVSc), M.C. FRANKEN (BVSc), G.A. GILIOMEER (BVSc) & I. GERSBACH (BVSc)

TEL: (021) 887 3052
FAX/FAKS: (021) 887 3152
E-MAIL: steldier@telkomsa.net

1 BANGHOEK ROAD / BANGHOEKWEG 1
STELLENBOSCH

P.O. BOX / POSBUS 186
STELLENBOSCH
7599

4 Julie 2018

Beste Adve Mettler en van Devender

Kommentaar op voorgestelde hernuwing van huurooreenkoms – erwe 2498 & 2499, Stellenbosch Dierehospitaal

As vennoot (lid) by Stellenbosch Dierehospitaal BK, wil ek graag die geleentheid gebruik om kommentaar te lewer op die kennisgewing soos gepubliseer in Eikestadnuus van 14 Junie 2018.

1. Die diens wat Stellenbosch Dierehospitaal lewer aan die diere van Stellenbosch (en hul eienaars) kan vergelyk word met die kliniese en hospitaal dienste wat Stellenbosch MediClinic lewer aan die inwoners van Stellenbosch. Ons dienste is egter nie net beperk tot privaat kliënte se diere nie, want ons lewer ook veteriniëre dienste vir Franschhoek SPCA (in samewerking met Winelands Dogs), Cat Trapping in the Winelands en Casidra (die regering se projek om opkomende boere te ondersteun). Ons steriliseer en kastreer meer as 100 diere maandeliks teen 'n nominale fooi vir Franschhoek SPCA/Wineland Dogs en Cat Trapping in the Winelands, buiten die kliniese dienste wat hulle verder benodig vir siek of beseerde diere. 'n Video wat onlangs vir televisie oor Winelands Dogs vervaardig is, word aangeheg op 'n geheuestokkie om u 'n idee te gee wat die werk behels.
2. Stellenbosch Dierehospitaal het sy ontstaan in 1957 toe dr AJJ (Joep) Maree die deure van die eerste veteriniëre kliniek in Stellenbosch oopgemaak het. In 1981 is dr Maree deur die munisipaliteit versoek om te skuif van sy praktykgebou te Piet Retiefstraat 28 (in besit van dr Maree) na die bestaande perseel te Banghoekweg 1, weens klagtes van 'n direkte buurman. Sedertdien is alle eiendom in Piet Retiefstraat in die omgewing van ons vorige fasiliteit (oorkant Helderberg koshuis) hersoneer vir gebruik as mediese en tandheelkundige spreekkamers, woonstelle, besighede of koshuise (Isa Carstens). As ons praktyk nie tot die skuif na die huidige perseel deur die munisipaliteit gedwing was nie, sou die Piet Retiefstraat eiendom verder ontwikkel kon word en was dit nie nou nodig om aansoek te doen vir die hernuwing van 'n huurkontrak op erwe 2498 en 2499 nie.
3. Oor die afgelope 37 jaar is daar verskeie versoeke gerig aan die munisipaliteit om die eiendom te koop weens twee redes, nl (1) sekerheid om te weet dat ons 'n perseel besit waar die praktyk langtermyn kan bly voortbestaan en (2) omdat groot kapitale uitgawes eerder op 'n eie gebou aangegaan sal wil word as op 'n perseel wat nie in ons besit is nie. Ten spyte van die beperking wat 9 jaar en elf maande huurooreenkoms ons praktyk in die verlede gebied het, is die gebou steeds van 'n vervalde ongebruikte poskantoor gebou van 115m² op ons eie koste omskep tot 'n 219m² modern ingerigte dierehospitaal.

4. Die vereistes vir die ligging van 'n groot dierehospitaal soos Stellenbosch Dierehospitaal is na ons mening uniek, nl. (1) sentraal tot die dorpsgebied (om al die woonbuurte van die dorp te bedien, insluitend minder gegoede gedeeltes van ons dorp), (2) nie in 'n besige straat of direk langs 'n deurpad, (3) nie in 'n woongebied nie (weens moontlike geraas probleme), (4) met genoegsame parkering en (5) soneer om 'n dierehospitaal van die perseel te kan bedryf. Na ons mening voldoen die bestaande perseel op erwe 2498 en 2499 ten volle aan al die vereistes en is daar nie 'n soortgelyke perseel in Stellenbosch beskikbaar om te koop of huur nie.
5. Ons praktyk se onmiddellike suidelike bure (Birdstraat Slaghuis en Flandria Fietse) is gevestigde besighede in eiendomme wat besit word deur die eienaar van Birdstraat Slaghuis, mnr R Desseyen. Hierdie besighede is gelêe tussen Stellenbosch Dierehospitaal en die Stelmark sentrum. Vanwêe hierdie gevestigde privaat eiendomme met gevestigde besighede aan die noordekant van die sentrum, is dit onwaarskynlik dat die sentrum in die rigting van Stellenbosch Dierehospitaal sal kan uitbrei met enige herontwikkeling.
6. Stellenbosch Dierehospitaal het tans 13 permanente personeellede in diens. Twee werknemers het reeds meer as 25 jaar diens en 'n verdere drie reeds meer as 15 jaar diens. Langtermyn werksekerheid sal graag aan alle werknemers gebied wou word, wat nie moontlik is wanneer daar elke vyf jaar vir 'n verlenging van die huurkontrak aansoek gedoen moet word nie.
7. Nuwe beduidende kapitale investering in die gebou sal plaasvind sodra daar weer vir ons langtermyn sekerheid (huur of koop) gegee kan word. Hierdie beleggings (soos o.a. 'n nuwe digitale X-straal eenheid om die bestaande film eenheid te vervang) is nodig sodat Stellenbossers nie hul diere na buurdorpe hoef te neem vir dienste nie.

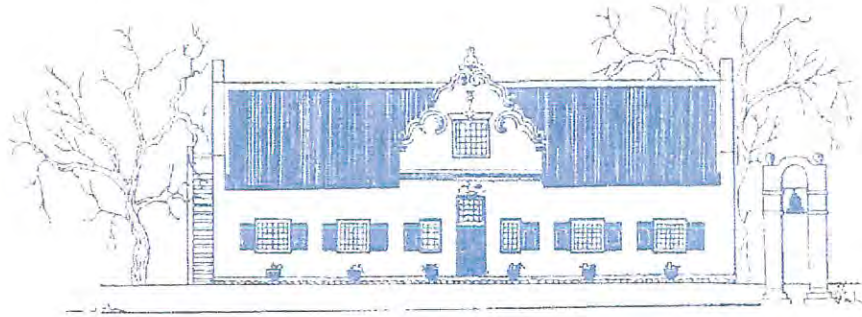
In lig van bogenoemde wil ons graag die munisipale bestuurder en burgermeester versoek om oorweging te skenk aan die volgende:

1. Weer ons aansoek te oorweeg om die eiendom aan die vennote/lede van Stellenbosch Dierehospitaal BK te verkoop.
2. Andersins 'n huurtermyn van ten minste 9 jaar en 11 maande. Slegs 'n langtermyn huurkontrak sal nuwe kapitale investerings moontlik maak en werksekerheid vir ons personeel kan bied.
3. Met verhuring, die markverwante huurgeld bereken volgens die huur per m² vir die gedeelte van die gebou (nl 115m²) wat ons van die munisipaliteit in 1981 ontvang het. Met die bepaling van huurgeld moet daar ook in ag geneem word dat ons (die huurder) verantwoordelik is vir alle onderhoud, munisipale belasting en opgraderings aan die gebou.

Die uwe



Dr Gerhard Giliomee



Ida's Valley Homestead Trust. IT 3645/2001. PO Box 132, Stellenbosch, Western Cape, 7599
Tel: 021 883 2867 Email: erskine@idasvalley.co.za

6th July 2018

The Manager,
Stellenbosch Municipality

Dear Sir,

RENEWAL OF LEASE AGREEMENT STELLENBOSCH ANIMAL HOSPITAL

I refer to your official notice of 14 June 2018 in the Eikestadnuus.

I am a regular user of the services of Stellenbosch Animal Hospital and have a home full of thirteen rescued dogs.

I am also a Trustee of SAINT, the Stellenbosch Animal In Need Trust and a financial supporter of Stellenbosch Animal Welfare.

The help I get from Dr Giliomee and his team is extraordinary. The convenience of his practice is perfect for my many visits from Idas Valley and the availability of parking is a blessing.

I am aware of their great service to the community and their outreach work including free Mass Sterilisations in my area, Idas Valley, Pniel, Cloetesville and Khayamandi.

Their profit share plans for their staff and workers is also unique and admirable

This great Stellenbosch asset should be allowed to remain in operation where it is - and where it clearly is located to serve our needy communities best.

Kind Regards,

Fiona Erskine
Idas Manor

Lorelle Adams

From: Piet Smit
Sent: 09 July 2018 07:16 AM
To: Lorelle Adams
Subject: FW: [EX] Proposed Renewal of Lease Agreement - Erven 2498 and 2499: STELLENBOSCH ANIMAL HOSPITAL.

Druk uit en plaas op leer asb.

piet

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

From: Sylvery Marrison [mailto:sylvery@ukwenza.co.za]
Sent: 07 July 2018 12:33 PM
To: Piet Smit
Subject: [EX] Proposed Renewal of Lease Agreement - Erven 2498 and 2499: STELLENBOSCH ANIMAL HOSPITAL.

Dear Sirs,

As an impeccably trustworthy tenant of 37 years standing, it should be the Municipality 's privilege and pleasure to grant Stellenbosch Animal Hospital the requested 10 year Lease.

This is a partnership of highly skilled and dedicated veterinarians who afford excellent care, and immense public service to the wide spread community of Stellenbosch. The situation of Erven 2498 and 2499 is idly situated for their requirements - out of the central of town but close to public transport (taxis), with plenty of parking available, even for horse boxes if necessary.

In view of the fact that both Stellenbosch Animal Hospital and Stellenbosch Municipality are both public service orientated organisations I, as a resident of Stellenbosch, appeal to Council to reconsider the request and grant the 10 year lease.

With anticipation of a favourable outcome, I remain, Yours sincerely Sylvery Marrison (Mrs)

Sent from TypeApp

Lorelle Adams

From: Piet Smit
Sent: 10 July 2018 08:46 AM
To: Lorelle Adams
Subject: FW: Huurooreenkoms van Stellenbosch Dierehospitaal Erf 2498 en 2499

Druk uit en plaas op leer.

Piet

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

From: Jacques Ina Lourens [mailto:jilourens@hotmail.co.za]
Sent: 09 July 2018 01:07 PM
To: Piet Smit
Subject: [EX] Huurooreenkoms van Stellenbosch Dierehospitaal Erf 2498 en 2499

Geagte Mnr Smit,

Bg advertensie in Eikestadnuus verwys.

Ek is al 17 jaar indiens van Stellenbosch Dierehospitaal. Ons verskaf 'n wye verskeidenheid veteriniere dienste en produkte aan die breë Stellenbosch gemeenskap en omliggende areas.

Die perseel waar ons geleë is, is baie toeganklik vir al ons kliënte. Ons hou ook die perseel op eie koste instand en het dus baie verbeteringe aangebring.

My versoek is dat u ons huurkontrak verleng vir 10 jaar of dat ons die perseel kan koop by die Munisipaliteit.

Vriendelike groete,

Ina Lourens

Sent from my iPhone

PATRICIA SAULUS

Pinotage villas

De clupmuts str 6

Klapmuts

7625

Ek is Patricia Saulus. Ek het in 1986 begin werk by Stellenbosch-Dierhospitaal en werk al 32 jr daar. Ek werk met diere en is vir my baie spesiaal.

Ek geniet elke oomblik om te help vir die veeartse as hulle hulp vra. Ek Patricia is afhanklik van my inkomste aangesien ek in verband moet afbetaal en my gesin moet onderhou, my hele gesin sal daar onder ly as ek my werk gaan verloor.

met hierdie skrywe vra ek asb dat u ons huurkontrak verleng word vir tenminste 10 jr groot asb.

Die dierhospitaal lewer in diens vir die hele gemeenskap tot in Klapmuts. waar ek woon.

Ek sal graag my diens wil behou tot en met afree. 2028

Met dank Patricia Saulus

28/7/2018

F.E. LECHUTI
 103 BUITEN CRESCENT
 SCOTTSBURNE
 KROONFONTEIN

Ek is ELIZABETH LECHUTI en ek werk al 18 jaar by Stellenbosch dierahospitaal.

Ek sal graag nog 25 jaar wil aan-werk en hier op 65 jaar wil aftree. Die hospitaal is op 'n gestikte plek geleë. En matlik om te kry vir my mense veral vir die mense van buite. Dis ook 'n stap afstand na die praktyk, my gesin se hele lewe hang af van die plek. Ons het baie lief geraak vir die plek en die mense wat saam met ons werk.

Dis soos 'n kind wat weg geneem word van sy of haar ma, as die praktyk sal moet teemaak.

Ek vertrou dat U-hulle sal ons bekommeris, sien en besef wat ons vir die diere beteken.

Baie dankie,

ELIZABETH



28/7/2018

Municipality - Munisipaliteit
Stellenbosch

28 JUN 2018

Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder

Winelands Community Business Opportunity Forum

Tel : 083 396 8119 / Fax : 021 887 4694 or 021 886 5053

P.O. Box 12445

Die Boord

7613

E-mail : oakcity2000@yahoo.com



28 June 2018

For attention: **Municipal Manager
Stellenbosch Municipality**

Re: **Propose renewal of lease erven 2498/2499 : Animal Hospital.**

Thank you for the opportunity to communicate this letter to you.
Background:

WCBOF is one of the oldest black business structures, since 2007. Our main objective is, to protect and promote the interest of black business within Stellenbosch. Although it was not an easy journey, we decided to pursue our objective for and economic equal and just town.

We as an organization don't have to remind you of the unemployment and lack of access to business opportunities for black entrepreneurs in Stellenbosch. Currently the local economy is owned, control and manipulate by mainly white males.

We hereby refer you to your intention to renew the lease to benefit white privilege.

It is also very obvious that you are favoring the current lessee.

We are appalled by your arrogance to even consider the renewal taking in consideration the current land reform climate.

For more than 20 years there were various attempts by black individuals as well as organizations to get excess to Municipal land.

You as an institution did everything possible to prevent meaningful opportunities to benefit black people.

We know this exercise is just a formality but we want to put it on record we vehemently oppose any possibilities to renew the current lease to Stellenbosch animal Hospital.

This is a private business and looking at the history of this arrangement we feel that it's now time for this business to move on and allow the space for local black business and or institution's to gain access.

We propose that the lease be finish and then the land be utilized for local Historical disadvantage people for some empowerment through a fair tender process.

Franklin Adams

Chairperson: WCBOF

“Our prime purpose in life is to help others. And if you can’t help them , at least don’t hurt them.” –Dalai Lama

FRANSCHHOEK

Society for the Prevention
of Cruelty to Animals



Dierebeskermings-
vereniging

Incorporated Association not for gain - Ingelyde Vereniging sonder winsoekmerk
Clinic: La Provence Street, Franschhoek North

Reg. No 057-649 NPCO

PO Box 192
Franschhoek 7690
☎ 021 876 4808

e-mail: spcafranschhoek@telkomsa.net

29 June 2018

The Manager,
Stellenbosch Municipality

Dear Sir,

RENEWAL OF LEASE AGREEMENT STELLENBOSCH ANIMAL HOSPITAL

I refer to your official notice of 14 June 2018 in the Eikestadnuus.

I am Inspector Lilly Konstabel of Franschhoek SPCA.

Franschhoek SPCA is registered as a Mobile clinic under Stellenbosch Animal Hospital. We help animals in Pniel, Lanquedoc, Meerlust, Groot-Draakenstein area, La Motte, Wemmershoek Sawmill, Groendal and surrounding farms. Because we are registered under Stellenbosch Animal Hospital we can do clinics and mass sterilizations in these communities. These operations are done for us by Stellenbosch Animal Hospital at very low prices.

If their doors close, we as Franschhoek SPCA will no longer be able to help animals in underprivileged areas that are in need. Without Stellenbosch Animal Hospital, Franschhoek SPCA will not be able to operate.

We support the Hospital's request for a lease extension of 9 years and 11 months for the above reasons.

Kind Regards

Inspector Lilly Konstabel

P E CLAASSEN TRP(SA)
B Sc, B Eng(Civil), M(URP), D Phil, Heritage Professional

**TOWN PLANNER
REGIONAL PLANNER**

42 Rowan Street
7600 STELLENBOSCH
South Africa

Tel 021 883-2956
Cell 083 532 0181
E-mail pec@adept.co.za
Ref

29 September 2018

Ms G Mettler
Town Manager
Stellenbosch Municipality
Stellenbosch 7600
(Attention: Mr P Smit)

Dear Ms Mettler

**PROPOSED RENEWAL OF LEASE AGREEMENT:
ERVEN 2498 & 2499:
STELLENBOSCH ANIMAL HOSPITAL**

As an interested and affected party I gladly accept your invitation to comment on the proposed renewal of the lease agreement of Stellenbosch Animal Hospital for the lease of erven 2498 and 2499, Stellenbosch.

I submit this comment both as a customer of the Animal Hospital and as a professional town planner who have been practicing town planning since the early 1970s.

I have been a customer of the practice since it was located in the old post office building many decades ago, so I have first-hand experience of the convenience of the location.

It will be a great advantage to, and very convenient for, the people of Stellenbosch if the Stellenbosch Animal Hospital could stay in its present position, because it is ideally located for that land use.

Both the building and its location is ideal for an animal hospital. The location is central enough so that it is easily reachable by all people of Stellenbosch. Yet it is separated from other business buildings which is convenient for bringing animals to the Hospital. It would have been very inconvenient for customers, and other members of the public, if the Hospital was intermixed with other land uses, and if animals had to be taken a long distance through other public and shoppers walking on the pavement.

The parking next to the building also makes it very convenient, especially as animals must be taken from a parked vehicle to the Hospital.

I would strongly recommend, that you renew the lease preferably for the 9 years and 11 months that the applicant asked for.

Yours faithfully



7.2.2	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:

Institutional Transformation

09 November 2018

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

2. PURPOSE

To approve the transfer of portion 15 of Farm 292 (now known as erf 16489) to the Provincial Department of Education for educational purposes after the public participation process.

3. DELEGATED AUTHORITY

The Municipal Council must decide on the matter.

4. EXECUTIVE SUMMARY

On 2018-08-22 Council approved an in principle transfer of a portion of portion 15 of Farm 292, Stellenbosch to the Provincial Government of the Western Cape, for educational purposes, subject thereto that Council's intention so transfer be advertised for public comment/inputs/objections.

The notice was published on 27 September 2018 (**attached hereto as APPENDIX 2**).

No inputs/objections or counter proposals were received.

Following the public notice period, Council must now make a final determination.

5. RECOMMENDATIONS

- (a) that it be noted that no comment/inputs/objections have been received following the public notice period; and
- (b) that Council resolves to dispose of a portion of portion 15 of Farm 292, Stellenbosch, measuring approximately 9080m² in extent to the Provincial Government of the Western Cape, at no cost to the Department 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 subdivision and rezoning of the land to educational purposes, at their cost;
 - (iii) that the area as depicted on **APPENDIX 3** 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.

6. DISCUSSION

6.1 Background

On 2018-08-22 Council considered a report dealing with the possible disposal of a portion of portion 15 of Farm 292, Stellenbosch to the Provincial Government of the Western Cape for educational purposes. Having considered the report, Council resolved (a majority vote) as follows:

- “(a) *that the portion of Portion 15 of Farm 292, measuring approximately 9080m², as indicated as ABCD 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 subdivision and rezoning of the land to educational purposes, 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 for educational purposes, be advertised for public comment/inputs/objections; and*
- (d) *that, any comments/inputs/objections be considered by Council before making a final decision”.*

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

6.2 Official notice calling for public inputs

Following the above Council resolution an Official Notice was published in the Eikestad News, soliciting public comment/inputs/objections by not later than 25th October 2018.

A copy of the Official Notice dated 27 September 2018 is attached as **APPENDIX 2**.

At the closing date no written inputs, comments or objections were received.

6.3 Financial implications

All costs for transfer, rezoning and any infrastructure changes will be for the account of the Western Cape Department of Education

6.4 Legal implications

The recommendations comply with the legislation and council policy.

6.5 Staff implication

None

6.6 Previous/Relevant Council resolutions

Item 7.2.1 dated 22 August 2018.

6.7 Risk implication

None

6.8 Comments from Senior Management

The item was not re-circulated for comments.

ANNEXURES:

APPENDIX 1 – Council resolution dated 22 August 2018

APPENDIX 2 – Advertisement dated 27 September 2018

APPENDIX 3 – Area to be developed as public parking area

FOR FURTHER DETAILS CONTACT:

NAME	<i>Piet Smit</i>
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	<i>Piet.Smit@stellenbosch.gov.za</i>
REPORT DATE	<i>2018-10-31</i>

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Collaborator No: *(To be filled in by administration)*
 IDP KPA Ref No: *(Choose a KPA from 2017 – 2021 IDP)*
 Meeting Date: *(The date of the specific meeting must be filled in here)*

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, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)

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 are 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

- 5.1 that the portion of Portion 15 of Farm 292, measuring approximately 9080m², as indicated as ABCD 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;

- 5.2 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;
- a) that the property only be used for educational purposes;
 - b) 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;
 - c) that the area as depicted on **APPENDIX 5** as parking area, be developed as a public parking area;
 - d) 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;
 - e) that no portable water be used to fill or top-up any of the (to be constructed) swimming pools, the school must use its existing ground-water source for this purpose.
- 5.3 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.
- 5.4 that, should any objections be received as a consequence of such notice, same be considered by Council before making a final decision;
- 5.5 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 1** 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 2** 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 swing 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

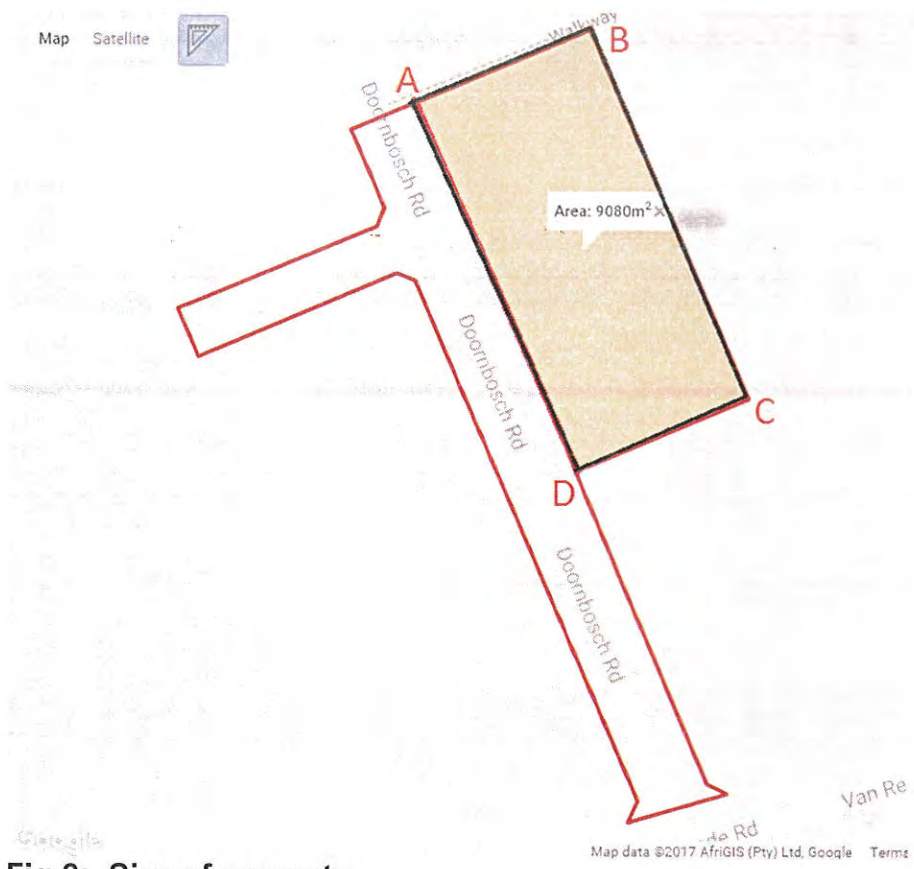


Fig 3: Size of property

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 3**.

6.2.3 Zoning

As indicated above the subject property is zone 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 4**.

6.2.5 Proposed development

Hereto attached as **APPENDIX 5** 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 circumstances it is suggested that the benefits (to the community) out-ways the anticipated lost 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 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 to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:

6.8.1 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 its 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 Works

Annexure B: Letter from Department of Transport and Public Works

Annexure C: Windeed printout

Annexure C: LG Diagram 132/79

Annexure D: 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	Piet.Smit@ Stellenbosch.gov.za
REPORT DATE	<i>2018-05-10</i>

[Report date is important especially if a report has compliance deadlines to adhere to. Contact details also important for councillors or someone from executive management to contact the report writer]

DIRECTOR: HUMAN SETTLEMENTS & PROPERTY MANAGEMENT

The contents of this report have been discussed with the Portfolio Committee Chairperson and the Councillor agrees with the recommendations.

7.2.1	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH
-------	---

Collaborator No: 600950
 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.

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.2.1

RESOLVED (majority vote)

- (a) that the portion of Portion 15 of Farm 292, measuring approximately 9080m², as indicated as ABCD 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 subdivision and rezoning of the land to educational purposes, 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 for educational purposes, be advertised for public comment/inputs/objections; and
- (d) that, any comments/inputs/objections be considered by Council before making a final decision.

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

Cllr F Adams; GN Bakubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); MD Oliphant; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

APPENDIX 2



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

OFFICIAL NOTICE

PROPOSED DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH TO THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE

Notice is hereby given in terms of par. 9.2.2 of Stellenbosch Municipality's Policy on the Management of Council-owned property of the Municipality's intention to dispose of a portion of land to the Provincial Government of the Western Cape for educational purposes, at no cost (gratis transfer).

Background

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

Having considered the request on 2018-08-08, Council resolved, inter alia, as follows:

- a) That the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid when the property was transferred to Stellenbosch Municipality by the Provincial Government (vesting transfer) and taking into account the community benefit, should the property be developed as envisaged, subject to certain conditions;
- b) That Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape for educational purposes, be advertised for public comment/inputs/objections.

Further Particulars:

Further particulars, including the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours.

Invitation to submit written inputs

Any interested and effected party who wishes to submit comment/inputs/objections to the proposed transfer can do so by submitting it in writing to the Manager: Property Management on or before 25th October 2018.

Any such inputs/comments/objections can be submitted by hand, posted or by e-mail to:

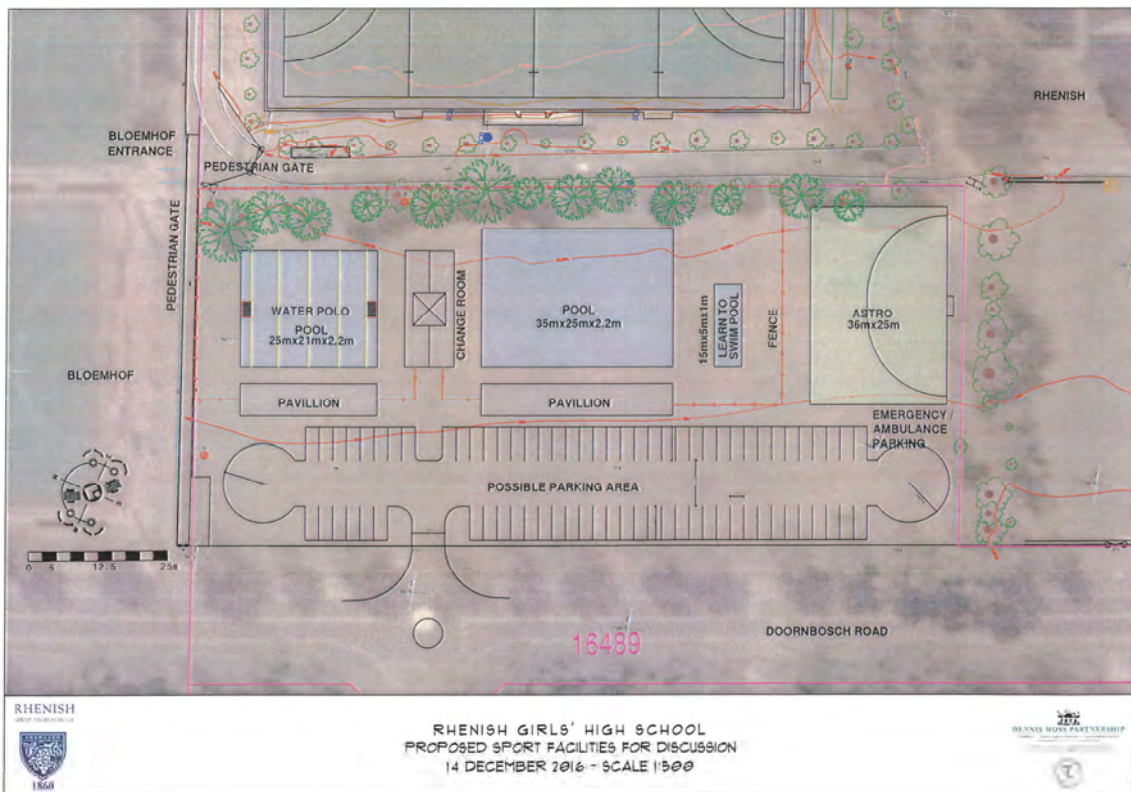
Physical Address: 3rd Floor
 Absa (Oude Bloemhof) Building, Corner of Plein and Rhyneveld Street
 Stellenbosch
 7600
 Postal address: PO Box 17
 Stellenbosch
 7599
 e-mail: piet.smit@stellenbosch.gov.za

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management for assistance.

G METTLER
MUNICIPAL MANAGER

000000-EN270918

APPENDIX 3



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



7.2.3	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)
--------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 November 2018

1. SUBJECT: UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)

2. PURPOSE

To obtain Council's approval for entering into a Lease Agreement with Mr C Goosen, following the conditional awarding of a tender by the BAC.

3. DELEGATED AUTHORITY

Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

On 2017-07-26 Council authorised a public competitive process (tender) to be followed for the purpose of awarding rights for the development of an ECD Centre on a portion of the Community Hall in Wemmershoek. The call for proposals was put out for a one (1) year lease at 20% of the market related rental.

Only one proposal was received when the tender closed. The tenderer proposed a 5 year lease agreement at 10% of the market value. The bidder is proposing a minimum period of 5 years, taking into account their capital investment of between R200 000 and R300 000 and the BAC recently accepted the proposal, subject to Council's accepting the proposal. Council must now decide whether to proceed with the lease based on the proposal received or not.

5. RECOMMENDATIONS

- (a) that Council notes that a tender call for proposal was advertised and dealt with through the Supply Chain Process;
- (b) that Council must now decide whether to proceed with the lease based on the proposal received or not;
- (c) that, should Council accept the proposal, an agreement be entered into with Mr Goosen that stipulates that the property may only be used for the purposes of an ECD centre; and
- (d) that the Municipal Manager be authorised to sign all documents necessary to effect the lease agreement.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Council resolution authorising call for proposal

On 2017-07-26 Council considered a report for the possible utilisation of a portion of erf 7, Wemmershoek as an ECD facility. Having considered the report, Council resolved as follows:

- “(a) that the property in question be identified as property not needed/required for the municipality’s own use;*
- (b) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a **1- year lease agreement**;*
- (c) that the minimum lease be determined at **20% of market value** (to be determined by an independent valuer); and*
- (d) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility”.*

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

6.1.2 Valuation reports

Following the above resolution two (2) independent valuers were appointed to advise on a market related rental. In terms hereof the property was valued as follows (20% of market value):

- Cassie Gerber: R560/month
 - Pendo: R624/month
- Weighted average: **R592.00/month**

Copies of the valuation reports are attached as **APPENDIX 2** and **3** respectively.

6.1.3 Tender document

Following the above, a Tender Document (Call for Proposal) was compiled and approved by the BSC.

Following the approval for the Tender Document by the BSC, a tender notice was published in Die Burger and Eikestad News. The closing date for tenders was 25 May 2018.

6.1.4 Compulsory briefing session

A compulsory briefing session was held on 2 May 2018, which was attended by two(s) prospective bidders.

6.1.5 Bid Submitted

On the closing date only one (1) bid was submitted, that of Carel Goosen.

6.1.6 Awarding of tender

The BAC recently considered the tender and decided to award the tender to Carl Goosen, subject thereto that Council accept the final offer of R296pm and the proposed 5 year term of contract.

6.2 DISCUSSION

6.2.1 Financial offer received

In terms of the Council resolution, a minimum rental (20% of market rental) of R592.00 per month is payable. The offer received from the bidder is for R296, i.e. 10% of market value. They further propose that their capital investment be set off against the monthly rental.

In terms of paragraph 22.1 of the new Policy on the Management of Council-owned Property the Municipality is entitled "to adopt below-market related tariffs for non-profit organisations, NGO's, sporting bodies, etc., between 10% and 60% of fair market rental".

Council must therefore decide whether they are going to accept the offer of R296 p.m., seeing that the new policy provide for such a rebate.

6.2.2 Contractual period

The initial recommendation to Council was that the tender be based on a 9 year and 11 months terms. This however, was changed at the Council meeting, where a period of only 12 months was approved. The bidder is proposing a minimum period of 5 years, taking into account their capital investment of between R200 000 and R300 000.

6.3 Financial Implications

As discussed under 6.2.1 above.

6.4 Legal Implications

It is a municipal function in terms of section 155(6)(a) and (7) read with Schedule 4 Part B of the Constitution to provide child care facilities.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

Item 7.5.2 – 26 July 2017.

6.7 Risk Implications

There are no risks at this stage apart from the risk of current projects being delayed as a result of not doing anything in respect of land acquisition.

6.8 Comments from Senior Management

No comments were requested.

ANNEXURES:

Appendix 1: Agenda item Council

Appendix 2 and 3: Valuation reports

Appendix 4: Item from BAC

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2017-11-15

APPENDIX 1

HUMAN SETTLEMENTS COMMITTEE MEETING

UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)

File number : 7/2/1/1

Compiled by : Manager: Property Management (P Smit)

Report by : Director: HS & Property Management

Delegated Authority : Executive Mayor

Strategic intent of item

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input type="checkbox"/>

1. PURPOSE OF REPORT

The purpose of this report is obtain the necessary authorization to start a process of making a portion of the Wemmershoek Community Hall available (through a public competitive process) for the purpose of an ECD facility.

2. BACKGROUND

Hereto attached as **APPENDIX 1** a copy of a memo received from the Manager: Community Services, recommending that a portion of the Wemmershoek Community Hall be made available to be leased as an ECD facility. This memo followed an investigation into the need for such a facility in the specific community.

3. DISCUSSION

3.1 Property description

The Community Hall in Wemmershoek is situated on erf 7 as shown on Fig 1, 2 and 3 respectively.



Fig 1: Locality: Location and context



Fig 2:



Fig 3: Portion of Community Hall

3.2 Legal Requirement

In terms of Regulation 36 of the Asset Transfer Regulations, a municipal council, when considering the granting of a right to use, control or manage a capital asset, must take into account, *inter alia*:

- “(a) whether the capital asset may be required for the municipality’s own use during the period for which the right is to be granted;
- (b) the extent to which any compensation to be received for the right together with the estimated value of any improvements or enhancements to the capital asset that the private sector party or organ of state to whom the right is granted will be required to make, will result in a significant economic or financial benefit to the municipality;
- (c) the risk and rewards associated with the use, control or management of the capital asset in relation to the municipality’s interests;
- (d) any comments or representations on the proposed granting of right received from the local community and other interested persons”.

Further, in terms of Regulation 41 a municipality may only grant such right in accordance with the **disposal management system** of the municipality, irrespective of the value of the asset, period for which the right is granted; or whether the right is granted to a private sector party of an organ of state.

In terms of Chapter 5 (Disposal and letting) of Stellenbosch Municipality’s SCM Policy immovable property may only be let at **market-related rates**, except when the **public interest** or **plight of the poor** demands otherwise. For this purpose, “*public interest*” means letting, *inter alia*, to promote **welfare and charitable purposes**.

Further, in terms of par. 5.6 of the SCM Policy, such rights may only be awarded following a fair, equitable, transparent and **competitive process**.

3.3 Delegated Authority

In terms of item 530 of the approved System of Delegations (2015-06-24) the Executive Mayor has the delegated authority *“To grant the right to use, control or manage fixed capital asset, subject to the prescribed process for the awarding of such rights (public competitive process).”*

4. INPUTS BY OTHER DEPARTMENTS

4.1 CFO

Support proposal subject to a competitive bidding process being followed and that a contract or lease agreement that specifically deals not only with rental, but also with issues like property rates and the payment of municipal services, is successfully concluded with the eventual tenant.

4.2 Senior legal Advisor

In terms of Regulation 34(1) a municipality may grant a right to use, control or manage a capital asset only after –

- (a) The accounting officer has in terms of regulation 35 conducted a public participation process regarding the proposed granting of the right; and
- (b) The municipal council has approved in principle that the right may be granted.

Regulation 34(2) provides that sub regulation (1)(a) must be complied with only if –

- (a) The capital asset in respect of which the proposed right is to be granted has a value in excess of R10 million; and
- (b) A long term right is proposed to be granted in respect of the capital asset.

Long term is defined as any period longer than three (3) years.

It is clear from the recommendation that the right is to be granted for 9 years and 11 month, *i.e* thus for a long term. Notwithstanding the aforesaid, the value of the portion to be leased should first be established to determine whether a public participation process is required or not.

4.3 Planning & Economic Development

The Zoning of Erf 7 Wemmershoek is “Institutional Zone I” in terms of the Section 8 Zoning Scheme Regulations. Therefore a crèche is a primary right.

4.4 Community Services

Early Childhood Development is listed in the Constitution of South Africa (Schedule 4B) as a function of Local Government. In attached report by the department the need for the facility has clearly been identified and motivated for. The department support the proposal to make a portion of underutilized community facility available to benefit that community in the form of an ECD facility.

Note should be taken that in order to ensure a functional facility the identified area as depicted in Fig 2 and 3 is not sufficient. The request is to include the area as indicated below in red in order to allow for the required outdoor space for physical development of the children.

With regard to Chapter 5 of the SCM policy and requirement for market related prices, it should be noted that the Wemmershoek community is of the poorest within WC024 with a high unemployment rate. Normal capital market principles should not be applicable as the community would not be able to afford this.

The department is currently investigating the possibility of partnering with a local mine (Cabrico (Pty)Ltd) to support and co-invest in the development of a Wemmershoek ECD.

5. CONCLUSION

From the above it is clear that:

- a) The portion of the Community Hall in Wemmershoek is not currently in use, and is not needed/required for the municipality's own use for the unforeseeable future;
- b) There is a need for an ECD Centre in the area;
- c) There are no risks associated with the proposed usage; and
- d) That the right to use the property in question can only be awarded after following a public tender process.

In light of the above it is

RECOMMENDED:

- a) That the property in question be identified as property not needed/required for the municipality's own use;
- b) That the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 9 year and eleven months lease agreement;
- c) That the minimum lease be determined at 20% of market value (to be determined by an independent valuer);
- d) That the municipal manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, black people with the necessary skills; experience to manage such a facility.

7.5.2	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)
-------	---

1. PURPOSE OF THE REPORT

To obtain the necessary authorization to start a process of making a portion of the Wemmershoek Community Hall available (through a public competitive process) for the purpose of an ECD facility.

2. BACKGROUND

Hereto attached as **APPENDIX 1** a copy of a memo received from the Manager: Community Services, recommending that a portion of the Wemmershoek Community Hall be made available to be leased as an ECD facility. This memo followed an investigation into the need for such a facility in the specific community.

COUNCIL MEETING: 2017-07-26: ITEM 7.5.2

RESOLVED (nem con)

- (a) that the property in question be identified as property not needed/required for the municipality's own use;
- (b) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1- year lease agreement;
- (c) that the minimum lease be determined at 20% of market value (to be determined by an independent valuer); and
- (d) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility.

Meeting:	10 th Council: 2017-07-26	Submitted by Directorate:	Human Settlements
Ref no:	7/2/1/1	Author	Manager: Property Management
Collab:		Referred from:	Mayco: 2017-07-19

APPENDIX 2

**CASSIE GERBER
PROPERTY VALUERS CC
CK 98/22188/23**

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

P.O. Box 2217
DURBANVILLE
7551

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

VALUATION REPORT

**MARKET VALUE OF A PORTION OF THE TOWN HALL SITUATED AT
6 PRINS AFRIKA STREET, ON ERF 7 WEMMERSHOEK,
STELLENBOSCH REGION**

OWNER: MUNICIPALITY OF STELLENBOSCH



Market value: As per report
Date: 27 February 2018

=====

VALUATION REPORT

**MARKET VALUE OF A PORTION OF THE TOWN HALL SITUATED ON
ERF 7 WEMMERSHOEKERF, STELLENBOSCH REGION**

OWNER: MUNICIPALITY OF STELLENBOSCH

1. Instructions

- 1.1 The Director of Housing of the Municipality of Stellenbosch instructed me to value the above-mentioned property.
- 1.2 The rental value of a portion of the Town Hall to be used for crèche purposes is to be valued. The tenant is a Non-Profitable Organization.
- 1.3 Market rental is defined in this report as a price, which the property is reasonably expected to let for in the open market by a willing, able and informed landlord to a willing, able and informed lessee.

2. Date of valuation

27 February 2018

3. Description of property

Erf 7 Wemmershoek, Stellenbosch (Title deed: T29444/2012)

4. Extent of property

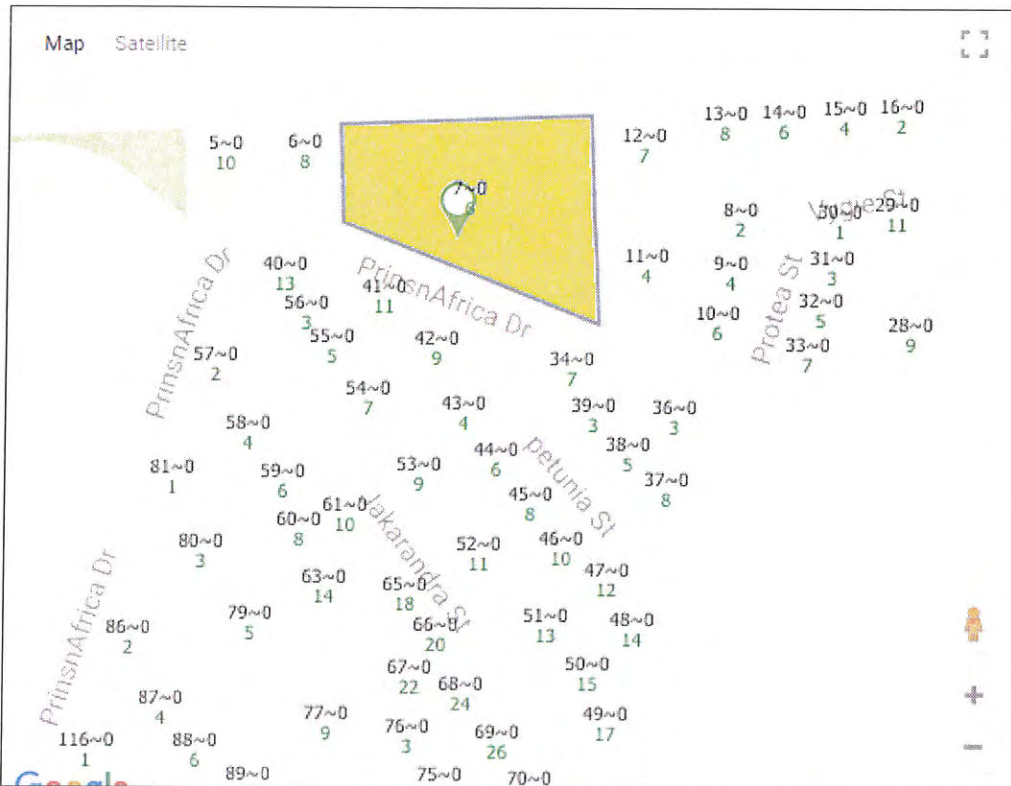
The total extent of the site is 2807m². Portion of the building required is ±160m².

5. Owner

Municipality of Stellenbosch

6. Situation and physical aspects

The property is situated at 6 Prins Afrika Street, Wemmershoek.
Map, page 3 below refers:



Location map



Aerial photo

7. Zoning

The property is zoned for community purposes.

8. Servitudes and other rights

None that will affect the market value

9. Municipal valuation (1 July 2015)

R1 230 000.00 (Property as a whole)

10. Improvements

The subject property consists of a portion of the community hall. The building is built with bricks under steel roof. The windows are steel, the doors timber and the floors are concrete. The rentable portion of the building to be occupied for the use of a crèche is 160m² in extent and is divided into 4 sections with window high brick walls.



Subject property



internally

11. Method of valuation

The comparable method of valuation has been carried out to determine the market related rental of the property.

12. Market information

12.1 Transaction no. 1:

Huis Rosendal, Faure: The property is situated on Farm 981/Remainder, corner of Spine Road and the Stellenbosch RD.

Rentable area: 1 600m²

Rent per month: R32 000.00/ R20.00 per m²

12.2 Transaction no. 2:

Paarl School for Skills: The property is situated on Portion 54 of the Farm Number 832, Paarl RD. The property is occupied by the Drakenstein Association for Persons with Disabilities.

Rentable area: 375m²

Rent per month: R7 500.00

Rent per m²: R20.00

12.3: Transaction no. 3:

The following is a list of comparable rentals presently being paid at the Oude Molen Hospital, in Pinelands:

No.	Property	Extent	Rental/Month	Rental/m ²
1	Unit C4, Oude Molen	258m ²	R6 138.91	R23.79
2	Unit C7, Oude Molen	108m ²	R913.68	R8.46
3	Unit D2, Oude Molen	159m ²	R1 382.58	R8.69
4	Unit D7, Oude Molen	447m ²	R12 518.50	R28.00
5	Unit F2 Oude Molen	611m ²	R13.325.25	R21.80
6	Unit F5, Oude Molen	233m ²	R2 702.22	R11.59
7	Unit H1b, Oude Molen	153m ²	R4 378.00	R28.61

13 Conclusions

Transactions 1 and 2 compare well with the subject property. Transaction 1 is, however, much bigger in size than the subject property

13.1 The rentals at the old Oude Molen Hospital vary between R8.46/m² and 28.61/m². The buildings of transactions 1, 4, 5 and 7 are about in the same condition as the subject property, while the buildings of the rest of the properties are in a poor condition.

13.2 Based on the above-mentioned comparable transactions with the necessary adjustments for accommodation, condition and location, a rate of R17.50 per m² is market related

14 Rental value calculations

160m² @ R17.50/m²: R2 800.00 x 20% = R560.00 per month

15 General

The above-mentioned rental does not include VAT. The tenant is responsible for the water and the electricity.

16 Certificate

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

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

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

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

I, Casper Louis Gerber, consider a rental of R560.00 per month to a Section 21 Company to be a fair and reasonable.



C.L. GERBER

Signed at Durbanville on 27 February 2018

QUALIFICATION TO VALUE

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

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

APPENDIX 3



VALUATION REPORT

DETERMINATION OF THE MARKET RENTAL OF:
PORTION OF ERF 7 WEMMERSHOEK,
PAARL REGISTRATION DIVISION,
TO BE LEASED BY AN ECD CENTRE

Client:

STELLENBOSCH MUNICIPALITY

27 February 2018

Compiled by:

Johan Klopper

Professional Valuer

Member of the SA Institute of Valuers

BCom Law (University of Stellenbosch), NDip: Property Valuation (UNISA)



27 February 2018

Mr. Piet Smit
 Stellenbosch Municipality
 Property Management
 Plein Street
 Stellenbosch
 7600

VALUATION CERTIFICATE

I, the undersigned, Johan Klopper, Professional Valuer registered in terms of the Property Valuer's Profession Act, 2000 (Act No 47 of 2000) do hereby certify that I have inspected and valued the following immovable property namely:

<p>Portions of ERF 7 WEMMERSHOEK, PAARL REGISTRATION DIVISION, in the WESTERN CAPE To be leased by an ECD Centre</p>
--

I consider the monthly market rental of the abovementioned property to be as follows:

R 3 120	Three Thousand One Hundred and Twenty Rand (Excluding VAT)
---------	---

As at: **1 March 2018**

Signed at Stellenbosch this 27th day of February 2018.

A handwritten signature in black ink, appearing to read "J. Klopper", written over a horizontal line.

J. Klopper
 Professional Valuer
 Registration Number: 6372/0

PENDO PROPERTY SERVICES CC T/A PENDO PROPERTY VALUERS
 Reg. No. 2009/230603/23 • VAT Reg. No. 4530269028
 Member: J. Klopper

Verified Level 4 B-BBEE Contributor

Tel: 083 305 3252 • Fax: 086 611 1511 • Email: info@propertyvaluer.co.za • Postal address: PO Box 81, Stellenbosch, 7599

VALUATION REPORT

1. GENERAL INFORMATION

1.1 Instructions

Instructions were received from the Stellenbosch Municipality to determine the fair market rental of a portion of Erf 7 Wemmershoek, as at the effective date referred to in paragraph 1.3 below.

Definition of market rental: *"The estimated amount for which the property should be leased on the date of valuation between a willing lessor and a willing lessee in an arm's length transaction after property marketing, wherein the parties acted knowledgeably, prudently and without compulsion."*

1.2 Inspection date

21 February 2018

1.3 Effective date of valuation

1 March 2018

1.4 Limiting conditions

Information was received from third parties regarding the comparable properties. No warranty as to the accuracy of this information can be made.

In this report all values referred to exclude VAT, unless expressly stated otherwise.

We have not carried out a structural survey, nor have we tested the service installations, woodwork or other parts of the structure which are covered, unexposed or inaccessible and are therefore unable to report that such parts of the property are free of rot, beetle or other defects. This valuation is therefore based on the assumption that the building is in a reasonable state of repair, unless expressly stated otherwise in this report.

Any possible contamination of the subject property as a result of an environmental incident has also not been taken into account, nor have we examined the cost of any remedial measures involved.

Maps and sketches that form part of this report are included for illustration purposes only and are not necessarily to scale.

This valuation is for the purpose as stated in this report and should not be used for any other purpose. Neither all nor any part of this report shall be conveyed to the public or anybody other than the addressee or their principles through advertising, public relations, news sales or any other media without the written consent of the author.

2. PHYSICAL FEATURES

2.1 Situation / Locality

The subject property is located on Erf 7, on the northern periphery of Wemmershoek. It offers easy and functional access via Prince Africa Drive to the R45 between Franschhoek and Paar, and Stellenbosch via Helshoogte Road.



2.2 Description of the site and improvements

The area to be leased for an ECD centre represents the northern wing of the Wemmershoek Community Centre. The external size of this area was measured as approximately 165 m². It represents a plastered and painted structure with roof sheeting and steel fenestration. The internal lettable area was calculated as 156m², comprising ablutions and an office/store of approximately 53m², as well as an open plan area measuring approximately 103m².



The restroom offers 4 urinals and a WC, with a tiled floor and a sloping timber ceiling. The open plan area with eight semi-partitions comprises unfinished concrete floors and no ceilings.

The general condition is rundown, which suggests that a prospective tenant would have to incur cost to ensure a habitable space for occupation.

Refer to **Annexure B** for photographs of the subject property.

3. VALUATION METHOD

The direct comparison approach is deemed the most suitable valuation method in determining the market rentals. This approach is based on the principle of comparability and substitution. The assumption is that if similar assets in a similar market place are leased at a particular value, then the comparable asset will be leased at a similar price.

In the absence of sufficient market information the market rental can be calculated based on a net return on value. This would entail determination of the depreciated replacement cost of the area to be leased, with an appropriate yield rate applied thereto.

4. VALUE DETERMINATION

4.1 Market information

The property market in the immediate vicinity was investigated, and liaised with local role players to ascertain acceptable market levels for the subject property. Very limited market information was available. The following relevant market information was the only directly comparable rental obtained by the valuer:

	Description	Rental (R/m ²)	Comments
1	Hostel accommodation at Paarl School of Skills	R20	Slightly rundown hostel accommodation of approximately 375m ² located on the Old Cape Road near Paarl.

4.2 Return on value

This method can be utilised by applying a market related yield rate to the depreciated replacement cost of lease area. Based on an appropriate rate of 10%, the rental can be calculated as follows:

IMPROVEMENTS	Size (m ²)	Rate/m ²	Reproduction cost	Depreciation factor	Depreciated Value
Office/ restrooms / storage	165	R 6 500	R 1 072 500	0,35	R 375 375
Annual rental @ 10%					R 37 538
Monthly rental @ 10%					R 3 128
Effective R/m ² rate (156m ²)					R 20 /m ²

4.3 Conclusion on market rental

The market information obtained, as well as the alternative valuation method, based on a return on value, points to a market rate of R 20 / m². The valuer is therefore of the opinion that a rate of R 20 / m² would be market related for the subject property.

The market rental of the area to be valued can therefore be calculated as follows:

Description	Size	Market rate	Monthly market rental
Office/ restrooms / storage	156 m ²	R 20 / m ²	R 3 120

5. DECLARATION

I, Johan Klopper a registered Professional Valuer, declare that I have inspected the above property and that I have conducted this valuation assignment to the best of my knowledge and skills. I have no present or contemplated interest in this property, and accordingly certify that this valuation was undertaken on a completely independent basis.

Based on our research and experience, we are of the opinion that the **MARKET RENTAL** of the portion of **Erf 7 Wemmershoek** to be leased by an ECD Centre, as at 1 March 2018, amounts to:

Amount	In words
R 3 120	Three Thousand One Hundred and Twenty Rand

Signed at STELLENBOSCH on this the 27th day of February 2018.



J. Klopper
 Professional Valuer (Reg. No. 6372/0)
 Member of the SA Institute of Valuers
 BCom (Law); NDip (Property Valuation)

ANNEXURE A: TITLE DEED INFORMATION

Printed: 2018/02/21 13:45

windeed
A LexisNexis® Product

Deeds Office Property

WEMMERSHOEK, 7, 0 (CAPE TOWN)

GENERAL INFORMATION

Deeds Office	CAPE TOWN
Date Requested	2018/02/21 13:45
Information Source	DEEDS OFFICE
Reference	-



PROPERTY INFORMATION

Property Type	ERF
Erf Number	7
Portion Number	0
Township	WEMMERSHOEK
Local Authority	STELLENBOSCH MUN
Registration Division	PAARL RD
Province	WESTERN CAPE
Diagram Deed	T29444/2012
Extent	2807.0000SQM
Previous Description	-
LPI Code	C05500180000000700000

OWNER INFORMATION

Owner 1 of 1

Company Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
Registration Number	
Title Deed	T29444/2012
Registration Date	2012/06/19
Purchase Price (R)	DONATION
Purchase Date	-
Share	
Microfilm Reference	
Multiple Properties	NO
Multiple Owners	NO

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	GENERAL PLAN FROM	TOWN WEMMERSHOEK,ERF 2 ,PRTN 0		UNKNOWN

HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	T79450/2008	DISTRICT MUN-CAPE WINELANDS	G/P	2009 0079 0790

DISCLAIMER

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

ANNEXURE B: PHOTOGRAPHS OF SUBJECT BUILDINGS



End of report

APPENDIX 4



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PROPERTY MANAGEMENT

TO / AAN : The Manager: SCM
FROM / VAN : Manager: Property Management
DATE / DATUM : 2018-07-23
RE / INSAKE : TENDER EVALUATION: CALL FOR PROPOSALS: PORTION OF ERF 7,
 WEMMERSHOEK: B/SM 33/18

1. PURPOSE OF REPORT

The purpose of this report is to provide you with a technical evaluation of the tender submitted.

2. BACKGROUND

2.1 Council resolution authorising call for proposal

On 2017-07-26 Council considered a report dealing with the possible utilisation of a portion of erf 7, Wemmershoek as an ECD facility. Having considered the report, Council resolved as follows:

RESOLVED (nem con)

- “(a) that the property in question be identified as property not needed/required for the municipality’s own use;*
- (a) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1- year lease agreement;*
- (b) that the minimum lease be determined at 20% of market value (to be determined by an independent valuer); and*
- (c) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility”.*

2.2 Valuation reports

Following the above resolution two(2) independent valuers were appointed to advise on a market related rental. In terms hereof the property was valued as follows (20% market value):

- Cassie Gerber: R560/month
 - Pendo: R624/month
- ∴ Weighed average: R592.00/month

See copies attached as APPENDIX 1 and 2.

2.3 Tender document

Following the above, a Tender Document (Call for Proposal) was compiled and approved by the BSC.

2.4 Tender Notice

Following the approval for the Tender Document by the BSC, a tender notice was published in Die Burger and Eikestad News. The closing date for tenders was 25 May 2018.

2.5 Compulsory briefing session

A compulsory briefing session was held on 2 May 2018, which was attended by two(s) prospective bidders. See attached as APPENDIX 3 the Attendance Register

2.6 Bid Submitted

On the closing date only one(1) bid was submitted, that of Carel Goosen, a copy of which is attached as APPENDIX 4.

3. DISCUSSION

3.1 Evaluation criteria

The following evaluation criteria were used in evaluating the proposal received, as per the Tender Document:

- a) **Status:** Twenty (20) points maximum: Black people, or organisations, wholly owned by Black people will score Twenty (20) points, with organisations partially owned by Black people scoring proportionally in relation to their % Black ownership.

- b) **Price:** Twenty (20) points maximum. The highest financial offer shall score Twenty (20) points with lower offers scoring proportionally in relation to the highest offer.
- c) **Development concept:** Twenty (20) points maximum, which shall be measured and adjudicated as per the following:
- (i) Five (5) points maximum for functionality: The extent to which the proposed development will enhance the functional/optimal use of the property, i.e to what extent the proposal will cater for the broader community's social needs.
 - (ii) Fifteen (15) points maximum for capital investment: To what extent will the Bidder improve the current facility. The bidder with the highest capital investment shall score fifteen (15) points, with lower capital investments scoring proportionally in relation to the biggest capital investment.
- d) **Bidders capacity and capability:** Forty (40) points maximum, which shall be measured and adjudicated as per the following criteria:
- (i) Twenty (20) points maximum for Economic and Financial Standing: The extent to which the Bidder is in a sound financial position to participate in a development of this size. This may entail independent financial checks. Bidders should submit documentary proof to substantiate their financial standing, such as bank statements of last 3 months; proof of investments; proof of potential investors and/ or donations.
 - (ii) Twenty (20) points maximum for Bidder's readiness: The extent to which the Bidder is able to demonstrate his/her readiness to commence with the construction of the improvements within 3months from date of awarding of the tender. This may entail financial records, showing the availability of funds as well as the availability of concept building plans.

3.2 Evaluation

The evaluation was done by Piet Smit and Theresa Benjamin, who awarded points as follows:

Description	Minimum Points	Piet Smit	Theresa Benjamin	Average
Status	20	-	-	-
Price	20	10	10	10
Development Concept				
• Functionality	5	5	5	5
• Capital	15	15	15	15
Bidders Capacity				
• Economic Standing	20	-	-	-
• Readiness	20	20	15	17.5
Total	100	50	45	47.5

3.3 Financial offer received

In terms of the Council resolution, a minimum rental (20% of market rental) of R592.00 per month is payable. The offer received from the bidder is for R296, i.e 10% of market value. They further propose that their capital investment be set off against the monthly rental.

In terms of paragraph 22.1 of the new Policy on the Management of Council-owned Property the Municipality shall be entitled "*to adopt below-market related tariffs for non-profit organisations, NGO's, sporting bodies, etc, between 10% and 60% of fair market rental*".

Should the bid be awarded by the BAC, it will have to be a conditional awarding, i.e. subject thereto to that Council accept the offer of R296 per month.

3.4 Contractual period

The initial recommendation to Council was that the tender be based on a 9 year and 11 months terms. This however, was changed at the Council meeting, where a period of only 12 months was approved. The bidder is proposing a minimum period of 5 years, taking into account their capital investment of between R200 000 and R300 000.

Again, should the BAC decide to award the bid, it will have to be subject to Council making a final decision on the term of the contract (as proposed by the bidder).

RECOMMENDED:

- a) that the offer of Carel Genis Goosen, for the amount of R296 per month be approved, subject thereto that Council accept the financial offer and proposed term of contract.

Yours faithfully



PIET SMIT
MANAGER: PROPERTY MANAGEMENT



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

MEMORANDUM

Supply Chain Management

TO : BID AJUDICATION COMMITTEE

RE : CALL FOR PROPOSALS: PORTION OF ERF 7, WEMMERSHOEK

BID NO : B/SM 33/18

1. PURPOSE

To obtain approval in terms of Regulations 29 (1) (a) and (b) (i) of the Municipal Supply Chain Management Regulations for the approval for Call for Proposals: Portion of Erf 7, Wemmershoek.

2. BACKGROUND

Council resolution authorising call for proposal

On 2017-07-26 Council considered a report dealing with the possible utilisation of a portion of erf 7, Wemmershoek as an ECD facility. Having considered the report, Council resolved as follows:

Resolved (nem con)

- “(a) that the property in question be identified as property not needed/required for the municipality’s own use;*
- (a) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1- year lease agreement;*
- (b) that the minimum lease be determined at 20% of market value (to be determined by an independent valuer); and*
- (c) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility”.*

3. DISCUSSION

The bid was advertised on **19 April 2018** on the municipal website, notice board, E-Portal, Eikestad News and Paarl Post. The preference and point system is not applicable to this tender. A compulsory clarification meeting was held on **02 May 2018** at 10h00 at Stellenbosch Municipality, Absa Building, 3rd Floor, Plein Street, Stellenbosch, 7600. Closing time and date for bid submissions were 12:00 on **25 May 2018**. Date of final submission of technical report and bid documents to the SCM offices was 23 July 2018.

4. DOCUMENT COLLECTION

4.1 Document collection, compulsory site meeting attendance and bid submissions are as follows:

NO	BIDDERS	SITE MEETING ATTENDANCE	SUBMITTED BIDS
1	Carel Genis Goosen	✓	✓
2.	Dare to Care (Fred Simons)	✓	x

4.2 On the closing date 1 offer was received and subsequently opened in public.

NO	BIDDERS	OFFER
1	Carel Genis Goosen	R296.00 per month

5. SUPPLY CHAIN MANAGEMENT COMPLIANCE CHECK

No	BIDDERS	MBD2- VALID TAX CLEARANCE CERTIFICATE	MBD4- DECLARATION OF INTEREST	MBD8- PAST SCM PRACTICE	MBD9- INDEPENDENT BID PROPOSAL DETERMINATION
1	Carel Genis Goosen	YES- active	YES	YES	YES

See attached detailed SCM Checklist

6. BID RESPONSIVENESS

6.1 Introduction

The bid technical evaluation and report was prepared by P Smit (Manager: Property Management) who examined the bids in terms of its compliance with the stipulated technical requirements.

Mandatory Requirements:

Selection criteria will be a combination of both financial and non-financial factors.

The awarding of Bids, shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) **Status:** Twenty (20) points maximum. Black people, or organisations, wholly owned by Black people will score Twenty (20) points, with organisations partially owned by Black people scoring proportionally in relation to their % Black ownership.
- (b) **Price:** Twenty (20) points maximum. The highest financial offer shall score Twenty (20) points with lower offers scoring proportionally in relation to the highest offer.
- (c) **Development concept:** Twenty (20) points maximum, which shall be measured and adjudicated as per the following:
- (i) Five (5) points maximum for functionality: The extent to which the proposed development will enhance the functional/optimal use of the property, i.e. to what extent the proposal will cater for the broader community's social needs.
- (ii) Fifteen (15) points maximum for capital investment: To what extent will the Bidder improve the current facility. The bidder with the highest capital investment shall score fifteen (15) points, with lower capital investments scoring proportionally in relation to the biggest capital investment.
- (d) **Bidders capacity and capability:** Forty (40) point's maximum, which shall be measured and adjudicated as per the following criteria:
- (i) Twenty (20) points maximum for Economic and Financial Standing: The extent to which the Bidder is in a sound financial position to participate in a development of this size. This may entail independent financial checks. Bidders should submit documentary proof to substantiate their financial standing, such as bank statements of last 3 months; proof of investments; proof of potential investors and/ or donations.
- (ii) Twenty (20) points maximum for Bidder's readiness: The extent to which the Bidder is able to demonstrate his/her readiness to commence with the construction of the improvements within 3months from date of awarding of the tender. This may entail financial records, showing the availability of funds as well as the availability of concept building plans.

Failure to provide a satisfactory response, if so required, to any of these questions may result in the Council not proceeding further with the Bid.

Description	Minimum Points	Piet Smit	Theresa Benjamin	Average
Status	20	-	-	-
Price	20	10	10	10
Development Concept				
• Functionality	5	5	5	5
• Capital	15	15	15	15
Bidders Capacity				
• Economic Standing	20	-	-	-
• Readiness	20	20	15	17.5
Total	100	50	45	47.5

Refer to Annexure 1 for the Technical report that will address any technical enquiries.

7. EVALUATION

7.1 BID SPECIFICATION COMMITTEE

The specifications committee consisted of A. De Beer (Director: Strategic and Corporate Services-Chair Person), M. Wust (CFO: Financial Services), and T. Mfeya (Director: Human Settlements & Property Management).

Additional Officials: P Smit (Manager: Property Management), B. Louw (Demand Management & Value for Money Procurement), I. Thesen (SCM Administrator) and S Davids (SCM Practitioner), who were responsible for the development and compilation of the specifications,

SCM Regulation 27 (1): "A bid specification committee must **compile** the specifications for the procurement of goods or services by the municipality."

SCM Regulation 27 (2) (g): "Specifications must be **approved** by the accounting officer prior to the publication of the invitation for bids – Relevant power has been delegated to the Head: Supply Chain Management in terms of the approved System of Delegations for SCM."

7.2 BID EVALUATION COMMITTEE

The evaluation committee consisted of T Rhode (SCM: Senior Accountant) P. Smit (Manager: Property Management), T Benjamin and S Davids (SCM Official), who examined the bids in terms of its compliance with the stipulated bid and submission requirements.

NOTE: They completed their MBD4, MBD8, MBD9 documents and their Tax Clearance Certificate was verified and found to be compliant. They submitted their municipal account. The details of the proposed bidders was also verified to be **not listed** on either National Treasury's Register for Tender Defaulters or the Database of Restricted Suppliers and the directors were found not to be in the service of the state.

7.3 FINANCIAL OFFER RECEIVED

In terms of the Council resolution, a minimum rental (20% of market rental) of R592 00 per month is payable. The offer received from the bidder is for R296, i.e 10% of market value. They further propose that their capital investment be set off against the monthly rental.

In terms of paragraph 22.1 of the new Policy on the Management of Council-owned Property the Municipality shall be entitled "to adopt below-market related tariffs for non-profit organisations, NGO's, sporting bodies, etc, between 10% and 60% of fair market rental". Should the bid be awarded by the BAC, it will have to be a conditional awarding, i.e. subject thereto to that Council accept the offer of R296 per month.

8. RECOMMENDATION TO THE BAC:

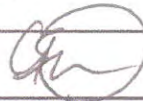
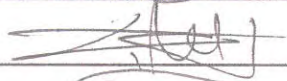



8.1 That the offer of Carel Genis Goosen, for the amount of R296 per month be approved. subject thereto that Council accept the financial offer and proposed term of contract of 5 years

CHAIRPERSON: BID EVALUATION COMMITTEE

DATE

27.8.2018

RECOMMENDATION APPROVED BY THE STELLENBOSCH MUNICIPAL BID ADJUDICATION COMMITTEE

Name	Signature	Date
Gerald Esau		7/9/2018
TARISO MFEYA		07/09/2018
Deon Louw		7/9/2018
A.M.C. de Beer		7/9/18
A. Jansen		7/9/18

Comments
 Per par 7.3 the item must serve at Council for final approval. The 5 year issue and value must be considered.
 CHAIR PERSON
 DATE 7/9/18

7.2.4	PROPOSED SERVICE DELIVERY IN JONKERSHOEK
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Dignified Living

09 November 2018

1. SUBJECT: PROPOSED SERVICE DELIVERY IN JONKERSHOEK

2. PURPOSE

The purpose of this agenda item is two-fold:

- a) To provide Council with a progress report; and
- b) To obtain the necessary authorisation to start with service delivery in Jonkershoek.

3. DELEGATED AUTHORITY

Council's approval is required.

4. EXECUTIVE SUMMARY

During 2006 the National Department of Public Works requested Stellenbosch Municipality to take over the responsibility of service delivery to the Op-die-Bult settlement in Jonkershoek, until such time as township establishment would occur, where after it would become the Stellenbosch municipality's responsibility in law.

In considering this request the Municipality (Mayoral Committee meeting 2007-11-21) made it clear that they would only take over this responsibility if the various role players, i. e Stellenbosch Municipality, MTO, Cape Nature and National and Provincial Departments of Public Works conclude a Memorandum of Understanding (MOU), setting out the roles and responsibilities on the medium to long term future of the mixed-use area in Jonkershoek.

Since the above decision was taken, all the parties, except the National Department of Public Works, have indicated their willingness to conclude the M.O.U.

During 2017 the process was put back on the agenda, when we received a letter from the National Department of Public Works, urging us to complete the process.

Notwithstanding their indicated during a public meeting scheduled by the Municipal Manager during August 2017 that they are now ready to sign the M.O.U, they have not signed it to date.

Following various service delivery protests over the past 6 months and following a request (as an interim arrangement until the MOU is signed) by Stellenbosch Municipality to the NDPW to give us a Power of Attorney, they have now issued a Power of Attorney authorising Stellenbosch Municipality to provide municipal services to the area.

Council must now decide on a way forward.

5. RECOMMENDATIONS

- (a) that the Power of Attorney from the National Department of Public Works, authorising Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted;
- (b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy;
- (c) that the Administration be authorised to provide/upgrade Access to Basic Services (Communal services) in informal areas, free of charge;
- (d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s);
- (e) that, once the feasibility study has been completed, that the National Department of Public Works be requested to transfer the land so identified to Stellenbosch Municipality for the purpose of township establishment;
- (f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality;
- (g) that, the Director: Infrastructure Services be requested to compile a *status quo* report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure;
- (h) that the Director: Planning & Economic Development be requested to finalise the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013;
- (i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorised structures being constructed/erected;
- (j) that a progress report be tabled to Council within 6 months, indicating progress that has been made regarding the provision of services; and
- (k) that, in the mean-time, all expenditure be incurred within the existing, approved budget.

6. DISCUSSION / CONTENT**6.1 Background and discussion****6.1.1 99 Year Lease Agreement**

On 03 March 1936 a Notarial Lease Agreement was entered into between what was then the Government of the Union of South Africa (now Republic of South Africa) and the Municipality of Stellenbosch (now Stellenbosch Municipality) in terms whereof various portions of Council-owned land in the Jonkershoek Valley were leased to the Government for forestry purposes for a period of 99 years. During November 2000, this Lease Agreement was ceded to SAFCOL. In terms hereof SAFCOL was to take over the use of the forest area and the responsibility for managing the settlements.

During November 2004, the new Lease Agreement was ceded to MTO. In term hereof MTO was to take over the use of the forest area, as well as the management of the “Op-die-Bult” settlement (on behalf of SAFCOL) until March 2007, where after this responsibility would revert back to the National Department of Public Works (NDPW).

During 2006, NDPW requested Stellenbosch Municipality to take over this responsibility as per a Service Agreement, until such time as townships establishment would occur, where after it would become the responsibility of Stellenbosch Municipality to deliver municipal services. In terms of this request, Stellenbosch Municipality would be responsible to attend to the upgrading of services and townships establishment **on behalf of** the Department of Public Works.

6.1.2 Mayoral Committee approval of Memorandum of Agreement to provide services at Op-die-Bult

The Stellenbosch Municipality’s Mayoral Committee, on 21 November 2007, approved a Memorandum of Agreement whereby the Municipality would take over the management of Op-die-Bult on condition that:

- A Memorandum of Agreement (MoA) be entered into between the Municipality and MTO for the use of the bulk water supply on the property;
- A MoA be entered into between the Municipality and SAFCOL whereby SAFCOL undertake to make a financial contribution in respect of services infrastructure upgrade; and
- A Memorandum of Understanding (MOU) be concluded between the Municipality, Cape Nature, MTO and NDPW, setting out a framework for medium/long term interventions.

The rationale behind this was to ensure that Op-die-Bult is not to be considered in isolation, but as the first step of the formalisation of the greater Jonkershoek Valley. A copy of the agenda item is attached as **APPENDIX 1**.

6.1.3 Memorandum of Understanding

Following the above resolution a Memorandum of Agreement (Interim Service Level Agreement) and Memorandum of Understanding was compiled, for signatory by the various organisations, copies of which is attached as **APPENDIX 2** and **3**, respectively.

Although all parties (except the NDPW) indicated their willingness to sign the various agreements, to date none of the agreements (MOA or MOU) were concluded, and for this reason no formal arrangements are in place in terms whereof Stellenbosch Municipality can get involved in service delivery in Jonkershoek.

6.1.4 Jonkershoek Spatial Development Framework (SDF), 2011/2012

A Spatial Development Framework (SDF) for Jonkershoek was prepared by CK Rumble and Partners in 2011 / 2012. Although the document was never formally approved by Council*, the Draft SDF provides for the following development vision for the Jonkershoek Valley:

“The rural character of Jonkershoek, which offers conservation, agricultural, rural living and recreational opportunities, is being threatened by non-conforming uses, insensitive architecture, pollution, alien plant infestation, community conflict, housing shortfalls, damaging agricultural practices, a lack of multi-sectoral management and urbanisation.

To secure the status of the Jonkershoek Valley as the prime conservation area of Stellenbosch, it should be given the highest conservation status possible. The Spatial Development

Framework should inform and guide future development and land uses such as agriculture, rural living, recreation and innovation (research) and hence the following vision:

Jonkershoek Valley is the innovation and international nature conservation focus of the Stellenbosch Municipality”

The Draft Jonkershoek SDF proposes that Jonkershoek’s Mixed Use Precinct be divided into:

- *A “southern sub precinct accommodating uses being predominantly associated with research and innovation, forestry, conservation management and eco-tourism”*
- *“The northern sub precinct accommodating two nodes as settlement or limited “hamlet” comprising of the existing infrastructure / buildings”.*
- * *On 2016-06-15 the Draft SDF was presented to Council for approval, but was referred back “to allow the Administration to give effect to the legal opinion i.e. must be considered in terms of new Stellenbosch Planning By-Law and Spatial Planning and Land Use Management Act),whereafter same be re-submitted to Council for consideration”.*

A copy of the agenda item that served before Council is attached as **APPENDIX 4**. To date this process has not been concluded.

6.1.5 NDPW request for “pertinent information relating to the forestry villages” within the Stellenbosch Municipality’s area of jurisdiction

On 17 October 2016 the Stellenbosch Municipality received a communication from the Regional Manager of the National Department of Public Works (NDPW) requesting “*pertinent information relating to the forest villages within [y]our Municipal jurisdiction, namely Maasdorp, Meerlust and De Bult (Op-die-Bult, Jonkershoek)*” in order for discussions regarding the devolution of the villages to the Stellenbosch Municipality to commence. The NDPW communication called for a holistic approach to address the issues relating to Forest Villages by including “*the transfer of home ownership, the funding of infrastructure and also the future planning and sustainable economic development*” as “*pertinent issues*” to be considered. A copy of the letter is attached as **APPENDIX 5**.

On 27 October 2016 we responded to this request from NDPW and provided all information required together with summaries of the various Forest Villages that included:

- An overview of the particular settlement;
- Settlement location;
- Alignment with:
 - Stellenbosch Municipality IDP
 - Stellenbosch Municipality SDF
 - Stellenbosch Municipality IHSP and Housing Pipeline;
- A synopsis of the *status quo*;
- Proposed land transfers to be effected to give effect to the devolution of the villages to Stellenbosch Municipality;
- Actions required to be addressed; and
- Financial implications.

A copy of the letter is attached as **APPENDIX 6**.

In respect of Op-die-Bult the response listed the following actions required and associated implications:

- The Memorandum of Agreement approved by MAYCO for the management of Op-die-Bult to be revisited and revised, if required;
- The Memorandum of Agreement to be adopted and signed by National Department of Public Works (NDPW) and Stellenbosch Municipality;
- Ministerial authorisation be obtained for the transfer of the following portions of land to Stellenbosch Municipality:
 - Farm No 1507 – owner Republic of South Africa
 - Farm No 1508 – owner Republic of South Africa
 - Farm No 1509 – owner Republic of South Africa;
 - Following ministerial approval, the required processes be initiated for the eventual transfer of the identified properties to Stellenbosch Municipality;
- The release of identified portions of land in the Mixed Use Precinct from the provisions of the 99-year Lease Agreement of 1936 to allow Stellenbosch Municipality to pursue future planning options;

A copy of the information statement is attached as **APPENDIX 7**.

- Assurance to be provided to Stellenbosch Municipality in respect of the continued use of the bulk water supply currently being used to supply water to Op-die-Bult;
- A Memorandum of Understanding be negotiated between the three public land owners in Jonkershoek (RSA, Stellenbosch Municipality and PGWC) to formalise a common vision for the future of the Jonkershoek Valley;
- The NDPW to provide Stellenbosch Municipality with a Power of Attorney / Land Availability Agreement to proceed with planning and eventual township establishment;
- The costs, if any, related to the transfer of properties to Stellenbosch Municipality to be for the account of the NDPW;
- The NDPW to make a financial contribution towards the costs relating to the township establishment and services infrastructure upgrade;
- The NDPW to make a financial contribution to cover the shortfall between the cost of rendering services at Op-die-Bult and the income derived from users of the services;
- A financial contribution by SAFCOL towards the upgrading of services infrastructure be investigated; and
- Stellenbosch Municipality to make the required budgetary provision for service delivery at Op-die-Bult.

Despite various attempts to get an update on this process from NDPW, no response has yet been received, except a recent (2018-09-14) invitation *to meet with the Municipal Manager to discuss a way forward.

*For further detail, see comment in paragraph 6.1.10, below.

6.1.6 Stellenbosch Municipality internal discussion document: Jonkershoek: A Service Delivery & Future Spatial Development Perspective

During November 2016 the Department: Property Management arranged an internal departmental discussion focussing on service delivery issues at Op-die-Bult specifically, but also the Jonkershoek Mixed Use Precinct in general. Subsequent to this, the Department prepared and circulated internally a discussion document (attached as **APPENDIX 8**) for comment, followed by an inter-departmental meeting to discuss the issues raised in the document and comments thereon.

The purpose of the discussion document was to provide a spatial perspective on the development of the Jonkershoek Valley in addition to that provided in the Jonkershoek Spatial Development Framework (SDF) compiled by CK Rumble & Partners, in order to advance the prospect of providing improved basic services to inhabitants. The document set out to provide an additional perspective to initiate internal discussion on issues related to service delivery and the role of the Stellenbosch Municipality in the Valley. This, it was hoped, would culminate in a common internal departmental vision and broad framework for the Jonkershoek Valley to be discussed with the other role players in the Valley.

The discussion document identified the need for a fresh approach to the service delivery issues at Op-die-Bult based on:

- The 1935 lease agreement between Stellenbosch Municipality and NDPW provided for the lease of three portions of land owned by Stellenbosch Municipality to NDPW for forestry purposes and the right to establish a forestry settlement. This agreement was entered into more than 80 years ago and provided for a set of conditions that prevailed at the time. Conditions have changed over the years and forestry is no longer the dominant activity it used to be whilst the residential component (and services related thereto) has remained, expanded and deteriorated;
- Management of the area has changed hands on many occasions (NDPW, SAFCOL, MTO, Cape Pine) and appears to be unclear and unstructured. As early as 2002 (2nd Draft SDF) the “*negative impact of multi-agency management*” was identified and a “*multi-sectoral integration strategy*” was proposed. The current approach to management of the area does not provide for a sustainable solution to service delivery issues;
- NDPW has recently (2016) committed to transferring to Stellenbosch Municipality the Forest Villages within its area of jurisdiction;
- The Stellenbosch Municipality has confirmed its commitment to service delivery in the context of the broader Jonkershoek Valley (2007 MAYCO resolution);
- Residential uses in the Mixed Use Precinct are fragmented and scattered over ten different locations. This impacts negatively on service delivery and the provision of services infrastructure;
- The location of Op-die-Bult on difficult terrain restricts access and the ability to deliver services sustainably;
- The current spatial development proposals are more than five years old and display a picture of a number of competing uses;
- Conservation, a key priority in the Valley and arguably the most important land use, appears scattered and fragmented; and
- A steady increase in the number of informal structures threatens to further deteriorate the poor living conditions in the area.

6.1.7 Meeting with various role-players

Following service delivery protests in the Jonkershoek Valley and seeing that no feedback was received from the National Department of Public Works on our proposals/requests, a meeting was scheduled with all relevant stakeholders, including representatives from the community on 4 May 2017, with the view of obtaining buy-in/commitment on a way forward. Hereto attached as **APPENDIX 9** an attendance register and minutes/notes of the meeting. The following needs to be highlighted from the minutes:

- a) **NDPW** has received input from their legal department, and “*is now ready to sign the 2007 MOU*”
- b) **Funding for infrastructure development is not part of NDPW mandate**, however where land is needed for low cost housing/security of tenure, the NDPW will transfer such land free of charge to the Municipality.

- c) **Cape Nature** is prepared to vacate and hand over (office) buildings currently occupied by it to Stellenbosch Municipality.
- d) A **Jonkershoek Steering Committee** is to be established (again) as a matter of urgency.
- e) The development of a **Spatial Development Framework** (SDF) for the Jonkershoek area must be dealt with separating from the land issue(s).

6.1.8 Jonkershoek Steering Committee

Following the above meeting the Jonkershoek Steering Committee was established and met on various occasions. Minutes of these meetings are attached as **APPENDIX 10**.

6.1.9 Land Audits

Following a request by the Jonkershoek Steering Committee, both Stellenbosch Municipality and the Provincial Department of Public Works undertook land audits, as to make sure that the ownership of the various portions of land is clear.

Hereto attached as **APPENDIX 11** and **12** respectively, audit report compiled by Friendlander, Burger & Volkmann (on behalf of Stellenbosch Municipality) and the Head of the Component: Immoveable Asset Management of the Provincial Department of Public Works (on behalf of the NDPW).

From the Provincial audit is clear that Portions 4 and 10 of Farm 352, as well as the Remainder 352, Stellenbosch, were erroneously registered in the name of the Provincial Government of the Western Cape, instead of the National Department of Public Works (NDPW)*

*Following various meetings between the Provincial Government of the Western Cape and representatives of the NDPW, it was agreed that a ratification process will be instituted to correct this situation.

6.1.10 Power of Attorney to deliver interim infrastructure services

Due to the ownership issues referred to above very little progress were made with the signing of the M.O.U and MOA referred to earlier. During this period a number of new senior appointments were made at the Provincial office of the NDPW, with little or no background of the process to date. They made it clear that the chances of the MOU being signed by them in the near future is very slim and for this reason (as an interim arrangement) a Draft Power of Attorney was presented to them on 24 July 2018, a copy of which is attached as **APPENDIX 13**.

Following further service delivery protest and a meeting with the representative of the NDPW on 05 September 2018, a letter was received from them on 10 September 2018, indicating that *"this Department confirm commitment that we will work together in order to reach an amicable agreement with yourself for the sake service delivery"* They further *"authorise the municipality to provide the community with interim municipal services"* They further undertook to "facilitate the signature of Power of Attorney by (their) National office.

A copy of their letter is attached as **APPENDIX 14**.

A Power of Attorney has subsequently been received from them, authorising Stellenbosch Municipality to:-

- a) manage the Informal Areas;

- b) to render interim municipal services to the mixed-use area; and
- c) to prepare a gap-analysis on the status of services infrastructure, with the view of interim upgrading thereof.

6.1.11 Meeting to facilitate transfer of Forest Villages

On 14 September 2018 an invitation was received, from the NDPW, requesting Stellenbosch Municipality to attend a meeting on 10 October 2018 to discuss the following:

- Taking over of forest villages
- Transfer of ownership
- Future plan and sustainable economic development.

A copy of the letter is attached as **APPENDIX 16**.

The meeting was attended by the Municipal Manager, Manager: New Housing and Manager: Property Management.

The meeting was also attended by various other municipalities facing the same problem i.e. the management of ex-forest villages. Although no definitive decisions were taken, the NDPW re-confirmed their position, i.e. (a) that they do not have the mandate to provide or to finance the upgrading/provision of bulk infrastructure, but that (b) they would transfer land free of charge to municipalities, should it be needed for township establishment or to facilitate security of tenants.

It was further agreed that:

- a) All municipalities must submit (again) status quo reports on the various forest villages in their areas of jurisdiction; and
- b) All municipalities must identify possible land for transfer to it.

Please note that all references to them (NDPW) taking financial responsibility for the rendering of these services were taken out of the Draft Power of Attorney. A copy of the Power of Attorney is attached as **APPENDIX 15**.

6.2 Discussion

6.2.1 Locality and context

The locality of Op-die-Bult and its context in the Mixed Use Precinct is indicated on the Map (Figure 1: Location and Context within the Mixed Use Precinct) below.

- **Community health** – there are no community facilities available, inadequate public transport and overcrowding as a result of sharing of dwelling units. Workers are dependent on either employers' assistance or facilities in Stellenbosch town to access medical treatment.
- **Welfare** – limited social amenities are available and there is a lack of formal welfare infrastructure such as old age and day care facilities. Some informal facilities (church, church hall, community hall, two crèches, one shop and a shebeen) exist.
- **Education** – there are no schools or adult education facilities.
- **Employment** – permanent employment is limited to Cape Pine (14 families), Jonkershoek Nature Reserve (8 staff, several contract workers) and the Working for Fire Programme (11 staff, 5 fixed term contract)
- **Security of tenure** – a lack of ownership results in low levels of security of tenure (80% of households live in dwellings they do not own) whilst 95% of households prefer permanent residence in Jonkershoek
- **Access and movement** – the area is accessed via the main two-lane, tarred Jonkershoek Road with access routes to facilities and housing areas being predominantly gravel roads with the steep access road to Op-die-Bult restricting taxi movement. Residential roads in the Mixed Use Precinct are, mostly, not formally constructed and access to the forestry and reserve areas is controlled.

6.2.3 Ownership and cadastral arrangements

Property ownership and cadastral arrangements for the Mixed Use Precinct are indicated on Figure 2 below. The Stellenbosch Municipality, Republic of South Africa (National Department of Public Works)* and the Provincial Government: Western Cape are the three public land owners in the Mixed Use Precinct. Stellenbosch Municipality is therefore a key stakeholder in the Jonkershoek Valley.

* **Please note** that, although the NDPW is the *de facto* owners of Farm 352, it was erroneously vested and registered in the name of the Provincial Government of the Western Cape. The process of rectifying this has started. (For more detail see par. 6.1.7, *supra*).



Fig 2: Jonkershoek land ownership

6.2.4 Current Land Use

The Jonkershoek Valley is divided into four distinctly separate areas:

- Agricultural Precinct
- Mixed Use Precinct
- Forestry Precinct
- Natural / Conservation Precinct

The Mixed Use Precinct includes “*predominantly state and parastatal land uses*”:

- Offices and research facilities
CNC main building, conference centre, museum and trout breeding ponds
 - Cape Pine office / dwelling
 - Old CSIR building
 - Aquaculture research ponds
 - Scientific Services offices
 - Assegaaibosch conference centre and guesthouse
 - Cape Pine store
- Residential
- Education facilities
Eiland (SCAS Camp) Training Centre
Okkie Jooste Camp
Herehuis
Akker Vallei Crèche
CNC museum / exhibition centre
- Assegaaibosch Nature Reserve
- Phumla’s Crèche

The upper catchment area enjoys and reflects appropriate environmental management and includes, amongst others:

- Plantation areas
- Riparian zones (water courses)
- Eco-tourism and adventure tourism areas
- Conservation and rehabilitation areas
- Olive groves
- Tourism/visitor facilities

6.2.5 Dispersed Residential Land Use

Residential uses are scattered throughout the Mixed Use Precinct in no fewer than ten current locations. Apart from all other issues related thereto (inefficient use of land and resources, etc.), this situation impacts negatively on service delivery and infrastructure development.

Hereunder a statistical analysis of the housing situation in the study area.

Area	No of structures	No of households	Ownership
Caravan Park	10	8	PGWC
Assegaaibos	1	1	PGWC
Rondavels	3	0	PGWC
Op-die-Bult	18	18	RSA & SM

Compound	14	20	RSA
Fisheries A	30	39	RSA
Fisheries B	3	5	RSA
Cape Pine Flats & Houses	10	10	SM
Cape Pine Settlement	9	9	SM
CNC Extension	2	1	SM
CNC Scientific Services	4	4	PGWC
Central Area	5	5	RSA
SCAS Centre	0	0	NGK
Okkie Jooste	3	3	SM

TOTAL**112****123**

A survey conducted for the Jonkershoek SDF identified 47 informal structures, “representing 40% of all [residential] structures in the Mixed Use Precinct”.

Indications are that the need for housing in the Mixed Use Precinct is steadily increasing as new informal structures continue to be erected.

6.2.6 Towards sustainable

6.2.6.1 Provision of Basic Services: A Constitutional and Moral Obligation

The Constitution of the Republic of South Africa (Act 108 of 1996) in Chapter 2 (Bill of Rights) establishes the right of every citizen “to have access to adequate housing” and for organs of the state to take “reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right”. Furthermore, the Constitution guarantees the right of every citizen to health care, food, water, social security (Section 27) and education (Section 29) and obliges Municipalities, as one of their developmental duties, to “structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community” (Section 153).

As indicated above the National Department of Public Works, during 2006, formally requested the Stellenbosch Municipality to take over the management of Op-die-Bult and to take over responsibility for service provision in the settlement until such time as township establishment has been effected. In 2007 a Cession Agreement between NDPW and MTO in terms of which MTO was to manage the forestry area expired and Op-die-Bult was released from the state forest area. MTO continued to provide services at Op-die-Bult until March 2007 and although MAYCO on 21 November 2007 resolved to take over the management of the settlement, the conditions attached to that resolution have, to date, not been met. The responsibility for service delivery at Op-die-Bult therefor remains in limbo whilst conditions for households living in the settlement remain poor. On the basis that the settlement falls within Stellenbosch Municipality’s area of jurisdiction and it can be argued that there is a moral obligation on the municipality to improve the living conditions of inhabitants and provide basic services to the area.

6.2.6.2 The need for a fresh approach

The 1935 lease agreement between Stellenbosch Municipality and the NDPW (on behalf of the Republic of South Africa) provided for the lease of three portions of land owned by Stellenbosch Municipality to NDPW for forestry purposes and the right to

establish a forestry settlement. This agreement was entered into more than 80 years ago and provided for a set of conditions that prevailed at the time. Conditions have changed over the years and forestry is no longer the dominant activity it used to be whilst the residential component (and services related thereto) has remained, expanded and deteriorated. Management of the area has changed hands on many occasions (NDPW, SAFCOL, MTO, Cape Pine) and appears to be unclear and unstructured. As early as 2002 (2nd Draft SDF) the negative impact of multi-agency management” was identified and a “*multi-sectoral integration strategy*” proposed. The current approach to management of the area does not provide for a sustainable solution to service delivery issues NDPW has, in a recent communication (October 2018), expressed its commitment to transferring the forest villages within its area of jurisdiction to the Stellenbosch Municipality, but has indicated that they would not be in a position to pay for the rendering of such services or for the upgrading of any infrastructure, as this is not their mandate. According to them it is the mandate of Stellenbosch Municipality to provide municipal services and any/all upgrades would be for the account of Stellenbosch Municipality insofar as it cannot be recouped from individual users (indigent cases). Where individual users can pay for services, they should do so like any other resident within the municipal area.

Further, should it be necessary to do any upgrade of bulk infrastructure services for the purpose of township establishment, such upgrades should be financed by the Provincial Human Settlements Department (through subsidy applications) and through the Municipal Infrastructure Grant (MIG) program.

6.2.7 Spatial perspective

6.2.7.1 Development Vision for the Jonkershoek Valley

The Jonkershoek SDF 2011/2012 provides the following development vision for the Jonkershoek Valley:

“The rural character of Jonkershoek, which offers conservation, agricultural, rural living and recreational opportunities, is being threatened by non-conforming uses, insensitive architecture, pollution, alien plant infestation, community conflict, housing shortfalls, damaging agricultural practices, a lack of multi-sectoral management and urbanization.

To secure the status of the Jonkershoek Valley as the prime conservation area of Stellenbosch, it should be given the highest conservation status possible. The Spatial Development Framework should inform and guide future development and land uses such as agriculture, rural living, recreation and innovation (research) and hence the following vision:

Jonkershoek Valley is the innovation and international nature conservation Focus of the Stellenbosch Municipality”.

6.2.7.2 Spatial Development Proposal

Based on the above, it is considered appropriate that:

- The focus in the Jonkershoek Valley should be on conservation and all other uses should be complimentary thereto. In 2002 the extension of the Jonkershoek Conservancy was proposed to “include all properties in the Valley” as a short-medium term priority
- Instead of competing with conservation, all other uses should be driven by the conservation agenda
- Conservation (CapeNature?) should take the lead and the Stellenbosch Municipality should play an enabling / supportive role
- Forestry should be contained to the upper slopes of the Valley and the long-term vision should be to rationalize forestry-related activities even further to provide for focused employment opportunities

- Strategic portions of land within the Mixed Use Precinct should be released from the provisions of the 99-year Lease Agreement (Stellenbosch Municipality / RSA, 1935) and be made available for the conservation agenda
- **Residential use should be contained, rationalized and located on already disturbed land and where it will have the least impact on the natural environment – also where the impact of development of services infrastructure will be minimized and the prospect of continued service delivery enhanced**
- In addition to the consideration of future land uses in the Valley, there is also a need for consideration of a different management approach driven by conservation

It is therefore proposed that the following spatial and management proposals be considered as a point of departure for discussions around future service delivery and spatial development options for the Jonkershoek Mixed Use Precinct:

1. That the Jonkershoek Valley be **recognized as the prime conservation area** of Stellenbosch and be afforded the highest possible conservation status by the Stellenbosch Municipality
2. That the **Jonkershoek Valley be afforded nodal status during the review of the Stellenbosch Municipality Spatial Development Framework** with appropriate policy directives and strategies aimed at achieving the conservation objectives related to the status mentioned in 1 above
3. That, in order to give effect to 1 above, the following broad spatial proposals for the Mixed Use Precinct be implemented (as depicted in Figure 4):
 - 3.1. The rationalization of land uses in the Mixed Use Precinct into three distinct areas:
 - 3.1.1. A conservation focused Research, Education and Economic Opportunity Precinct covering the bulk of the land area and that provides for, amongst others, eco-tourism, innovation, recreation, tourism accommodation and aquaculture
 - 3.1.2. A consolidated Residential Precinct to cater for the current housing needs only;
 - 3.1.3. A largely reduced Forestry Precinct confined to the upper slopes
 4. That the use of the existing office and other non-residential buildings and facilities be determined by the specific requirements dictated by the conservation agenda and the need for community facilities for the resident community
 5. That a management approach, broadly based on the existing Draft Memorandum of Understanding negotiated between the various role-players (although never signed), that takes cognizance of the core functional areas of the various role players be adopted, and broadly along the following lines:
 - 5.1. Conservation: CapeNature
 - 5.2. Township management and service delivery: Stellenbosch Municipality
 - 5.3. Forestry: Forestry industry (currently Cape Pine)

6.2.8 Interventions required/way forward

The following interventions are required.

- a) **Interim service delivery:** As an interim arrangement, until such time as a formal Power of Attorney (see par. 5.1.7, *supra*) or Service Agreement(s) is in place, Stellenbosch Municipality should render rudimentary services in the Jonkershoek Valley, including, but not limited to the following:
 - i) **Provision of water:** Maintain current systems that are in place and increase the number of water points in Op-die- Bult and other informal areas, where viable;

- ii) **Sanitation:** Servicing of septic tanks and provide temporary toilets (either water-born or chemical) to Op-die-Bult and other informal areas, where the need exists;
 - iii) **Roads:** Do maintenance work on existing gravel roads and provide taxi/bus shelter and drop-off/pick-up point(s);
 - iv) **Refuse removal:** Do refuse removal and provide wheelie bins (or other forms of temporary storage), where viable;
 - v) **Area Cleaning:** Do area cleaning where necessary; and
 - vi) **Electricity:** Liaise with Eskom with the view of improving current situation, which may include limited street lighting.
- b) **Feasibility Study:** Commission a Feasibility Study with the view of identifying a possible site(s) for township establishment, taking into account the (draft) SDF for Jonkershoek, but also taking in account the current bulk infrastructure.
- c) **Possible interim upgrade of municipal infrastructure:** Following the compilation of the report referred to in (b) investigate possible interim upgrade of (bulk) municipal infrastructure, taking into account the cost implications.
- d) **Forward planning:** The Spatial Planning and Land Use Management Act (SPLUMA), 2013 (Act 16 of 2013) provides for a system of spatial planning that includes spatial development frameworks to be “*prepared and adopted by national, provincial and municipal spheres of government*”. The Act identifies a number of development principles applicable to spatial planning which include that SDF’s must “*address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements ... and areas characterised by widespread poverty and deprivation*”.
- Although two draft Jonkershoek Spatial Development Frameworks (SetPlan, 1999 and C K Rumble & Partners, 2011 /2012) were produced, neither of these documents have been formally adopted by Council. The current Stellenbosch Municipality SDF is also silent on the future spatial development of the Jonkershoek Valley and the area therefor exists within a spatial planning vacuum.
- It is of critical importance that a SDF for Jonkershoek be finalised, which will provide a framework for future development of the area.
- e) **Identification of land and /or buildings to be transferred to /used by Stellenbosch Municipality:** Following a meeting with representatives of the NDPW on 2018-10-10, they requested that Stellenbosch Municipality identify land that need to be transferred to them and request the use of office space that was previously used by Cape Nature, which was recently vandalised and is currently standing vacant, as to ensure a municipal footprint in the Jonkershoek Valley.
- f) **Law Enforcement:** An agreement(s) need to be put in place in terms whereof Stellenbosch Municipality is authorised to do law enforcement in the Jonkershoek, including the prevention of further illegal residential structure.

6.3 Financial Implications

The last known infrastructure services report was completed in 2011 by Nortje and De Villiers Consulting Engineers and confirms the situation, at the time, to be as set out in paragraph 6.2.2. The current extent and condition of engineering services in the Mixed Use Precinct is, however, not documented and the full extent of the financial implications of taking over service delivery in the area is therefore not determinable at this stage. Once the feasibility report is compiled, which would include a *status quo* report on municipal (bulk) infrastructure; possible areas of upgrade could be identified and cost.

For the interim period it is suggested that Departments provide interim service within their respective, approved budgets. No major capital spending should be incurred until such time as the feasibility study and has been completed and budgetary provision has been made for specific upgrades.

6.4 Legal Implications

Recommendations comply with legislation.

6.5 Staff Implications

Additional service delivery points may lead to the necessity for the appointment of additional staff. It is, however, too early to quantify such implications at this stage before the feasibility study is completed.

6.6 Previous / Relevant Council Resolutions

As indicated above, the Mayoral Committee previously considered this matter on 21 November 2017.

6.7 Risk Implications

The biggest risk at this stage is for Stellenbosch Municipality not getting involved in service delivery. The damage caused by civil unrest (service delivery protest) over the past 6 months already runs into millions of rand. It is therefore of critical importance that Stellenbosch not only confirms their commitment to service delivery in the area, but in fact get involved in interim service delivery and future planning.

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

Supports the recommendations

6.8.2 Director: Planning and Economic Development

The approval of the item by Council will facilitate the provision of much needed services provision intervention in the Jonkershoek's settled areas. The Municipality can further engage in processes to deal with the ongoing informal settlement mushrooming in Jonkershoek that is sure to present more challenges that will have to be dealt with in future.

6.8.3 Chief Financial Officer

No comments received.

6.8.4 Municipal Manager

Supports the recommendations

ANNEXURES:

Appendix 1: Agenda item

Appendix 2 and 3: MOA

Appendix 4: Agenda item

Appendix 5: Letter Public Works

Appendix 6: Letter to Public Works

Appendix 7: Copy of information statement

Appendix 8: Document: Jonkershoek Service delivery & Future Spatial Development

Appendix 9: Minutes & Attendance Register from meeting

Appendix 10: Minutes of Jonkershoek Steering Committee

Appendix 11 and 12: Report compiled by Friedlander, Burger & Volkmann

Appendix 13: Draft Power of Attorney

Appendix 14: Letter from National office

Appendix 15: A copy of the Power of Attorney

Appendix 16: Letter from NDPW

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Piet Smit
<i>POSITION</i>	<i>Manager: Property Management</i>
<i>DIRECTORATE</i>	<i>CORPORATE SERVICES</i>
<i>CONTACT NUMBERS</i>	<i>021-8088189</i>
<i>E-MAIL ADDRESS</i>	Piet.smit@stellenbosch.gov.za
<i>REPORT DATE</i>	<i>2018-10-30</i>

APPENDIX 1

5.2.5 PROPOSED MEMORANDUM OF AGREEMENT: MANAGEMENT OF “OP DIE BULT” EX FOREST VILLAGE, JONKERSHOEK

File number : 7/1/1/1/MAASDORP
Report by : Municipal Manager
Compiled by : Director: Corporate Services
Delegated Authority : MAYCO

1. PURPOSE OF REPORT

To consider a proposed Memorandum of Agreement, in terms whereof Stellenbosch Municipality will take over the management of “Op die Bult” ex-forest village, Jonkershoek.

2. BACKGROUND

On 2006-06-14, MAYCO considered a report on the proposed management of ex-forest villages. A copy of the said report is attached as **APPENDIX 1** (previously circulated), giving the necessary background to this item.

At the above-mentioned meeting MAYCO decided, *inter alia*, that the Municipal Manager must report back on a way forward regarding the future of Jonkershoek.

Following this resolution, the Director Corporate Services was requested to facilitate discussions with the various roleplayers in Jonkershoek.

A number of discussions with the various roleplayers, i.e M.T.O, Cape Nature, Dept of Water Affairs and Forestry, Department of Public Works and Department of Land Affairs took place over the last few months.

A Service and Facilities Agreements entered into between MTO and SAFCOL, in terms whereof MTO was to provide services to “Op die Bult” ex-forest village in Jonkershoek, will terminate on 2007-03-30, i.e MTO will no longer provide any services to residents of “Op die Bult”.

The Minister of Water Affairs and Forestry has subsequently “released” the “Op die Bult” area from the State Forest Area of Jonkershoek. The result hereof is that “Op die Bult” will revert back to the Department of Public Works.

The Department of Public Works, in turn has requested Stellenbosch Municipality to take over the Management of the area, as an interim measure, until such time as township establishment will take place.

3. DISCUSSION

3.1 Proposed Memorandum of Agreement

Hereto attached as **APPENDIX 2** (previously circulated), is a Draft Memorandum of Agreement, in terms whereof Stellenbosch Municipality will take over the Management of "Op die Bul" ex-forest Village, subject to certain terms and conditions. Council's attention is specifically drawn to clause 6 of the Draft Memorandum of Agreement, which deals with a number of suspensive conditions.

In terms hereof, the Agreement will only come into effect, should Stellenbosch Municipality be able to reach the following agreements:

- 3.1.1 *A memorandum of agreement entered into by and between the MUNICIPALITY and MTO, in terms whereof the MUNICIPALITY is authorised, as an interim arrangement, to use the bulk water supply, currently used to provide water to the property;*
- 3.1.2 *A memorandum of agreement entered into by and between the Municipality and SAFCOL, as previous lessees of the property, in terms whereof SAFCOL undertake to make a financial contribution of not less than R33 000,00 per residential building towards the upgrading of the services infrastructure, to enable the MUNICIPALITY to proceed with the township establishment process.*
- 3.1.3 *A memorandum of understanding (MOU), entered into by and between the MUNICIPALITY; MTO; CAPE NATURE and the DEPARTMENT in terms whereof the MUNICIPALITY would, by way of a definitive agreement, take over the responsibility of providing municipal services in the greater Jonkershoek Valley where urban settlement has taken place on state- and Municipal owned land and to attend to possible township establishment of such area(s). In terms of such a MOU, municipal land currently leased by MTO and/or Cape Nature and/or state-owned land currently leased by MTO and/or Cape Nature must be identified as possible alternative land for township establishment. The MOU should also set out the basis of re-negotiating the current lease agreement in an effort to regularise and/or exclude sub-lease agreements and land not used for forestry*

purposes, as envisaged in the original 99 year Lease Agreement.

The proposed M.O.U was inserted as a suspensive condition to ensure that the management of “*Op die Bult*” is not done in isolation, but rather as a first step in formalizing the bigger Jonkershoek Valley, where urban human settlements have taken place. It is important that this area be planned in an integrated manner.

3.2 Budget implications

In terms of the proposed Agreement, the Management of the area should, theoretically, have no financial implications on Stellenbosch, as the Department of Public Works is suppose to stand in for all short-falls.

Provision will have to be made however, in the 2007/2008 operational and *ad hoc* capital budget for expenditure (and income) to deliver the services.

4. INPUTS BY OTHER DEPARTMENTS

All relevant Departments were involved in the discussion leading to the drafting of the agreement.

5. CONCLUSION

Seeing that Stellenbosch Municipality is the competent authority to manage the area, the proposed Agreement is supported, subject thereto that the suspensive conditions are met.

RECOMMENDED

- (a) that the proposed, draft Memorandum of Agreement as per **APPENDIX 2** (previously circulated), be approved;
- (b) that the Municipal Manager be authorized to enter into an agreement with the Department of Public Works on behalf of Stellenbosch Municipality and to sign all necessary documents in this regard;
- (c) that the Director: Corporate Services be mandated to facilitate and sign the agreements as envisaged in Clause 6 of the Draft Memorandum of Agreement; and
- (d) that all relevant Directors attend to the practical, legal, financial and other obligations in terms of the proposed agreement.

SPECIAL MAYORAL COMMITTEE MEETING : 2007-03-22 : ITEM 5.2.1

Following a request by the Municipal Manager that the item be withdrawn to enable him to further investigate the financial, legal and other implications, it was

RESOLVED (nem con)

that the item be referred back and be re-submitted via the relevant Standing Committee within three months.

**PROGRESS REPORT BY DIRECTOR: CORPORATE SERVICES :
COMPILED BY: PIET SMIT**

1. Presentation to Management

Following the above resolution a presentation was presented to Management, giving them a historic perspective of the Jonkershoek Valley and the need to become involved in future solutions. A copy of the presentation is attached as **APPENDIX 3** (previously circulated).

2. Jonkershoek Steering Committee

Following the presentation to Management, it was agreed to set up a Jonkershoek Steering Committee consisting of all roleplayer organizations in an effort to decide on a way forward.

The first meeting of the Jonkershoek Steering Committee took place on 2007-06-28, and was attended by:

- The Municipal Manager;
- Directors of relevant Departments;
- Cape Nature;
- Department of Public Works;
- Department of Land Affairs;
- Department of Water Affairs and Forestry; and
- MTO.

Hereto attached as **APPENDIX 4** (previously circulated) is a copy of the minutes of the said meeting.

A follow-up meeting took place on 2007-08-16. Hereto attached as **APPENDIX 5** (previously circulated) is the agenda of the said meeting.

3. **Terms of Reference**

Following a decision by the Jonkershoek Steering Committee on 2007-06-28, a draft Terms of Reference for an Area Specific Integrated Development Plan (attached as **APPENDIX 6** (previously circulated)) was compiled.

4. **Public participation / Feedback to affected committees**

A public meeting was scheduled for 2007-09-13, with the view of:-

- (a) giving feedback to the public on progress up to date; and
- (b) electing representatives from the community to serve on the Jonkershoek Steering Committee.

Although the meeting was well attended, a group of people left the meeting indicating their dissatisfaction with the way the Municipality is managing the process, seeing that there was an undertaking by the Municipality that they would wait for Dr Kotze* to finalise his investigation into tenure issues in Jonkershoek.

* Dr Kotze from Rural Outreach and Development Services was appointed by the Department of Land Affairs to investigate tenure issues in the Jonkershoek Valley, following allegations of evictions which were made against land owners by some farm workers and some NGO's.

Dr Kotze's draft report was finalized and circulated for comments during the last week of October 2007.

5. **Appointment of a Project Manager**

In an effort to speed-up the process but also to ensure that the process is driven objectively, it was decided to appoint a Project Manager to drive the process.

Mr Neville van der Westhuizen* from Settlement Planning Services was recently requested to prepare a cost estimate and time-frame to manage the project. His quotation is still being awaited.

* Mr van der Westhuizen was responsible for compiling the Draft Jonkershoek Spatial Development Framework during the late 90's for the Winelands District Council.

6. **Way forward**

From the various documents hereto attached, it is clear that Stellenbosch Municipality has indicated its willingness to take responsibility for delivering services to “*Op die Bult*”, but only if the future of “*Op die Bult*” is planned within the bigger context of the Jonkershoek Valley.

At the last Jonkershoek Steering Committee Meeting held on 2007-08-16, the Municipal Manager has indicated that he is now ready to support the proposed Memorandum of Agreement between Stellenbosch Municipality and the Department of Public Works, as was presented to Mayco on 2007-03-22, on condition that the future of “*Op die Bult*” is planned within the context of the bigger study area (as defined in the Terms of Reference, hereto attached as **APPENDIX 6** (previously circulated)).

RECOMMENDED

- (a) that Council take note of the progress to date;
- (b) that Council approve the proposed Memorandum of Agreement between Stellenbosch Municipality and the Department of Public Works, as per **APPENDIX 2** (previously circulated);
- (c) that the Municipal Manager be authorized to sign the Memorandum of Agreement on behalf of Stellenbosch Municipality;
- (d) that the Director: Corporate Services be mandated to facilitate and sign the proposed Memorandum of Understanding envisaged in clause 6 of the Draft Memorandum of Agreement;
- (e) that all relevant Directors attend to the practical, legal, financial and other obligations in terms of the proposed agreement; and
- (f) that the Municipal Manager be requested to report on progress within 6 months.

FINANCE AND CORPORATE SERVICES COMMITTEE MEETING : 2007-11-13 : ITEM 5.1.1.3

RECOMMENDED

- (a) that Council take note of the progress to date;
- (b) that Council approve the proposed Memorandum of Agreement between Stellenbosch Municipality and the Department of Public Works, as per **APPENDIX 2** (previously circulated);
- (c) that the Municipal Manager be authorized to sign the Memorandum of Agreement on behalf of Stellenbosch Municipality;

- (d) that the Director: Corporate Services be mandated to facilitate and sign the proposed Memorandum of Understanding envisaged in clause 6 of the Draft Memorandum of Agreement;
- (e) that all relevant Directors attend to the practical, legal, financial and other obligations in terms of the proposed agreement; and
- (f) that the Municipal Manager be requested to report on progress within 6 months.

It was further

RESOLVED (nem con)

that minutes of meetings with the public/community in future be included in accompanying documentation.

MAYORAL COMMITTEE MEETING : 2007-11-21 : ITEM 5.2.5

RESOLVED (nem con)

- (a) that the progress regarding Jonkershoek , be noted;
- (b) that the proposed Memorandum of Agreement between Stellenbosch Municipality and the Department of Public Works, attached as **APPENDIX 2** (previously circulated), be approved;
- (c) that the Municipal Manager be authorized to sign the Memorandum of Agreement on behalf of Stellenbosch Municipality;
- (d) that the Director: Corporate Services be mandated to facilitate and sign the proposed Memorandum of Understanding envisaged in clause 6 of the Draft Memorandum of Agreement;
- (e) that all relevant Directors attend to the practical, legal, financial and other obligations in terms of the proposed agreement;
- (f) that the Municipal Manager be requested to report on progress within 6 months; and
- (g) that the Director: Corporate Services be mandated to ensure that a communication strategy with the affected communities is implemented.

(DCORP)

6. REPORTS SUBMITTED BY THE MUNICIPAL MANAGER

6.1 NON-DELEGATED MATTERS

6.1.1 PROPOSED MEMORANDUM OF AGREEMENT : MANAGEMENT OF "OP DIE BULT" EX FOREST VILLAGE, JONKERSHOEK

File number : 7/1/1/1Jonkershoek

Report by : Municipal Manager

Compiled by : Piet Smit

Delegated Authority : Mayco

1. PURPOSE OF REPORT

To report on progress pertaining to the proposed Memorandum of Agreement, in terms whereof Stellenbosch Municipality is to take over the management of "Op die Bult" ex Forest Village, Jonkershoek.

2. BACKGROUND

On 2007-03-22 an item served before MAYCO, recommending that Council enter into a Memorandum of Agreement in terms whereof Stellenbosch Municipality would manage the "Op die Bult" ex Forest Village on behalf of the Department of Public Works, subject to certain conditions.

Having considered the report, MAYCO resolved:

"that the item be referred back and be re-submitted via the relevant Standing Committee within three months."

Hereto attached as **APPENDIX 1**, is a copy of the said Minutes.

3. DISCUSSION

3.1 Discussions with Department Public Works and MTO

Following this decision, a meeting was scheduled with MTO and the Department of Public Works.

At this meeting the Municipal Manager informed MTO and the Department of Public Works that Stellenbosch Municipality is not prepared to take over the management of "Op die Bult" in isolation, but that the management of "Op die Bult" must be considered within the context of a Development Framework for the bigger area.

3.2 Presentation to Management

Following these discussions, a powerpoint presentation was prepared for the new Management Team, giving them the background and suggested certain steps.

Hereto attached as **APPENDIX 2**, is a copy of the said PowerPoint presentation.

3.3 First meeting of Jonkershoek Steering Committee (JSC)

A follow-up meeting was scheduled with all the roleplayers (Jonkershoek Steering Committee) on 2007-06-28 in an effort to proceed in a more structured way. Hereto attached as **APPENDIX 3**, is a copy of the Action Minutes of the first meeting of the JSC.

3.4 Proposed Terms of Reference

At the meeting of the JSC it was decided that a Terms of Reference be compiled. Hereto attached as **APPENDIX 4**, is a Draft Terms of Reference.

4. COMMENTS BY OTHER DEPARTMENTS

Although this report was not distributed for comments/inputs by other Departments, as will be evident from the minutes of the JSC, various Departments were represented at the meeting.

5. CONCLUSION

In order to make progress regarding service delivery in Jonkershoek, it is important that:

- (a) the parties involved agree on a "*Terms of Reference*"; and
- (b) various status reports be compiled to assess the financial and other implications, before Stellenbosch Municipality is to commit itself to take over the Management of services in Jonkershoek.

RECOMMENDED

- (a) that Council take note of the minutes of the JSC;
- (b) that Council in principle, commit itself to take over the management of services in Jonkershoek, once a "*Terms of Reference*" has been agreed upon;
- (c) that Council, in principle, approve the Draft Terms of Reference, as per **APPENDIX 4**;
- (d) that the Municipal Manager be authorised to approve expenditure (within the approved budget) in compiling the various status reports/planning related frameworks, setting the scene for a Memorandum of Understanding (MOU) to be entered into between Stellenbosch Municipality, the Department of Public Works, MTO and Cape Nature, which MOU must form the basis/framework for a definitive Memorandum of Agreement, in terms whereof Stellenbosch Municipality would take over the management of services in Jonkershoek; and
- (e) that the Municipal Manager be requested to report on progress on a

APPENDIX 2



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MEMORANDUM OF AGREEMENT

Made and entered into between

THE NATIONAL DEPARTMENT OF PUBLIC WORKS

herein represented by in his capacity as
.....duly authorised thereto,
(hereinafter referred to as “**the DEPARTMENT**”)

AND

STELLENBOSCH MUNICIPALITY

Herein represented by **GERALDINE METTLER** in her capacity as
MUNICIPAL MANAGER duly authorised thereto
(hereinafter referred to as “**the MUNICIPALITY**”)

WHEREAS the **DEPARTMENT**, in terms of a statutory arrangement under the disposal of State Land Act of 1961, read with Section 28 of Schedule 6 of the Constitution of the Republic of South

Africa, have the custodianship over the properties described as **PORTION 4 OF FARM 352, STELLENBOSCH AND PORTION 2 OF FARM 352, STELLENBOSCH** as shown on the map hereto attached as **APPENDIX A** (hereinafter referred to as the "property");

WHEREAS the houses and other related buildings on the properties are, in part, occupied by tenants in terms of Lease Agreements concluded with CAPE PINE and CAPE NATURE respectively;

WHEREAS CAPE PINE will no longer provide any services to residents of the properties;

WHEREAS the **DEPARTMENT** and the **MUNICIPALITY** agree, that as local authority within whose jurisdiction the Properties are situated, the Municipality is the competent authority to manage the properties through the management of leases and the provision of municipal services;

WHEREAS the **DEPARTMENT** has requested the **MUNICIPALITY** to manage the properties on its behalf, as an interim arrangement;

WHEREAS the **DEPARTMENT** has requested the **MUNICIPALITY** to upgrade the services infrastructure on its behalf;

WHEREAS the **DEPARTMENT** has requested the **MUNICIPALITY** to attend to township establishment, with the view of transferring ownership of individual dwellings to current occupants and public open spaces, roads and related infrastructure to the Municipality; should the properties indeed be viable for township establishment; and

WHEREAS the **MUNICIPALITY** has, in the spirit of co-operative governance, agreed to these requests, subject to certain terms and conditions;

NOW, THEREFORE, the parties agree as follows:

1. MANAGEMENT OF PROPERTIES

1.1 Lease Agreements with occupants of dwellings

- 1.1.1 The **DEPARTMENT** hereby authorises the **MUNICIPALITY** to manage the dwellings on the properties on its behalf and the **MUNICIPALITY** agrees to manage the dwellings in terms of individual Lease Agreements to be entered into between the **MUNICIPALITY** and current or future occupants.
- 1.1.2 The **MUNICIPALITY** undertakes to honour existing lease agreements, entered into with current occupants, where such agreements exist, whether in writing or verbal.
- 1.1.3 The **MUNICIPALITY** shall determine reasonable rentals, taking into account the condition of the dwellings, as well as affordability.
- 1.1.4 All income derived from such rentals shall accrue to the **MUNICIPALITY**.
- 1.1.5 Should any of the dwellings become vacant, for whatever reason, the **MUNICIPALITY** shall determine the future occupation of such dwelling(s).

1.2 Management of Informal Settlement(s)

- 1.2.1 It is specifically recorded that there are a number of informal dwellings situated on the properties;
- 1.2.2 The **MUNICIPALITY** hereby agree to manage these informal areas, including, but not limited to, the areas commonly known as Op-die-Bult, Compound, Fishpoint, Settlement and Assegaaibos, to the best of its ability, taking into account the limitations regarding bulk infrastructure and financial means;
- 1.2.3 **For this purpose the municipality undertakes to:**
- a) undertake a survey of all informal dwellings, with the view of
 - b) the provision of basic municipal services.

1.3 Provision of Municipal Services

- 1.3.1 The **MUNICIPALITY** agrees to render the following Municipal Services which will include the maintenance of infrastructure to deliver such services:
- (a) Bulk supply of water; subject to an agreement being reached with CAPE PINE in terms whereof the **MUNICIPALITY** will be allowed to use the current bulk supply of water or take over such infrastructure;
 - (b) potable water to house-holds, with the understanding that, where technically feasible, the current supply of water to residences will be retained;
 - (c) sewerage (French drains)
 - (d) roads and stormwater;
 - (e) solid waste disposal;
 - (f) fire fighting Services;
 - (g) maintenance of public open spaces and parks after township establishment; and
 - (h) prevention of unauthorised land occupation, which includes, but is not limited to, the management of new people wishing to settle in Jonkershoek.
- 1.3.2 The **MUNICIPALITY** agrees to render the services as set out in paragraph 1.2.1 in an effective manner and in compliance with legal requirements taking into account the availability and standard of existing infrastructure.
- 1.3.3 The **MUNICIPALITY** agrees to provide all occupants (users of services) with monthly accounts, in terms whereof they shall be liable for services rendered, at the current (2017 – 2018) tariff structure approved by Council, attached hereto as **APPENDIX B**. Municipal tariff structures are adjusted at the start of each financial year and such adjustments will be also applicable to the services mentioned in this paragraph.
- 1.3.4 The **MUNICIPALITY** undertake to draft and submit a budget to the **DEPARTMENT**, setting out:

- (a) the cost of providing the services mentioned in paragraph 1.2 and 1.3.1;
- (b) the estimated income from users of the services as per paragraph 1.3.3; and
- (c) the short-fall in income, i.e. the difference between (a) and (b).

Such budget must be provided to the **DEPARTMENT** within 3 months of signature by the last signing party to this agreement, and thereafter by not later than 28 February of each financial year.

1.3.5 The **DEPARTMENT** undertakes to make a contribution to the **MUNICIPALITY** to cover the shortfall as per paragraph 1.3.4.

1.3.6 In the event that the **DEPARTMENT** is unable to contribute the entire short-fall, the parties will negotiate in good faith a contribution to be paid by the **DEPARTMENT**, failing which the **MUNICIPALITY** may consider cancelling this agreement. It is, however, specifically recorded that the **MUNICIPALITY** will not act unilaterally in this regards, and will only consider cancelling this agreement after all alternatives have been considered, and only after a 6 months written notice period.

1.3.7 It is specifically recorded that the property falls outside the electricity distribution area of the **MUNICIPALITY**. Until such time as an agreement can be reached with ESKOM to take over the distribution network, alternatively that the NER approve the extension of the **MUNICIPALITY'S** distribution area to include the properties, the **MUNICIPALITY** will not deliver any electrical related services on the property.

2. UPGRADING OF INFRASTRUCTURE

2.1 The **MUNICIPALITY** undertakes to upgrade the services infrastructure to an acceptable standard on behalf of the **DEPARTMENT**, so as to enable the **MUNICIPALITY** to render a professional service to the inhabitants.

2.2 For this purpose, and before any upgrading is undertaken by the **MUNICIPALITY**, the **MUNICIPALITY** shall prepare a gap-analysis on the status of services and a subsequent budget for the upgrading of services, where necessary, and shall present same to the department for consideration.

2.3 Once the budget referred to above has been approved by the **DEPARTMENT**, either in part or in full, the **MUNICIPALITY** undertakes to do the necessary upgrading of the services, as agreed upon.

2.4 The **DEPARTMENT** undertakes to compensate the **MUNICIPALITY** on completion of such upgrading works as agreed upon.

3. TOWNSHIP ESTABLISHMENT

3.1 The **DEPARTMENT** hereby authorises the **MUNICIPALITY** and the **MUNICIPALITY** hereby undertakes to attend to the possible township establishment on behalf of the **DEPARTMENT**, subject to clause 3.8.

- 3.2 The **MUNICIPALITY** undertakes to prepare a budget and timeframe(s) for township establishment and to present same to the **DEPARTMENT** for its consideration.
- 3.3 Once the budget and timeframe(s) referred to above has been approved by the **DEPARTMENT**, the **MUNICIPALITY** undertakes to attend to the township establishment.
- 3.4 The parties hereby agree that, on date of the establishment of such township, all assets, including services infrastructure, residential units, public open spaces, public roads and undeveloped land will be transferred to the **MUNICIPALITY**.
- 3.5 The **MUNICIPALITY** undertakes to attend to the transfer of individual residential erven (including top structures) to identified beneficiaries.
- 3.6 It is specifically recorded that the current verified occupants of residential units are earmarked as potential beneficiaries, with the view of transferring ownership to them, taking into account affordability and access to financial services, where applicable.
- 3.6.1 For the purposes hereof the **MUNICIPALITY** undertakes to develop a policy, setting out the criteria for potential ownership of current residents, following a public participation process.
- 3.7 It is recorded that, on date of township establishment, the Municipality will take over all responsibilities for rendering municipal services in the area(s), at which date this agreement will terminate. Services to be rendered and current (2017 – 2018) tariffs are listed in **APPENDIX B**. Municipal tariff structures are adjusted at the start of each financial year and such adjustments will be also applicable to the services mentioned in this paragraph. The Stellenbosch Municipality has special provisions for qualifying households who cannot afford the approved tariffs. These provisions are contained in the Municipality's Indigent Policy attached hereto as **APPENDIX C**.
- 3.8 Notwithstanding the provisions of clause 3.1 for 3.7 (*supra*) it is specifically recorded that, due to the topography of the property, it is not a forgone conclusion that the current residential areas are suitable for township establishment, especially for the lower-income market. A final decision on possible township establishment, including alternative locations, will only be made once a ASIDP as envisaged in the MOU (see clause 6.1.3) has been completed.

4. DURATION OF AGREEMENT

This agreement shall commence on date of signature by the last signing party and shall endure until the properties are legally transferred and registered in the name of the **MUNICIPALITY**, or until such time is it is terminated in terms of this agreement, subject to clause 6.

5. PROVISIONS APPLICABLE HEREIN TO APPLY TO ALL SERVICES

- 5.1 The **DEPARTMENT** shall not be liable for the failure of the water supply, or any defect in any equipment of the **DEPARTMENT** or **MUNICIPALITY** servicing the property.

- 5.2 The **DEPARTMENT** shall not be responsible for any damage to, or loss of, any stock in trade, equipment, machines, raw materials, papers, furniture, household goods and effects, clothing, personal effects or other articles, goods and possessions of whatsoever nature kept on the premises by reason of rain, hail, earthquake, lightning or fire or by reason of riot, strikes or state enemies or as a result of theft or burglary, with or without force of entry, or through any defective condition or disrepair in the premises or through any other cause whatsoever (save for the negligent act or act of omission or omission amounting to negligence, by the **DEPARTMENT** or its agents or servants) nor shall the **DEPARTMENT** be responsible for any personal injury which may be sustained in or about the premises by any of the directors, servants, agents, customers, sub-tenants or invitees of the **MUNICIPALITY** or by any other person whomsoever, howsoever such injury may be caused (save for the negligent act of or act of commission) and the **MUNICIPALITY** hereby indemnifies the **DEPARTMENT** against any claim of whatsoever nature which may be made against the **DEPARTMENT** by any of the directors, servants, agents, sub-tenants, customers or invitees of the **MUNICIPALITY** or by anyone else whosoever in respect of personal injuries so sustained or in respect of the loss of, or damage to, anything on the premises, arising from any such cause aforesaid.

6. SUSPENSIVE CONDITIONS

- 6.1 This agreement is subject to the fulfilment within six (6) weeks from the date of signature of this agreement by the last signing party, of the following suspensive conditions:
- 6.1.1 A memorandum of agreement entered into by and between the **MUNICIPALITY** and **MTO**, in terms whereof the **MUNICIPALITY** is authorised, as an interim arrangement, to use the bulk water supply, currently used to provide water to the property;
- 6.1.2 A memorandum of understanding (MOU), entered into by and between the **MUNICIPALITY**, **MTO**, **CAPE NATURE** and the **DEPARTMENT**, setting out the roles and responsibilities of the various parties on the medium-to long term development of the Jonkershoek Valley.
- 6.1.3 A council resolution by the **MUNICIPALITY** authorising the extension of the area to include the properties listed in the preamble.
- 6.2 In the event of any of these conditions not being met within six (6) weeks from date of signature of this agreement by the last signature of this agreement, this agreement will become *null and void*, subject to clause 6.4.
- 6.3 In the event of any of these conditions not being met within six (6) weeks from date of signature of this agreement by the last signing party and the agreement thereby becoming *null and void*, no party shall have any claim against the other as a consequence thereof.
- 6.4 Notwithstanding the provisions of clause 6.2, the parties may, by mutual agreement, decide to extend the period referred to in clause 6.2 for a further period, in the event that it can be shown that:
- 6.4.1 an agreement with **MTO**, pertaining to the future use of the bulk water supply is imminent, but that due to administrative processes that have to be followed, it might still take some time for final approval, and

6.4.2 the signing of a MOU is imminent, but due to administrative processes that have to be followed, it might still take some time for final approval

7. BREACH

7.1 In the event that any party (“defaulting party”) fails to fulfil any of its obligations in terms hereof and remains in breach for a period of 21 days after the other party (“innocent party”) has posted by pre-paid registered post to the party calling upon the defaulting party to remedy such breach, the innocent party shall be entitled (without prejudice to any other rights which the innocent party may have at law) either to:

7.1.1 hold the defaulting party to the agreement and the enforcement of the provisions of this agreement; and

7.1.2 cancel the agreement and to claim damages from the defaulting party suffered by the innocent party by reason of the said breach.

7.2 Notwithstanding anything to the contrary herein contained, any notice as contemplated in clause 7.1 above may be transmitted by means of an e-mail, in which event the date of the e-mail will be deemed to be the date of receipt of the said notice.

7.3 The provisions of this clause shall be subject, however, to the provisions of clauses 8 and 9 below.

8. CO-OPERATIVE GOVERNANCE

The parties undertake to adhere to the principles of co-operative governance as set out in Chapter 3 of the Constitution, which principles shall guide the performance by each party in terms of this agreement.

9. DISPUTE RESOLUTION

Any dispute between the parties shall be resolved in accordance with the provisions of the Intergovernmental Relations Framework Act, no 13 of 2005.

10. DOMICILIUM CITANDI ET EXECUTANDI

The parties choose as domicilium citandi et executandi for all purposes of and in connection with this agreement as follows:

The Department : Regional Manager
Department of Public Works
Private Bag X9027

CAPE TOWN
8000

The Municipality : The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

11. GENERAL

- 11.1 This agreement sets out the entire agreement and understanding of the parties with regard to the subject matter hereof.
- 11.2 No party shall be bound by an express or implied term, representation, warranty, promise or the like, unless the said term is recorded in writing herein.
- 11.3 No addition to, variation or consensual cancellation of this agreement shall be of any force or effect unless in writing and signed by, or on behalf, of, both parties.

THIS DONE AND SIGNED AT THIS DAY OF2017,

in the presence of the undersigned witnesses:

.....
for **National Department of Public Works**

AS WITNESSES:

1. _____

2. _____

THIS DONE AND SIGNED AT ON THIS DAY OF2017,

in the presence of the undersigned witnesses:

.....
for **Stellenbosch Municipality**,
(Who warrants that he is duly
authorized thereto)

AS WITNESSES:

1. _____

2. _____

APPENDIX A: MAP SHOWING PROPERTIES

DRAFT

**APPENDIX B: CURRENT STELLENBOSCH MUNICIPALITY SERVICES
TARIFFS**

To be appended

DRAFT

APPENDIX C: STELLENBOSCH MUNICIPALITY INDIGENT POLICY

To be appended

DRAFT

APPENDIX 3



STELLENBOSCH
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT



public works
Department:
Public Works
REPUBLIC OF SOUTH AFRICA



MEMORANDUM OF UNDERSTANDING AND CO-OPERATION AGREEMENT

entered into by and between

STELLENBOSCH MUNICIPALITY

Herein represented by in her capacity as
....., being duly authorised

(Hereinafter referred to as the "MUNICIPALITY");

THE NATIONAL DEPARTMENT OF PUBLIC WORKS

Herein represented by in his capacity as
....., being duly authorised

(Hereinafter referred to as the "DEPARTMENT");

MTO FORESTRY (PTY) LTD

Herein represented by in his capacity as
....., being duly authorised

(Hereinafter referred to as "MTO")

THE WESTERN CAPE DEPARTMENT OF TRANSPORT & PUBLIC WORKS

Herein represented by in his capacity as
....., being duly authorised

(Hereinafter referred to as "WC PUBLIC WORKS");

CAPE NATURE

Herein represented by in his capacity as
....., being duly authorised

(Hereinafter referred to as "CAPE NATURE")

AND

WESTERN CAPE DEPARTMENT OF CULTURAL AFFAIRS & SPORT

Herein represented by in his capacity as
....., being duly authorised

(Hereinafter referred to as "**WC CULTURAL AFFAIRS**")

and supported by

**THE COMMUNITIES OF OP-DIE-BULT, COMPOUND, FISHPOINT,
SETTLEMENT & ASSEGAAIBOS**

Herein represented by in his capacity as
....., being duly authorised

(Hereinafter referred to as the "**COMMUNITY**");

**REGARDING THE DEVELOPMENT OF AN AREA SPECIFIC INTEGRATED DEVELOPMENT
PLAN FOR THE JONKERSHOEK VALLEY.**

WHEREAS the **DEPARTMENT** have the custodianship over various properties in the Jonkershoek Valley, some of which is encumbered by Lease Agreement with **MTO** and **CAPE NATURE**;

WHEREAS the **MUNICIPALITY** is the owner of various properties in the Jonkershoek Valley, some of which is encumbered by a 99-year Lease Agreement with MTO (via a Cession Agreement with the **DEPARTMENT**);

WHEREAS the **WC PUBLIC WORKS** is the owner of various properties in the Jonkershoek Valley;

WHEREAS various studies has shown that the current, multi-sectoral approach to service delivery in the Jonkershoek Valley is indeed hampering service delivery and security of tenure for residents of the area;

WHEREAS the **DEPARTMENT** has approached the **MUNICIPALITY** with a request to take over the management of Op die Bult, an ex-Forest Village in Jonkershoek;

WHEREAS the **MUNICIPALITY** has agreed to take over such management responsibility as an **interim arrangement**, until such time as the parties can agree on a more **holistic approach** to service delivery in the Jonkershoek Valley,

WHEREAS the **MUNICIPALITY** and the **DEPARTMENT** has entered into a Memorandum of Agreement, in terms whereof, *inter alia*:-

- a) The **DEPARTMENT** has authorised the **MUNICIPALITY** to manage the Op die Bult area, and
- b) The **MUNICIPALITY** has agreed to render such services on behalf of the **DEPARTMENT**, subject to certain conditions;

WHEREAS the Memorandum of Agreement was subject to the fulfillment of a number of suspensive conditions, one being a Memorandum of Understanding to be entered into by and between the **MUNICIPALITY**, the **DEPARTMENT**, **MTO**, **WC PUBLIC WORKS**, **CAPE NATURE** and **WESTERN CAPE CULTURAL AFFAIRS**;

NOW THEREFOR the parties agree as follows:

1. Current Contractual Arrangements

1.1 It is recorded that a number of contractual arrangements are currently in place, regarding the use and management of various portions of land owned by the **DEPARTMENT**, the **WC PUBLIC WORKS** and the **MUNICIPALITY** in the Jonkershoek Valley; such as, but not limited to:

1.1.1 **99-Year Lease Agreement**, entered into by and between the **MUNICIPALITY** and the **DEPARTMENT** during February 1936, in terms whereof certain portions of land are leased to the **DEPARTMENT** for forestry purposes and limited housing;

1.1.2 **Various Ceding Agreements**, entered into by and between the **DEPARTMENT** and **MTO**, in terms whereof **MTO** has taken over the use of the forest area;

1.1.3 **Lease Agreement** entered into by and between the **DEPARTMENT** and **MTO** in terms whereof **MTO** is leasing certain properties for forestry purposes; and.

1.1.4 **Lease Agreement** entered into by and between the **DEPARTMENT** and the **WESTERN CAPE DEPARTMENT OF CULTURAL AFFAIRS & SPORT** (in terms whereof certain portions of land are leased by **WC CULTURAL AFFAIRS** for the purposes of a youth facility (Okkie Jooste);

2. Development of an Area Specific Integrated Development Plan

2.1 The parties hereby agree that, in order for the **MUNICIPALITY** to take over the responsibility for providing Municipal services to the broader community of Jonkershoek Valley, and more specifically, but not limited to the communities located at Op-die-Bult, Compound, Fishpoint, Settlement and Assegaaibos, on a sustainable basis, it is necessary to first develop an Area Specific Integrated Development Plan (**ASIDP**), which will provide a framework for, *inter alia*:-

2.1.1 the successful integration and co-ordination of planning and development initiatives;

2.1.2 the effective functioning of a single Jonkershoek Forum, comprising of representatives of the various role-players, including local community groupings;

2.1.3 a development plan that balances the existing needs of the various roleplayers, while setting out new development opportunities;

2.1.4 the financing of new infrastructure, the establishment of an Infrastructure Development Fund and/or the establishment of a Jonkershoek Development Trust Fund;

- 2.1.5 the transfer of certain portions of land as described in Annexure B to this agreement to the **MUNICIPALITY** to enable Township Establishment, paving the way for individual ownership;
- 2.2 In order for the **MUNICIPALITY** to compile such an **ASIDP**, the **MUNICIPALITY** is hereby given special power of attorney to do all that is necessary, including the appointment of consultants to do specialist work, on land currently under the control of **MTO**; **CAPE NATURE** or the **DEPARTMENT**.
- 2.3 In developing such an **ASIDP**, the **MUNICIPALITY** undertakes to obtain and incorporate the inputs/needs of the Parties to this Memorandum of Agreement insofar as it is financially and socially sustainable.
- 2.4 The parties to this Memorandum of Understanding and Co-operation Agreement further undertake to set up a **Technical Steering Committee** that will co-ordinate the development of the proposed **ASIDP** and to give the necessary support to their staff identified to serve on such Technical Steering Committee.
- 2.5 In preparing an **ASIDP**, the following **principles** will serve to guide the establishment of such plan:
 - 2.5.1 to develop a plan that balances the existing needs of the various roleplayers, while examining development opportunities on a staged basis;
 - 2.5.2 to ensure the **ASIDP** is consistent with the provisions of Stellenbosch Municipality's IDP; Spatial Development Framework; the Jonkershoek Spatial Development Framework (still to finalized); as well as other related Planning Documents;
 - 2.5.3 to establish an **ASIDP** that takes into consideration the boundaries of the environmentally sensitive areas;
 - 2.5.4 to establish an **ASIDP** that takes into consideration the existing residents of the Valley as well as their rights and aspirations;
 - 2.5.5 to establish a planning process which ensures that the public are fully informed of and have opportunities for formal input as well as informally through information sessions during the **ASIDP** process, and its associated policies as they evolve;
 - 2.5.6 to establish a timeframe for the adoption of the **ASIDP**;
 - 2.5.7 to establish policies regarding the provision of affordable housing and the transition of residents from lessees to homeowners as redevelopment occurs.
 - 2.5.8 Vested rights of organizations/institutions (either as owners of land or as users of land) need to be guaranteed insofar as it is financially viable; whilst re-visiting and renegotiating new contractual arrangements.

- 2.6 The parties agree that the following **aims and goals** should be set as **desired outcomes**:
- 2.6.1 Enhancing and protecting the character and landscape (natural and built) of Jonkershoek.
 - 2.6.2 Enhancing and protecting the natural environment and catchments areas.
 - 2.6.3 Protection of the agricultural resources and integrity;
 - 2.6.4 Upliftment of social conditions, services and security of tenure for marginalized communities within Jonkershoek.
 - 2.6.5 Reservation and redevelopment of the mixed use area and upper Valley as a broader community asset (recreation, eco-tourism, conservation, forestry, research).
 - 2.6.6 Establishing an appropriate management and institutional structure (Township establishment).
 - 2.6.7 Ensuring sustainable environmental and economical development.

3. **Definitive Agreements to follow the approval of an ASIDP**

- 3.1 The parties agree that, following the approval of an ASIDP, *inter alia*, the following definitive Agreements and/or amendments to current Agreements will have to be concluded before township establishment or other development can be undertaken by the **MUNICIPALITY**:
- 3.1.1 Amendment to the 99-year Lease Agreement concluded between the **MUNICIPALITY** and the **DEPARTMENT** (currently ceded to **MTO**), providing for the exclusion of certain portions of land from the Agreement as indicated on the Map attached hereto as Annexure C and allowing for the cession of such Agreement to a third party (**MTO**), and the conditions under which such cession is to be carried out; alternatively the cancellation of the current 99 Year Lease agreement and the conclusion of a new Lease Agreement between the **MUNICIPALITY** and **MTO**;
 - 3.1.2 Amendment to the Lease Agreements between the **DEPARTMENT** and **MTO** and/or **CAPE PINE**, providing for the exclusion of certain portions of land from such Agreements, alternatively the cancellation of such Agreements and replacement with new definitive agreements, dealing the management of the remainder – portions of the land currently dealt with by existing agreements.
 - 3.1.3 A new Sales Agreement or a Land Availability Agreement to be concluded between the **DEPARTMENT** and the **MUNICIPALITY** in terms whereof certain portions of land as per Annexures B & C to this

Agreement are to be transferred or made available to the **MUNICIPALITY** to enable them to attend to township establishment and/or development.

- 3.2 In the event that an agreement is to be concluded in terms of clause 3.1.3 (*supra*); the basis of such transfer/making available of land to the **MUNICIPALITY** will be that such land may only be used for the provision of housing to the poor or to promote/facilitate the provision of housing to the poor. In the event that such land is to be used for development purposes, it will be on the basis that any proceeds deriving from such transaction(s), be it capital or operating of nature, only be used for the provision of or promotion of housing and related infrastructure to the disadvantaged residents of Jonkershoek, unless otherwise agreed between the parties.

4. Terms of Reference for the compilation of an ASIDP

- 4.1 The **MUNICIPALITY** undertakes to finalise a Terms of Reference for the compilation of an **ASIDP** as soon as possible after conclusion of this Memorandum of Agreement, following a public participation process and after consultation with the parties to this agreement.

5. Co-operative Governance

The parties undertake to adhere to the principles of co-operative governance as set out in Chapter 3 of the Constitution, which principles shall guide the performance by each party in terms of this agreement.

6. Dispute Resolution

Any dispute between the parties shall be resolved in accordance with the provisions of the Intergovernmental Relations Framework Act, no 13 of 2005.

7. Domicilium citandi et Executandi

The parties hereto choose their *domicillia citandi et executandi* for all purposes of and in connection with this agreement as follows:

The Department : Regional Manager
Department of Public Works
Private Bag X9027
CAPE TOWN
8000

The Municipality : The Municipal Manager
Stellenbosch Municipality

PO Box 17
STELLENBOSCH
7599

MTO :
.....
.....
.....

Cape Nature :
.....
.....
.....

WC PUBLIC WORKS :
.....
.....
.....

WC CULTURAL AFFAIRS:
.....
.....
.....

8. General

- 8.1 This agreement sets out the entire agreement and understanding of the parties with regard to the subject matter hereof.
- 8.2 No party shall be bound by an express or implied term, representation, warranty, promise or the like, unless the said term is recorded in writing herein.
- 8.3 No addition to, variation or consensual cancellation of this agreement shall be of any force or effect unless in writing and signed by, or on behalf, or, both parties.

THIS DONE AND SIGNED AT STELLENBOSCH THIS _____ DAY OF _____ 2017.

.....

For National Department of Public Works

WITNESSES:

1. _____

2. _____

THIS DONE AND SIGNED AT STELLENBOSCH THIS _____ DAY OF _____ 2017.

.....

For Stellenbosch Municipality

WITNESSES:

1. _____

2. _____

THIS DONE AND SIGNED AT STELLENBOSCH THIS _____ DAY OF _____ 2017.

.....

for MTO

WITNESSES:

1. _____

2. _____

THIS DONE AND SIGNED AT STELLENBOSCH THIS _____ DAY OF _____ 2017.

.....

for Western Cape Department of Public Works

WITNESSES:

1. _____

2. _____

THIS DONE AND SIGNED AT STELLENBOSCH THIS _____ DAY OF _____ 2017.

.....

For Cape Nature

WITNESSES:

1. _____

2. _____

THIS DONE AND SIGNED AT STELLENBOSCH THIS _____ DAY OF _____ 2017.

.....

For Western Cape Department of Cultural Affairs & Sport

WITNESSES:

1. _____

2. _____

THIS DONE AND SIGNED AT STELLENBOSCH THIS _____ DAY OF
_____ 2017.

.....

For the Communities of Op-die-Bult, Compound, Fishpoint, Settlement and
Assegaibos

WITNESSES:

1. _____

2. _____

DRAFT

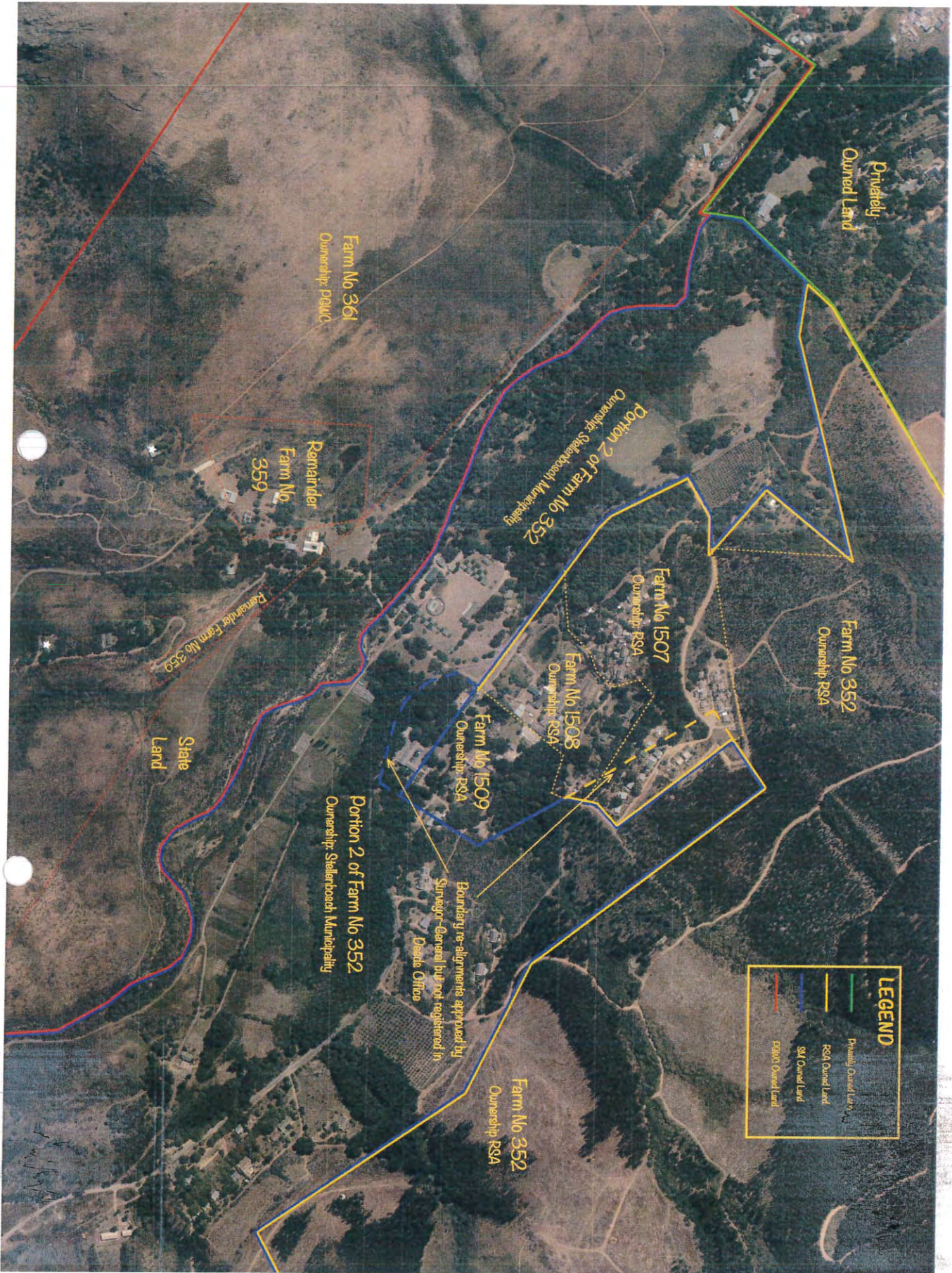
ANNEXURE A

LIST OF SIGNATORIES TO THE AGREEMENT AND THEIR ROLES IN JONKERSHOEK

SIGNATORY	ROLE
NATIONAL DEPARTMENT OF PUBLIC WORKS	LANDOWNER
STELLENBOSCH MUNICIPALITY	LOCAL GOVERNANCE
MTO GROUP	LESSEE IN TERMS OF A CESSION AGREEMENT
CAPENATURE	LESSEE AND CONSERVATION AUTHORITY / AGENCY
WESTERN CAPE DEPARTMENT OF TRANSPORT & PUBLIC WORKS	LANDOWNER
WESTERN CAPE DEPARTMENT OF CULTURAL AFFAIRS & SPORT	LESSEE, OKKIE JOOSTE CULTURAL CENTRE
JONKERSHOEK COMMUNITY (OP-DIE-BULT, COMPOUND, FISHPOINT, SETTLEMENT & ASSEGAAIBOS)	RESIDENTS

ANNEXURE B**PORTIONS OF LAND FOR TOWNSHIP ESTABLISHMENT IN
JONKERSHOEK TO BE TRANSFERRED FROM THE DEPARTMENT
TO THE MUNICIPALITY (REFER MAP OVERLEAF)**

OWNER	PROPERTY DESCRIPTION	EXTENT
RSA (NATIONAL DEPARTMENT OF PUBLIC WORKS)	ERF 1507, STELLENBOSCH	TO BE CONFIRMED
RSA (NATIONAL DEPARTMENT OF PUBLIC WORKS)	ERF 1508, STELLENBOSCH	TO BE CONFIRMED
RSA (NATIONAL DEPARTMENT OF PUBLIC WORKS)	ERF 1509, STELLENBOSCH	TO BE CONFIRMED
RSA (NATIONAL DEPARTMENT OF PUBLIC WORKS)	REMAINDER FARM 352, STELLENBOSCH	TO BE CONFIRMED
RSA (NATIONAL DEPARTMENT OF PUBLIC WORKS)	PORTION 4 OF FARM 352, STELLENBOSCH	TO BE CONFIRMED



APPENDIX 4

7.2 APPLICATION FOR APPROVAL OF JONKERSHOEK SPATIAL DEVELOPMENT FRAMEWORK

File number : 15/2/2/2
Compiled by : Spatial Planner (B Henning)
Report by : Director: Planning and Economic Development
Delegated Authority : Council

Strategic intent of item

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input checked="" type="checkbox"/>
Safest valley	<input checked="" type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain Council's approval for the Jonkershoek Spatial Development Framework (SDF) in terms of Chapter 5 of the Municipal Systems Act 2000 (Act 32 of 2000) and Section 21 of the Spatial Planning and Land Use Management Act, 2013 (No 16 of 2013).

The SDF will be approved as a local area SDF in terms of Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015.

2. STUDY AREA

The study area consisting of approximately 61,8km² in extent and comprises of the portion the Jonkershoek Valley immediately south-east of the residential areas of Rozendal and Karindal of Stellenbosch, with the south-western edge being a line joining the peaks of Stellenboschberg, and the north-eastern edge begin a line joining the peaks of Jonkershoekberg. The south-eastern edge of the study follows the cadastral boundary of the Farm Jonkershoek 385.

3. BACKGROUND

The Jonkershoek Valley is a unique area characterized by intensive agriculture and natural beauty, but is currently begin subjected to a broad range of development pressure. It is also the main catchment area for the Eerste River and forms the core of the Jonkershoek Nature Reserve.

The Municipal Spatial Development Framework (MSDF) for the WC024 area was approved by Council in February 2013. A total of 14 nodes were identified, but Jonkershoek was not one of the nodes.

The consultants (CK Rumboll & Partners) were appointed in 2010 to compile a Spatial Development Framework for Jonkershoek. However, due to the occupation of the area, the rights to occupation and ownership of land in Jonkershoek were investigated by Chennells Albertyn Attorneys, Notaries & Conveyancers.

An item was prepared and presented to the Planning and Economic Development Committee meeting on 31 March 2015. It was recommended that the Executive mayor approves the Jonkershoek SDF in terms of the Land Use Planning Ordinance, 1985 (ordinance 15 of 1985) and the Municipal Systems Act 2000, (Act 32 of 2000) as Draft Policy for public participation, before the policy is finally approved.

4. PUBLIC PARTICIPATION

A notice was placed in the Eikestadnuus on 10 September 2015 to notify the public that the Draft Jonkershoek Spatial Development Framework will be available for inspection during office hours at the public libraries, on the municipal website and the Advice Centre for the period from 10 September 2015 to 9 October 2015. The public was invited to submit comments and inputs in writing.

Registered letters with the draft SDF document on a CD were also sent to external departments (Public Works, Cape Pine and Cape Nature) for comment until the closing date of 16 November 2015.

An open day was held on 1 October 2015 from 17:00 – 20:00 at the Cape Nature hall in Jonkershoek.

Several comments received from the community, public and external departments were sent to the consultants at the end of October / beginning of November 2015 in order for them to amend and revise the document.

The first project team meeting for 2016 was held on 19 February 2016 at Stellenbosch Municipality to discuss the comments received from the public participation process and to determine the way forward.

The consultant finalized the Draft Jonkershoek SDF and the amended document was submitted to Stellenbosch Municipality on 18 March 2016. The amended Jonkershoek Spatial Development Framework by CK Rumboll & Partners is attached for your perusal as Appendix 1.

5. PREVIOUS COMMENTS BY RELEVANT DEPARTMENTS

The Jonkershoek SDF was circulated to all the departments on 5 September 2012 and only Engineering Services responded with the following comments:

They support the principle of formalizing and guiding further potential development in the Jonkershoek Valley. The principle of protecting the very sensitive valley by not opening it up to extensive development is also supported.

However, in respect of engineering services, there are currently no formalized engineering services in the valley. In general sewage is handled by means of either soakaways or conservancy tanks.

Water provision is mainly by means of boreholes or extraction from the river, fountains or mountain streams. The existing main water supply pipe supplies raw (untreated) water from Jonkershoek River to the Water Treatment Plant at Idasvallei and is therefore not suitable for water provision in the Valley.

Roads in the Valley is maintained and managed by the District Municipality, to the cost of the District Municipality. The engineering department recommended that the consultants that compiled the Jonkershoek SDF liaise with the Engineering department to agree on logical, practical measure in respect of services provision before the document be finalized as some of the proposal as reflected in the Implementation Plan is not feasible and not practical to implement from a services point of view.

The Jonkershoek SDF was then again circulated to all departments on 21 January 2015 for comments and the following comments were received:

Community & Protection Services: The department supports future development in the area, but recommends provincial engineers to provide input to the current speed zone due to the intended increase of residents.

Financial Services: The plans of the Jonkershoek SDF should be costed and then a cost benefit analyses should be performed on a life cycle basis. The proposals of this SDF should also be viewed in context of the wider WC024 strategies for housing etc.

6. COMMENTS BY RELEVANT DEPARTMENTS ON AMENDED JONKERSHOEK SDF (AFTER PUBLIC PARTICIPATION CONSULTATION)

The amended Jonkershoek SDF was circulated to all departments on 15 April 2016 and the following comments were received:

Department: Planning and Economic Development

Spatial Planning: Please note that the Jonkershoek Spatial Development Framework must be approved in terms of the Stellenbosch Municipality: Land Use Planning Bylaw (not LUPO).

Environment: The Jonkershoek SDF recognises Jonkershoek valley's importance as upper catchment of the Eersteriver as well as its role as conservation area and is supported. The limited development within the valley recommended in the SDF should only occur with the provision of sufficient services to ensure that the surrounding area's integrity is maintained and protected. The sustainability of the recommended settlement will largely depend on the successful implementation of the proposed economic activities.

Director: The SDF is generally compliant with the relevant statutory requirements for a local area spatial development framework (Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw) and in general, the requirements as set out in the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA). The process for the preparation of the SDF might not have followed the strict provisions and

requirements, as these were concluded prior to the implementation of LUPA and the municipal bylaw. Nonetheless, the document contains sufficiently detailed plans and an implementation programme to make it useful and implementable and it provides clear guidance for land use planning decisions.

In summary, the SDF recommends for a limited extent of urban development/settlement in Jonkershoek, predominantly to accommodate the historic residents of the area and some accommodation for the influx of residents up until the end of 2012. There is clearly no provision for further settlement, to establish an urban node in the area, with sufficient capacity to accommodate all the residents as this will not be feasible, nor compatible with the overarching goal of retaining Jonkershoek as a conservation and tourism attraction. The implementation programme and the recommendations of the SDF provide sufficient guidelines for integrating the proposed settlement with the tourism attraction, in order to provide exclusive economic opportunities for the residents, which would not be possible if the settlement is allowed to develop into a full-scale urban node.

Recommendations have engineering, financial, legal and property related implications. The relevant recommendations in the draft item to Council are supported.

Department: Engineering

This department fully supports the various statements of effective co-ordination of development and planning initiatives to ensure successful implementation of the SDF action plans.

The use of septic tanks should be eradicated through a phased implementation process seeing that the valley would suffer if this use would continue. The use of conservancy tanks are suggested and where ever possible the implementation of piped sewer systems.

Care should be taken of the effect of illegal dumping and should be monitored and rectified as soon as it is discovered. Should any further housing units be implemented it should be done with the prescribed standards of township establishment as issued by this Directorate.

The high risk road access to the Valley should also form part of the phased implementation programme to ensure that further development of the valley be done in line with upgrading the access to a more safer situation, especially for pedestrians and cyclists.

In summary the Directorate Engineering therefore support the proposals of the Jonkershoek SDF with a proviso that implementation of the suggested infrastructure be done in collaboration with this Directorate but more importantly in line with our priorities of serving the entire WC024 region.

7. LEGAL IMPLICATIONS

Legal comment attached as **APPENDIX 2.**

8. FINANCIAL IMPLICATIONS

Comment not possible – cost of development unknown.

RECOMMENDED

- (a) that Council approve the Jonkershoek Spatial Development Framework in terms of in terms of Chapter 5 of the Municipal Systems Act 2000 (Act 32 of 2000) and Section 21 of the Spatial Planning and Land Use Management Act, 2013 (No 16 of 2013);
- (b) that the SDF be approved in terms of Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw as guiding policy for decision-making; and
- (c) that the implementation plan be reviewed and expanded to include projects, project leaders and budgets.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:
ITEM 6.1.2****RECOMMENDED**

- (a) that Council approve the Jonkershoek Spatial Development Framework in terms of in terms of Chapter 5 of the Municipal Systems Act 2000 (Act 32 of 2000) and Section 21 of the Spatial Planning and Land Use Management Act, 2013 (No 16 of 2013);
- (b) that the SDF be approved in terms of Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw as guiding policy for decision-making; and
- (c) that the implementation plan be reviewed and expanded to include projects, project leaders and budgets.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

MAYORAL COMMITTEE MEETING: 2016-06-10: ITEM 5.1.3**RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that the item be noted and forwarded to Council for information to serve as a basis for the future development initiatives for Jonkershoek area; and

- (b) that the process for a legally compliant SDF for Jonkershoek be commenced with during 2016/2017 financial year.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

42ND COUNCIL MEETING: 2016-06-15: ITEM 7.2

RESOLVED (nem con)

that this matter be referred back to allow the Administration to give effect to the legal opinion (see **APPENDIX 2**), whereafter same be resubmitted to Council for consideration.

**DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

APPENDIX 2

t: +27 (0) 21 850 6400
 f: +27 (0) 21 852 1770
 1st Floor, Dynarc Triangle, 13 Urteel Crescent
 Somerset Mall, Somerset West
 PO Box 327, Somerset Mall, 7137
 DX 15 Somerset West Somerset West
 Direct Line: +27 (0) 21 850 6400
 GuanP@stbb.co.za | www.stbb.co.za

THE STELLENBOSCH MUNICIPALITY
 Stellenbosch

Your Ref:

Our Ref: GP/AVR/AS

Date: 15 May 2016

Dear Sir / Madam

Re: **Legal considerations in respect to the application for approval of the Jonkershoek Spatial Development Framework (File No. 15/34/34/2)**

1. We have been requested by the Stellenbosch Municipality (*"the Municipality"*) to consider the legal implications of an approval of the latest Jonkershoek Spatial Development Framework (*"the latest SDF"*) in respect to an application for that purposes, under File No. 15/34/34/2 (*"the application"*).
2. The application annexes, as Appendix I, a Spatial Development Framework dated 2011 (*"the 2011 SDF"*) and it accordingly appears that the latest SDF was not annexed to the application.
3. In this regard, the application refers to a consultative process for the drafting of a SDF that commenced in October 2015 and that a draft SDF and amended document was submitted to the Municipality on 18 March 2016.¹
4. We are accordingly not in a position to advise as to the legal implications of adopting the latest SDF and kindly request that our offices be furnished with a copy thereof.
5. In the event that the application correctly refers to the 2011 SDF, it should be pointed out that that SDF was compiled in terms of the, now repealed, Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (*"the Ordinance"*) and the Municipal Systems Act, No. 32 of 2000. The

¹ The application makes reference to 18 March 2015, but we assume for the purposes of this advice, that same was a typing error and should have referred to 18 March 2016.

Attorneys/Notaries & Conveyancers

Directors: Jonathan Steytler (Managing) | Stoffel Ackermann | Peter Arnot | Martin Bey | Jacques Blignaut | Darren Brander | Luthleza Cassim | Tim Chase | Jacques Classen | Melanie Coetzee | Kevin Daniel | Thabisile Dlamini | Refqah Fataar Ho-Yee | Harry Friedland | Niel Grundlingh | Warren Hamer | Bev l'Ons-Raeburn | Roux Kemp | Gerhard Kotze | Belinda Lewis | Robert Matlhare | Corlene Mostert | Hennie Mouton | Martine Newman | Neil Parker | James Phillipson | Cris Riego de Dios | Martin Sheard | Roshana Solomon | Philip Steyn | Marilize Swart | Dumisani Tabata | June Theron | Annetjie van Rocyen | Percy van Staden | Ferdinand Verryen | Shereen Volks | Allan White

Senior Associates: M Botha | L De Gouveia | D Du Plessis | H Dyssel | H Ferreira | J Foxcroft | N Hayes | V W Inoste | D Starkey | N Stevens | L Sullivan | A Wiese

Associates: S Chettyar | J Greyling | J Hamers | N Mentoor | H Scudamore | T Smit | G Potgieter | A Van Vuuren | T Wainwright | B White | M Williams

Executive Consultants: Lizelle Kilbourn | Graham Liebenberg | Andy McPherson | Andre Swart | Colin Traub | Richard Volks

Financial Manager: Cullen Penny

Cape Town: 021 406 9100 | Bedfordview: 011 453 0577 | Centurion: 012 001 1546 | Claremont: 021 673 4700 | Fish Hoek: 021 784 1580 | Illovo: 011 219 6200 | Somerset Mall: 021 850 6400 | Stellenbosch: 021 001 1170 | Table View: 021 521 4000 | Tyger Valley: 021 943 3800 | Menlyn: 012 348 1682

Registration No: 1992/003316/21
 VAT Reg No: 4679133877

Ordinance was repealed by the Stellenbosch Municipal Planning Bylaw, 2015 (*the Municipal Planning Bylaw*) which came into operation on 1 December 2015.

6. In view of the fact that the application in question was submitted after 1 December 2015, the application stands to be considered in view of the Municipal Planning Bylaw and not in terms of the Ordinance.
7. In addition to the repeal of the Ordinance, the Spatial Planning and Land Use Management Act, No. 16 of 2013 (*the SPLUM Act*) came into operation during August 2013. Section 21 of the SPLUM Act describes the content for a municipal spatial development framework. In this respect, section 21 reads as follows:

"A Municipal spatial development framework must—

- (a) give effect to the development principles and applicable norms and standards set out in Chapter 2;*
- (b) include a written and spatial representation of a five year spatial development plan for the spatial form of the municipality;*
- (c) include a longer term spatial development vision statement for the municipal area which indicates a desired spatial growth and development pattern for the next 10 to 20 years;*
- (d) identify current and future significant structuring and restructuring elements of the spatial form of the municipality, including development corridors, activity spines and economic nodes where public and private investment will be prioritised and facilitated;*
- (e) include population growth estimates for the next five years;*
- (f) include estimates of the demand for housing units across different socio-economic categories and the planned location and density of future housing developments;*
- (g) include estimates of economic activity and employment trends and locations in the municipal area for the next five years;*
- (h) identify, quantify and provide location requirements of engineering infrastructure and services provision for existing and future development needs for the next five years;*
- (i) identify the designated areas where a national or provincial inclusionary housing policy may be applicable;*

- (j) *include a strategic assessment of the environmental pressures and opportunities within the municipal area, including the spatial location of environmental sensitivities, high potential agricultural land and coastal access strips, where applicable;*
- (k) *identify the designation of areas in the municipality where incremental upgrading approaches to development and regulation will be applicable;*
- (l) *identify the designation of areas in which—*
 - (i) *more detailed local plans must be developed; and*
 - (ii) *shortened land use development procedures may be applicable and land use schemes may be so amended;*
- (m) *provide the spatial expression of the coordination, alignment and integration of sectoral policies of all municipal departments;*
- (n) *determine a capital expenditure framework for the municipality's development programmes, depicted spatially;*
- (o) *determine the purpose, desired impact and structure of the land use management scheme to apply in that municipal area; and*
- (p) *include an implementation plan comprising of—*
 - (i) *sectoral requirements, including budgets and resources for implementation;*
 - (ii) *necessary amendments to a land use scheme;*
 - (iii) *specification of institutional arrangements necessary for implementation;*
 - (iv) *specification of implementation targets, including dates and monitoring indicators; and*
 - (v) *specification, where necessary, of any arrangements for partnerships in the implementation process".*

8. It is accordingly clear that the provisions of section 21 of the SPLUM Act are peremptory and that any SDF must comply strictly therewith. It is accordingly necessary to evaluate the proposed SDF against the aforementioned requirements prior to the council of the Municipality approving and recommending same.

9. In this regard, section 9 of the Municipal Planning Bylaw provides as follows:

"9. (1) The Municipality may adopt a local spatial development framework for a specific geographical area in a part of the municipal area.

(2) The purpose of a local spatial development framework is to, for a specific geographical area—

(a) provide detailed spatial planning guidelines;

(b) provide more detail in respect of a proposal provided for in the municipal spatial development framework;

(c) meet specific land use planning needs;

(d) provide detailed policy and development parameters for land use planning;

(e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; and

(f) guide decision-making on land use applications".

10. In the event that the application correctly refers to the 2011 SDF, such SDF would not be compliant with the requirements of the Municipal Planning Bylaw or the SPUM Act, and would require consequential amendments. In as far as the latest SDF was omitted from the application, we are unable to advise further in respect to the legal implications of adopting same until such time as we have been furnished with a copy thereof.

We advise accordingly.

Yours faithfully

STBB | SMITH TABATA BUCHANAN BOYES

G Potgieter

APPENDIX 5



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

Private Bag X9027, CAPE TOWN, 8000 Int Code: +27 21 Tel: 4022197 Fax :0862726230
Cell: 0824677445 e-mail:Frederick.Johnson@dpw.gov.za website: www.publicworks.gov.za

The Municipal Manager
Stellenbosch Municipality
P.O BOX 17
STELLENBOSCH
7599

Dear Colleague

INFORMATION: FOREST VILLAGES IN YOUR AREA

This office is currently entering into discussions with other relevant Departments relating to all Forest Villages in the Western Cape. The discussions are aimed at finding a solution towards facilitating the transfer of the villages to the concerned municipalities.

You are hereby kindly requested to furnish us with pertinent information relating to the forest villages situated within your Municipal jurisdiction, namely Maasdorp, Meerlust and De Bult (Jonkershoek). As is known the forest villages emanated from the Department of Agriculture, Forestry and Fisheries de-proclaiming State forest and releasing the land and adjoining villages to the Department of Public Works (DPW) with the expectation that DPW will devolve the villages to the municipality. For various reasons the municipalities are consistently refusing to accept the villages and DPW finds itself having to perform municipality functions towards serving these settlements.

In order for fruitful discussions to be affected, you are kindly requested to inform this office:

1. Whether the forest villages are included in your Integrated Development Plan (IDP) / Spatial Development Plan (SDP)
2. What actions need to be addressed for the Municipality to accept transfer of the village
3. What financial implications need to be addressed?

Department has become cognisant of the fact that it does not have the mandate nor competencies to deal with issues pertaining to settlements and infrastructure necessary to service the settlements in the Western Cape.

Pertinent issues for your consideration include, amongst others, the transfer of home ownership, the funding of infrastructure and also the future planning and sustainable economic development with respect to the Forest Villages.

Your assistance in furnishing the requested, and any other relevant information on or before the 28th October 2016 will be highly appreciated. Thanking you for your cooperation with regards to the above position of this department.

Kind regards
Mr Fred Johnson
REGIONAL MANAGER

DATE: 2016/10/17

APPENDIX 6



Our ref. : 7/2/1/1

Wally Johnstone (021-8088768)

27 October 2016

The Regional Manager
 Department of Public Works
 PO Box X9027
 Cape Town
 8000

ATTENTION: MR FRED JOHNSON

Dear Sir

INFORMATION: FOREST VILLAGES IN STELLENBOSCH MUNICIPAL AREA

Our communication dated 19 September 2016, our meeting with your Mr Ossie Lamb on Tuesday, 18 October 2016 and your communication dated 17 October 2016 and titled INFORMATION: FOREST VILLAGES IN YOUR AREA refer.

1. PURPOSE OF THIS COMMUNICATION

The purpose of this communication is to respond to the request by the National Department of Public Works for "pertinent information relating to the forest villages within [y]our Municipal jurisdiction, namely Maasdorp, Meerlust and De Bult (Jonkershoek)" in order for discussions regarding the devolution of the villages to the Stellenbosch Municipality to commence.

We are in agreement with your expressed holistic approach to addressing the issues relating to Forest Villages by including "the transfer of home ownership, the funding of infrastructure and also the future planning and sustainable economic development" as "pertinent issues" to be considered.



The devolution of Forest Villages to Stellenbosch Municipality brings with it the responsibility of ensuring continued sustainable development of the villages and the communities that live in them. It is for this reason, amongst others, that we have added the Wemmershoek Forest Village and La Motte Forest Village to your list that includes Maasdorp, Meerlust and Op-die-Bult (Jonkershoek). The rationale behind this is that, although these two villages have recently been transferred to the Stellenbosch Municipality, pertinent issues affecting their future sustainability remain to be addressed. These are discussed as part of our response to your request for information below.

2. RESPONSE TO REQUEST FOR INFORMATION

2.1 Whether the Forest Villages are included in the Stellenbosch Municipality IDP and SDF

FOREST VILLAGE	IDP	SDF	HOUSING PIPELINE	OTHER
Meerlust	Yes Meerlust Housing Project is a key short term activity in Ward 3 Action Plan	Yes Apply 16ha for mixed income, mixed use development on western portion of Meerlust	Yes Meerlust IRDP (200 housing units) supported by WC Human Settlements Department	
Maasdorp / La Motte	Yes Housing and land for housing is a key short term activity in Ward 2 Action Plan	Yes The future growth direction for La Motte is towards the R45; Mixed income mixed use	Yes Stellenbosch La Motte Old Forest Station Project (1 000 housing units) supported by WC	



FOREST VILLAGE	IDP	SDF	HOUSING PIPELINE	OTHER
		development on SAFCOL headquarters site	Human Settlements Department	
Wemmershoek	Yes Economic development opportunities on state land such as Jim Fouche Picnic site identified	Yes Local economic development opportunities identified on state land to the east of the settlement		
Op-die-Bult Jonkershoek	Yes Eco-tourism partnerships with the public sector; Areas not required for forestry any longer to be set aside for conservation and recreation	Yes Jonkershoek SDF developed; northern Jonkershoek Sub Precinct to consist of two nodes for housing, one of which must be Op-die-Bult		Yes Mayoral Committee (21/11/2007) resolved that Stellenbosch Municipality take over Op-die-Bult, provided it is not seen in isolation; Memorandum of Agreement approved

2.2 What actions need to be addressed

2.2.1 Your communication expresses the need for "future planning and sustainable economic development with respect to the Forest Villages". Similarly, the Stellenbosch Municipality also believes that the devolution of Forest Villages cannot be seen in isolation and need to be addressed within the context within which they



exist.

- 2.2.1 Although in some instances (La Motte and Wemmershoek) transfer of the villages to Stellenbosch Municipality has already been effected, their future sustainability depends on the availability of surrounding parcels of land for housing development, local economic development opportunities and facilities development. The specific land parcels pertaining to each of the villages are discussed in the Summaries attached hereto.
- 2.2.2 The Stellenbosch Municipality has, in some instances, taken the initiative in respect of 2.2.1 above:
- In the case of La Motte the transfer of land adjacent to the existing village from Cape Winelands District Municipality for mixed use development is at an advanced stage.
 - With regard to Op-die-Bult,
 - A Memorandum of Agreement to be negotiated with the relevant roleplayers in Jonkershoek was approved by the Mayoral Committee of the Stellenbosch Municipality on 21 November 2007
 - A proposed Memorandum of Understanding between the Stellenbosch Municipality, CapeNature, MTO and the National Department of Public Works (NDPW) was drafted and agreed to by all roleplayers except for the NDPW
 - In respect of Meerlust, Ministerial authorization has been obtained (2003) for the transfer of Portion 1 of Farm Meerlust No 1006 (on which the settlement is located) from NDPW to Cape Winelands District Municipality (CWDM), then Boland District Municipality. The Council of the CWDM has resolved (25 July 2013) to transfer the Groot Drakenstein / Meerlust Rural Housing Project (and by implication also the land on which it is located) to the Stellenbosch Municipality. A draft Report to Council is currently being circulated internally that will, if approved by Council, pave the way for the transfer of the property to Stellenbosch Municipality.



For the Stellenbosch Municipality the finalization of this Memorandum of Understanding for Op-die-Bult remains a critical action item to be addressed. We are therefor encouraged by this current initiative by NDPW and the expressed willingness to address outstanding actions hampering transfer of the Forest Villages to the Municipality as this could potentially be used as an opportunity to resume the process.

It is also acknowledged that, when the Meerlust Report to Council is approved, the NDPW can play an important role in facilitating the simultaneous transfer of the Meerlust land from NDPW to Cape Winelands District Municipality and then to Stellenbosch Municipality.

- 2.2.3 In 1936, the Stellenbosch Municipality entered into a 99-year Lease Agreement with the NDPW whereby Portion 2 of Farm 352, owned by Stellenbosch Municipality, was made available for forestry purposes. Since then, activities related to the forestry industry have reduced substantially with the result that portions of this land in what is known as the Jonkershoek Mixed Use Precinct are now being used for purposes other than forestry-related activities. It is our view that these portions of disturbed / developed land be released from the provisions of the 1936 Lease Agreement in order to allow the Municipality to pursue future planning options related thereto and that the remaining portions be transferred to the state to be utilized either for forestry and / or conservation purposes as may be appropriate. The portions of land to be released from the provisions of the Lease Agreement are indicated diagrammatically in the Summary (4 of 4) of Op-die-Bult attached hereto.

2.3 Financial implications to be addressed

- 2.3.1 The Stellenbosch Municipality entered into Agreements relating to the provision of services and eventual township establishment with the NDPW in respect of Jonkershoek, Meerlust and Maasdorp in 2007. At the time, the understanding was



that all costs would be covered by the owner (NDPW). However, judging from recent discussions with your Department, this would not seem to be the case any longer. The financial implications of services infrastructure upgrade (if required) and township establishment for the Stellenbosch Municipality could be substantial and a determination in this regard must be made.

- 2.3.2 The Stellenbosch Municipality Mayoral Committee approved a Memorandum of Agreement (21 November 2007) in terms whereof the Municipality would take over the management of Op-die-Bult, subject to conditions that included that "a memorandum of agreement be entered into by and between the Municipality and SAFCOL, as previous lessees of the property, in terms whereof SAFCOL undertake to make a financial contribution of not less than R33 000 per residential building towards the upgrading of the services infrastructure to enable the Municipality to proceed with the township establishment process".

Despite repeated attempts to engage SAFCOL on this issue has proved fruitless to date and remains an issue that needs to be addressed.

- 2.3.3 The costs related to the transfer of the properties involved in the devolution of Forest Villages to the Stellenbosch Municipality have not been budgeted for. It is reasonably expected that such costs will be for the account of the NDPW, should it not be possible for the properties to be transferred free of charge.
- 2.3.4 It is expected that the costs relating to the township establishment and implementation of the housing projects at Meerlust and La Motte will be covered by the housing subsidy allocations by the Western Cape Department of Human Settlements. Should this, for any reason, not be the case the financial implications hereof must be addressed as part of this initiative.
- 2.3.5 In 2007 the NDPW committed to making a financial contribution to the Stellenbosch Municipality to cover the shortfall between the cost of rendering services at Maasdorp, Meerlust and Jonkershoek and the income derived from users of the



services in the form of payment of accounts rendered until such time as township establishment is achieved. The NDPW's continued commitment to this is considered an important issue.

3. CONCLUSION

The above sections attempt to respond to your listed areas of information required. For ease of reference to the various Forest Villages, we attach hereto the following brief summaries relating to the villages located with the administrative area of jurisdiction of the Stellenbosch Municipality:

Summary 1 of 4: Meerlust

Summary 2 of 4: Maasdorp and La Motte

Summary 3 of 4: Wemmershoek

Summary 4 of 4: Op-die-Bult

The summaries are structured to provide brief and concise information for each of the villages relating to:

- Settlement overview;
- Settlement location;
- Alignment with:
 - The Stellenbosch Municipality Integrated Development Plan (IDP)
 - The Stellenbosch Municipality Spatial Development Framework
 - The Stellenbosch Municipality Integrated Human Settlement Plan & Housing Pipeline
 - Any other applicable policy directives
- A synopsis (summary) of the status quo;
- Where appropriate, proposed land transfers to be effected in order to give effect to the devolution of the villages to the Stellenbosch Municipality;



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



- Actions required to be addressed; and
- Financial implications

We are keen to provide your Department with the required information that we hope will culminate in:

- The initiation of fruitful discussions regarding the Forest Villages as per your communication dated 17 October 2016;
- a process to effect the devolution of the affected Forest Villages to the Stellenbosch Municipality;

Please let us know should you require any additional information to be made available in order to allow you to proceed with this initiative.

We eagerly await your response.

Yours faithfully

PIET SMIT
MANAGER: PROPERTY MANAGEMENT



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPATA • MUNICIPALITY

Our ref. : 7/2/1/1

Wally Johnstone (021-8088768)

15 February 2017

The Regional Manager
 Department of Public Works
 PO Box X9027
 Cape Town
 8000

ATTENTION: MR FRED JOHNSON

Dear Sir

FOREST VILLAGES IN STELLENBOSCH MUNICIPAL AREA

Our communication dated 19 September 2016, our meeting with your Mr Ossie Lamb on Tuesday, 18 October 2016, your communication dated 17 October 2016 and titled INFORMATION: FOREST VILLAGES IN YOUR AREA and our subsequent response thereto dated 26 October 2016 refer.

The resolution of the issues surrounding the forest villages in the Stellenbosch Municipality's area of jurisdiction is a high priority for this municipality and, as per your communication dated 17 October 2016, also for the National Department of Public Works. It was encouraging to note, as per your communication, that your Department was entering into discussions "aimed at finding a solution towards facilitating transfer of the villages to the concerned municipalities". We were therefore very keen to provide you with the "pertinent information relating to the forest villages" in the Stellenbosch Municipality's area of jurisdiction (refer to our letter dated 26 October 2016).

It would be highly appreciated if you could provide this municipality with an update of where we are currently in the process and whether you require any additional information to be made available or any specific interventions from our side in order to allow you to proceed with this initiative.

We eagerly await your response.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

APPENDIX 7

Request for Information
by National Department
of Public Works (NDPW)

relating to

Facilitating the transfer
of Forest Villages to
Municipalities



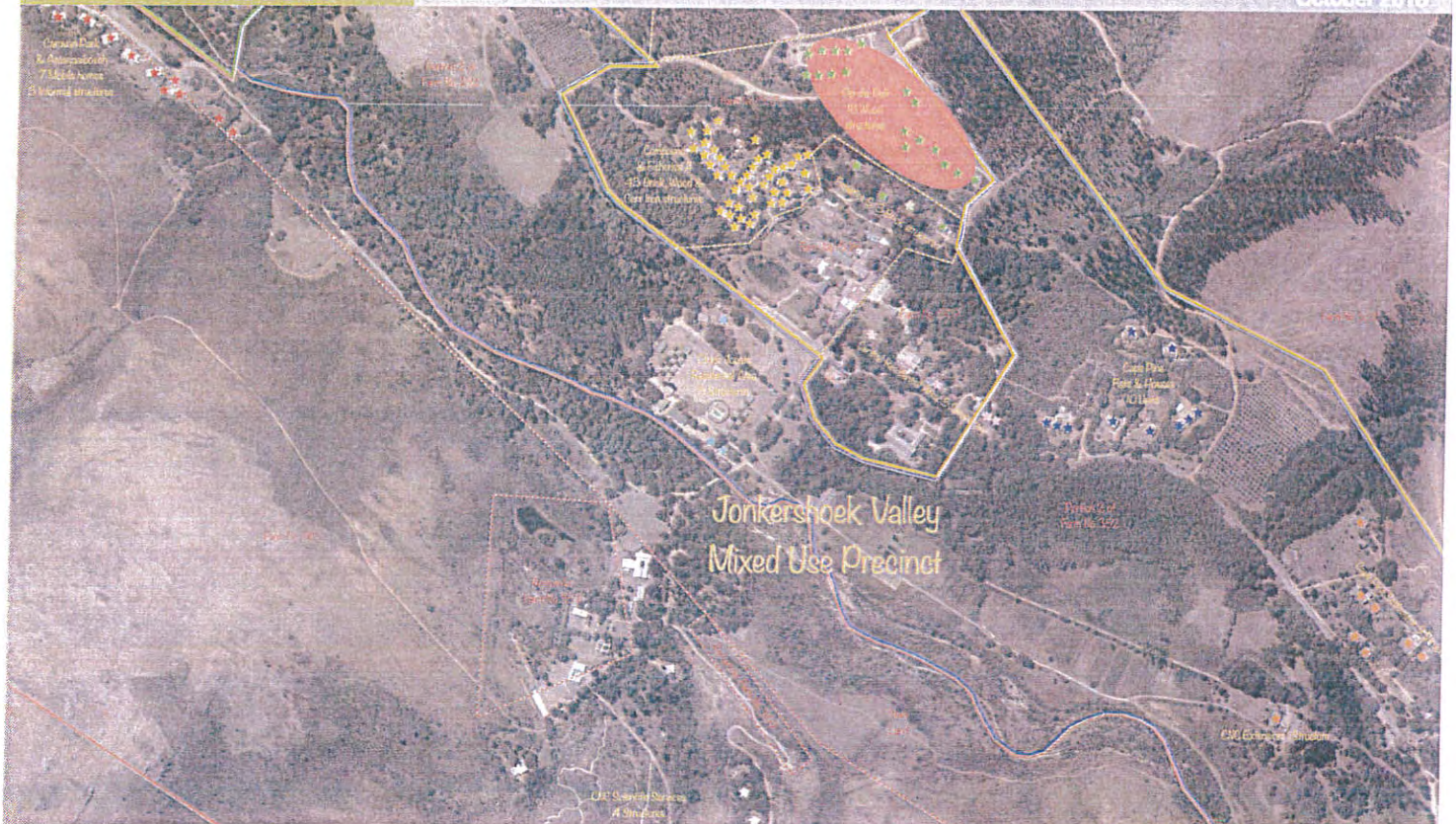
STELLENBOSCH
STELLENBOSCH • PNIFL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

OP-DIE-BULT

Summer 1 of 4

October 2016



Op-die-Bult Settlement

The Op-die-Bult Settlement consists of 18 timber structures (2011 count) originally used to house forestry workers. According to the Jonkershoek Spatial Development Framework (2015) the settlement is home to approximately 30 inhabitants. Over the years a number of informal structures have been erected between the timber structures to accommodate the growing housing need in the settlement. The informal structures have not been officially quantified to date. Whilst most residents have been living in the settlement for more than twenty years, some have been there for even longer, with 53 years having been recorded as the longest residency (Jonkershoek SDF 2011).

The settlement is part of what has become known as the Mixed Use Precinct of the Jonkershoek Valley. The Mixed Use Precinct accommodates substantial built infrastructure amidst conservation and forestry uses and provides for predominantly state and parastatal land uses, including:

- * Offices & research facilities
- * Residential uses
- * Educational facilities

The Jonkershoek Valley has a unique character which offers conservation, agricultural, rural living and recreational opportunities.

Op-die-Bult Locality

South-east of the town of Stellenbosch lies the Jonkershoek Valley nestled between the Jonkershoek Mountains and the Stellenbosch Mountains. The Jonkershoek Valley is divided into distinct separate areas given different historical land uses and ownership:

- * Agricultural Precinct
- * Mixed Use Precinct
- * Forestry Precinct
- * Natural / Conservation Precinct

The Op-die-Bult Settlement is located within the Mixed Use Precinct of the Valley and is one of fourteen identifiable areas of residential use. It is located on steep terrain in the north-eastern portion of the Precinct.

The Stellenbosch Municipality IDP, Jonkershoek SDF & Mayoral Committee Resolution

Integrated Development Plan (IDP)

The Stellenbosch Municipality IDP recognises the opportunities for eco-tourism partnerships with the public sector offered by publicly owned property such as Jonkershoek.

Large parts of the municipal forestry areas are no longer required for forestry purposes and the Stellenbosch IDP intends that "these areas be set aside for conservation and recreation". This must be seen, however, in the context of the decision of the Mayoral Committee of the Municipality (21 November 2007) that Stellenbosch Municipality take over the management of Op-die-Bult settlement subject to certain conditions.

Jonkershoek Spatial Development Framework (SDF)

The Draft Jonkershoek Spatial Development Framework (Ck Rumble 2016) proposes that Jonkershoek's Mixed Use Precinct be divided into:

- * a "southern sub precinct accommodating uses being predominantly associated with research and innovation, forestry, conservation management and eco-tourism"

- * "the northern sub precinct" accommodating two nodes as sub-nodes of a "mixed market" comprising of the existing infrastructure, buildings"

The SDF proposes that the northern precinct consist of two nodes for housing, one of which should be Op-die-Bult. Broad proposals contained in the SDF is presented diagrammatically in the Figure below

Mayoral Committee Resolution (21 November 2007)

The Stellenbosch Municipality's Mayoral Committee on 21 November 2007 approved a Memorandum of Agreement whereby the Municipality would take over the management of Op-die-Bult on condition that:

- * An MoA be entered into between the Municipality and MTO for the use of the bulk water supply to the property
- * A MoA be entered into between the Municipality and SAFCOL whereby SAFCOL undertake to make a financial contribution in respect of services infrastructure upgrade
- * A MoU be entered into between the Municipality, CapeNature, MTO and NDPW whereby the Municipality would provide services in the greater Jonkershoek Valley.

The rationale behind this was to ensure that Op-die-Bult is not to be done in isolation, but as the first step of the formalisation of the greater Jonkershoek Valley.



SUMMARY

Area of administrative jurisdiction The Op-die-Bult Forest Village is located within the area of administrative jurisdiction of the Stellenbosch Municipality

- Memoranda of Agreement**
- * 1935: Three portions of land in Jonkershoek leased by Stellenbosch Municipality to RSA for forestry purposes for 99 years
 - * 2000: Memorandum of Agreement between NDPW and SAFCOL to cede Jonkershoek lease to SAFCOL
 - * 2004: Cancellation of 2000 Agreement and new Cession Agreement with MTO
 - * 2006: NDPW requests Stellenbosch Municipality to take over management of Op-die-Bult
 - * 2007: MTO lease expires. Op-die-Bult released from state forest area
 - * 2007: Stellenbosch Municipality MAYCO resolves to take over management of Op-die-Bult subject to conditions
 - * 2011: MTO appointment by NDPW to act as interim land manager for Jonkershoek expires
 - * 2033: Stellenbosch Municipality / RSA 99 year lease agreement expires

Service provision Until March 2007 MTO was providing services to Op-die-Bult on behalf of SAFCOL. Since then services have been provided by the Stellenbosch Municipality

Land ownership Three public land owners involved in the Jonkershoek Valley

- * Republic of South Africa: North-eastern Mixed Use Precinct Area: Farms No 1507, 1508 & 1509 and Remainder of Farm 352 (forestry area). Op-die-Bult settlement is located on Farm No 1507
- * Provincial Government Western Cape: South-western Mixed Use Precinct Area Farm No 361
- * Stellenbosch Municipality: Central Mixed Use Precinct Area: Portion 2 of farm 352

Land transfers / release required for rationalisation of land uses in the Mixed Use Precinct

- * Transfer of Farms No 1507, 1508 and 1509 from Republic of South Africa to Stellenbosch Municipality to allow for the implementation of the 2007 MAYCO resolution to take over management of Op-die-Bult and consider the settlement as part of a holistic approach to land use management in the Jonkershoek Valley
- * Release of portions of disturbed / developed land in the Mixed Use Precinct from the provisions of the 99-year Lease Agreement of 1936

Refer Map overleaf

Policy Directives IDP: Public sector partnerships on land in public ownership such as Jonkershoek. Forestry areas no longer required for forestry purposes to be utilised for conservation and recreation

Jonkershoek SDF: Op-die Bult identified as a node for housing

Stellenbosch Municipality, MAYCO resolution: Stellenbosch Municipality to manage Op-die-Bult, subject to conditions

ACTIONS & IMPLICATIONS

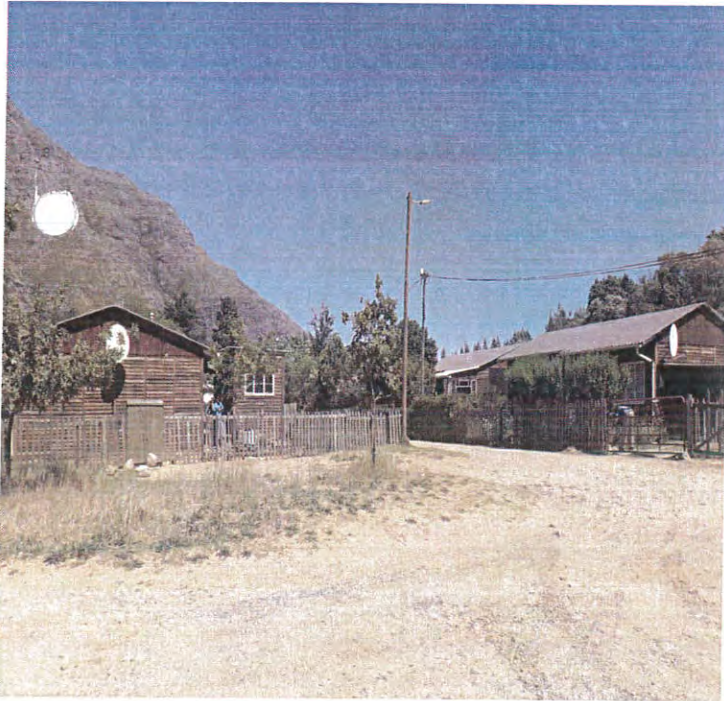
Actions required to be addressed

- * The Memorandum of Agreement approved by Stellenbosch Municipality MAYCO for the management of Op-die-Bult to be revisited and revised if required
- * The Memorandum of Agreement to be adopted and signed by National Department of Public Works (NDPW) and Stellenbosch Municipality
- * Ministerial authorisation be obtained for the transfer of the following portions of land to Stellenbosch Municipality:
 - * Farm No 1507 - owner Republic of South Africa
 - * Farm No 1508 - owner Republic of South Africa
 - * Farm No 1509 - owner Republic of South Africa
- * Following ministerial approval, the required processes be initiated for the eventual transfer of the identified properties to Stellenbosch Municipality
- * The release of identified portions of land in the Mixed Use Precinct from the provisions of the 99-year Lease Agreement of 1936 to allow Stellenbosch Municipality to pursue future planning options (see Map overleaf)
- * Assurance to be provided to Stellenbosch Municipality in respect of the continued use of the bulk water supply currently being used to supply water to Op-die-Bult
- * A Memorandum of Understanding be negotiated between the three public land owners in Jonkershoek to formalise a common vision for the future of the Jonkerhoek Valley
- * The NDPW to provide the Stellenbosch Municipality with a Power of Attorney (alternatively Land Availability Agreement) in order for the Municipality to proceed with the planning required to formulate a land use rationalisation strategy for Jonkershoek and eventual implementation of township establishment processes insofar as the identified land owned by Republic of South Africa is concerned

Financial implications

- * The costs related to the transfer of the properties to Stellenbosch Municipality to be for the account of the NDPW should it not be possible for it to be transferred free of charge
- * The NDPW to make a financial contribution towards the costs relating to the township establishment and services infrastructure upgrade required in order to ensure an appropriate level of services to be delivered
- * The NDPW to make a financial contribution to the Stellenbosch Municipality to cover the shortfall between the cost of rendering services at Op-die-Bult and the income derived from users of the services in the form of payment of accounts rendered until such time as township establishment has been achieved
- * The possibility of a financial contribution by SAFCOL of not less than R33 000 per residential building towards the upgrading of the services infrastructure at Op-die-Bult to be further investigated
- * Stellenbosch Municipality to make the required budgetary provision (capital as well as operational) for sustainable service delivery at Op-die-Bult

APPENDIX 8



JONKERSHOEK

A SERVICE DELIVERY & FUTURE SPATIAL
DEVELOPMENT PERSPECTIVE

SEEKING A HOLISTIC APPROACH TO
SERVICE DELIVERY ISSUES IN
JONKERSHOEK

Directorate: Human Settlements &
Property Management
January 2017

amidst conservation and forestry uses and provides for predominantly state and parastatal land uses, including:

- Office and research facilities
- Residential uses
- Education facilities
- Recreational facilities

Table 1 below highlights the issues of significance in the Jonkershoek timeline 1935 to 2033.

Date	Event
1935	Three portions of land in Jonkershoek leased by Stellenbosch Municipality to RSA for forestry purposes for 99 years
2000	Memorandum of Agreement (MoA) is signed between NDPW and SAFCOL to cede Jonkershoek lease to SAFCOL
2004	2000 Agreement (NDPW / SAFCOL) is cancelled and a new Cession Agreement between NDPW and MTO is entered into
2006	NDPW requests Stellenbosch Municipality to take over the management of Op-die-Bult
2007	The MTO lease expires and Op-die-Bult is released from the state forest area
2007	Stellenbosch MAYCO resolves (21 November 2007) to take over management of Op-die-Bult subject to conditions, including a MoU on the future management of the Mixed Use Precinct
2011	MTO's appointment by NDPW to act as interim land manager for Jonkershoek expires
2033	The 99-year lease agreement between Stellenbosch Municipality and NDPW expires

TABLE 1: JONKERSHOEK TIMELINE OF EVENTS

The Stellenbosch Municipality's Mayoral Committee on 21 November 2007 approved a Memorandum of Agreement (to be entered into between all the relevant role players) whereby the Municipality would take over the management of Op-die-Bult on condition that:

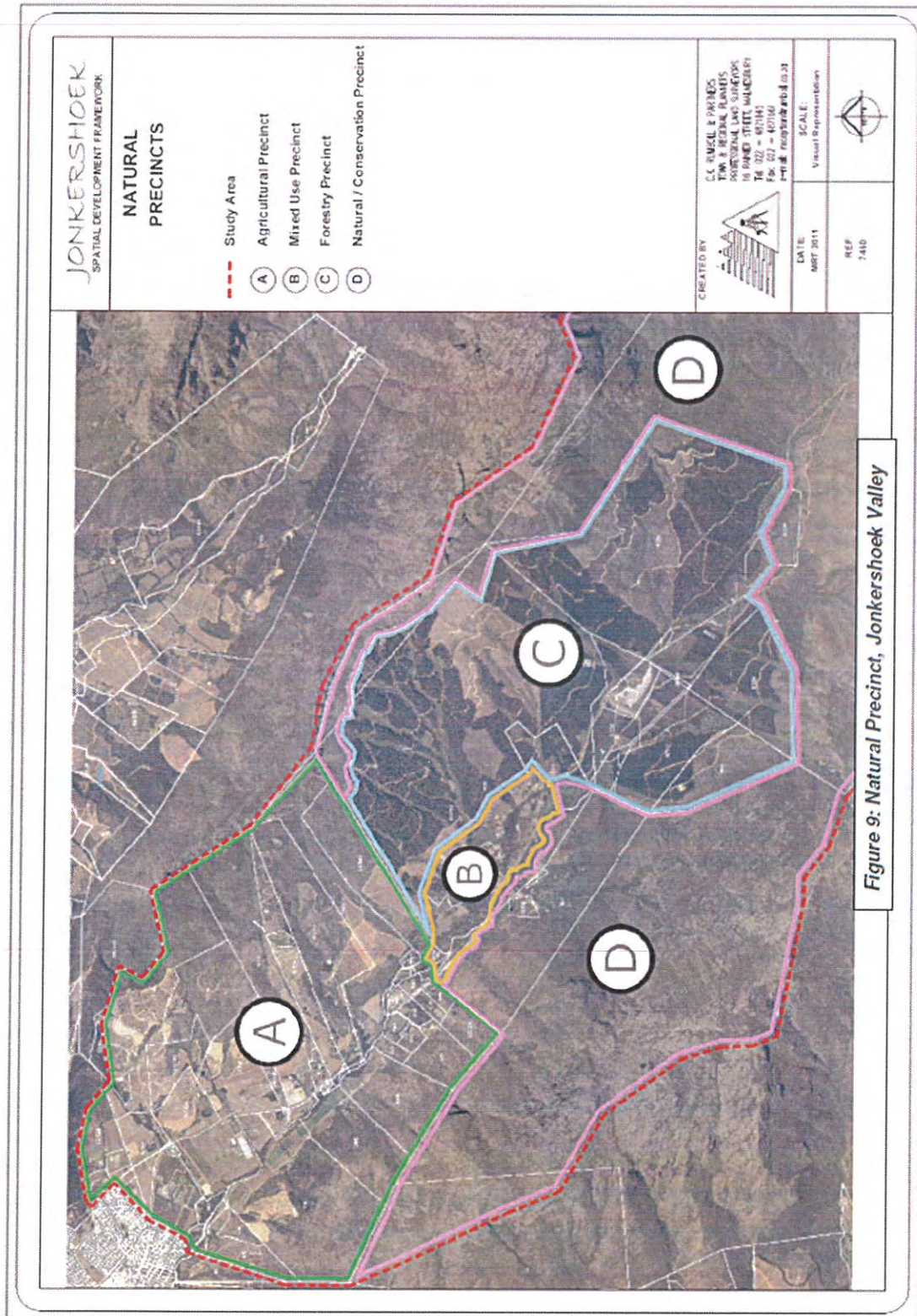


FIGURE 1: STUDY AREA (Source: Jonkershoek SDF 2011/2012, CK Rumble & Partners)

The Jonkershoek SDF describes the current inhabitants of the Mixed Use Precinct as a relatively young (34% sixteen years or younger, 56% between the ages of 16 and 65 and 10% older than 65 years of age) community of predominantly Xhosa and English speaking people with strong traditional association with the area⁵.

Figure 3 provides a snapshot of the spatial distribution of households in the mixed use precinct (derived from statistics contained in the Jonkershoek SDF).

3.4 Current Land Use⁶

The Jonkershoek Valley is divided into four distinctly separate areas (refer Figure 1 above):

- Agricultural Precinct
- Mixed Use Precinct
- Forestry Precinct
- Natural / Conservation Precinct

The Mixed Use Precinct includes "predominantly state and parastatal land uses":

- Offices and research facilities
 - CNC main building, conference centre, museum and trout breeding ponds
 - Cape Pine office / dwelling
 - Old CSIR building
 - Aquaculture research ponds
 - Scientific Services offices
 - Assegaaibosch conference centre and guesthouse
 - Cape Pine store
- Residential
- Education facilities
 - Eiland (SCAS Camp) Training Centre
 - Okkie Jooste Camp
 - Herehuis
 - Akker Vallei Crèche
 - CNC museum / exhibition centre
 - Assegaaibosch Nature Reserve
 - Phumla's Crèche

The upper catchment area enjoys and reflects appropriate environmental management and includes, amongst others:

- Plantation areas
- Riparian zones (water courses)
- Eco-tourism and adventure tourism areas

⁵ Jonkershoek Spatial Development Framework, 2011/2012, CK Rumble & Partners

⁶ Jonkershoek Spatial Development Framework, 2011/2012, CK Rumble & Partners

- Conservation and rehabilitation areas
- Olive groves
- Tourism / visitor facilities

3.5 Dispersed Residential Land Use

Residential uses are scattered throughout the Mixed Use Precinct in no fewer than ten current locations. Apart from all other issues related thereto (inefficient use of land and resources, etc), this situation impacts negatively on service delivery and infrastructure development.

Figure 3 above indicates the dispersed nature of residential accommodation in the Mixed Use Precinct and Table 2 provides a statistical analysis of the housing situation in the study area.

Area	No of structures	No of households	Ownership
Caravan Park	10	8	PGWC
Assegaibos	1	1	PGWC
Rondavels	3	0	PGWC
Op-die-Bult	18	18	RSA & SM
Compound	14	20	RSA
Fisheries A	30	39	RSA
Fisheries B	3	5	RSA
Cape Pine Flats & Houses	10	10	SM
Cape Pine Settlement	9	9	SM
CNC Extension	2	1	SM
CNC Scientific Services	4	4	PGWC

3.6 Socio-economic and Current Service Delivery⁹

Community health

- there are no community facilities in Jonkershoek and "workers are dependent on either employers' assistance or facilities in Stellenbosch to access medical treatment"
- instances of poor domestic services and housing – no flush sanitation or in-dwelling piped water
- overcrowding as a result of sharing of dwelling units
- inadequate public transport limits access to health facilities

Welfare

- Limited social amenities – lack of formal welfare infrastructure (old age, day-care). Some informal facilities exist (church, church hall, community hall, two crèches, a shop and a shebeen)

Education

- Facilities limited to two crèches, no schools (learners attend schools in Stellenbosch) or adult education facilities and lack of transport to schools

Employment

- Permanent employment is limited to Cape Pine (14 families), Jonkershoek Nature Reserve (8 staff, several contract workers) and the Working for Fire Programme (11 staff, 5 fixed term contract)

Security of Tenure

- Lack of ownership results in low levels of security of tenure (80% of households live in dwellings they do not own and although the majority of households qualify for housing subsidies, only one has received a subsidy)
- 95% of households prefer permanent residence in Jonkershoek

Services Infrastructure

- Sewerage – all dwellings and offices use either pit latrines or septic tanks /soak aways
- Potable water – dwellings obtain potable water from boreholes, mountain streams and the river. In the Mixed Use Precinct, the water supply system is inadequate, in disrepair and untreated
- Solid waste – largely disposed of on-site
- Electricity – the network is provided by Eskom and in the Mixed Use Precinct water and electricity reticulation is undertaken by Cape Pine

Access and Movement

- The study area is accessed via the main two-lane, tarred Jonkershoek Road

⁹ Jonkershoek Spatial Development Framework, 2011/2012, CK Rumble & Partners

Stellenbosch Municipality to NDPW for forestry purposes and the right to establish a forestry settlement. This agreement was entered into more than 80 years ago and provided for a set of conditions that prevailed at the time. Conditions have changed over the years and forestry is no longer the dominant activity it used to be whilst the residential component (and services related thereto) has remained, expanded and deteriorated

- Management of the area has changed hands on many occasions (NDPW, SAFCOL, MTO, Cape Pine) and appears to be unclear and unstructured. As early as 2002 (2nd Draft SDF) the negative impact of multi-agency management" was identified and a "multi-sectoral integration strategy" proposed. The current approach to management of the area does not provide for a sustainable solution to service delivery issues
- NDPW has, in a recent communication (17 October 2016), expressed its commitment to transferring the Forest Villages within its area of jurisdiction to the Stellenbosch Municipality
- The 2007 Stellenbosch Municipality MAYCO resolution confirms the municipality's commitment to service delivery in the context of the broader Jonkershoek Valley
- Residential uses are fragmented and scattered over ten different locations throughout the Mixed Use Precinct. This impacts negatively on service delivery and the provision of services infrastructure
- The location of Op-die-Bult on difficult terrain restricts access and the ability to deliver services
- The current spatial development proposals are more than 5 years old and display a picture of a number of competing uses
- Conservation, a key priority in the Valley and arguably the most important land use, appears scattered and fragmented
- A steady increase in the number of informal structures threatens to further deteriorate the poor living conditions in the area

5. A SPATIAL PERSPECTIVE

5.1 Development Vision for the Jonkershoek Valley

The Jonkershoek SDF 2011/2012 provides the following development vision for the Jonkershoek Valley:

"The rural character of Jonkershoek, which offers conservation, agricultural, rural living and recreational opportunities, is being threatened by non-conforming uses, insensitive architecture, pollution, alien plant infestation, community conflict, housing shortfalls, damaging agricultural practices, a lack of multi-sectoral management and urbanization.

To secure the status of the Jonkershoek Valley as the prime conservation area of Stellenbosch, it should be given the highest conservation status possible. The Spatial Development Framework should inform and guide future development and land uses such as agriculture, rural living, recreation and innovation (research) and hence the following vision:

3.1.3. A largely reduced Forestry Precinct confined to the upper slopes

4. That existing residential buildings identified to be retained / renovated in the Jonkershoek SDF 2011/2012 be used for short-term accommodation purposes such as tourism accommodation, adventure camps, overnight accommodation for hikers, etc
5. That the use of the existing office and other non-residential buildings and facilities be determined by the specific requirements dictated by the conservation agenda as per 3.1.1 above and the need for community facilities for the resident community
6. That a management approach, broadly based on the existing Draft Memorandum of Understanding negotiated between the various role-players (although never signed), that takes cognizance of the core functional areas of the various role players be adopted, and broadly along the following lines:
 - 6.1. Conservation: CapeNature?
 - 6.2. Township management and service delivery: Stellenbosch Municipality
 - 6.3. Forestry: Forestry industry (currently Cape Pine)
7. That three portions of land (Farm No's 1507, 1508 and 1509) currently in the ownership of the Republic of South Africa (NDPW) be transferred to the Stellenbosch Municipality to be added to the conservation area and that portions of land be released from the provisions of the 99-year Lease Agreement between Stellenbosch Municipality and NDPW (refer Figure 5)
8. That the Stellenbosch Municipality considers the provision of interim services to the households currently residing in the Mixed Use Precinct pending the outcome of discussions with the relevant role players and affected community.
9. That the terms of the existing 99-year lease agreement between Stellenbosch Municipality and National Department of Public Works be renegotiated to provide for, amongst others, early termination of the agreement

6. CONCLUSION

As mentioned in Section 2 above, the NDPW communication called for a holistic approach to addressing the issues relating to Forest Villages by including "the transfer of home ownership, the funding of infrastructure and also the future planning and sustainable economic development" as "pertinent issues" to be considered. This report hopes to open the door to an internal discussion on current service delivery issues in the context of future development and management options for the Jonkershoek Valley (and more specifically, the Mixed Use Precinct).

Given the current situation, it may be appropriate for the Stellenbosch Municipality to revisit the MAYCO decision of 21 November 2007 and to consider the provision of basic services in the Mixed Use Precinct parallel to the resolution of outstanding conditions / issues.

APPENDIX 9

Hspm Management (Wilfred Johnstone)

From: Hspm Management (Wilfred Johnstone)
Sent: 05 May 2017 08:51 AM
To: Geraldine Mettler; mm; Donovan Joubert (Speaker); 'ossie.lamb@dpw.gov.za'; 'vuyo.ngonyama@dpw.gov.za'; 'frederick.johnson@dpw.gov.za'; 'gail@capenature.co.za'; 'sismail@capenature.co.za'; 'deon.fourie@westerncape.gov.za'; 'ddreyer@capenature.co.za'; Gerald Esau; Deon Louw; Tabiso Mfeya; Dupre Lombaard; Vernon Bowers; 'mpantsi@capenature.co.za'; Alwyn Hanekom
Cc: Piet Smit; Zikhona Lukani
Subject: record of meeting: jonkershoek 04 may 2017
Attachments: jonkershoek 04may2017 attendance register.pdf

Good morning All

Below are the Department of Human Settlements & Property Management (SM) notes from yesterday's meeting. Please add / delete / amend where necessary.

MEETING TO DISCUSS WAY FORWARD FOR JONKERSHOEK: 04 MAY 2017, 10h00: STELLENBOSCH MUNICIPALITY COUNCIL CHAMBERS

PRESENT: See attendance register attached

1. PRESENTATION BY SM DEPARTMENT OF HUMAN SETTLEMENTS & PROPERTY MANAGEMENT (PIET SMIT)
Historical background, pertinent issues and way forward
2. NATIONAL DEPARTMENT OF PUBLIC WORKS (NDPW) (FRED JOHNSON)
 - a. NDPW has received input from their legal services department and is now ready to sign 2007 MOU
 - b. Information has been requested from all municipalities where forestry villages are located with the view of transferring land to the relevant municipalities
 - c. Funding for infrastructure development is not part of the NDPW mandate, must deal with land issues only (Ministerial position: Where land is needed for low cost housing / security of tenure, NDPW will transfer land free of charge to the relevant municipality
 - d. NDPW is committed to portion of land indicated in our response (27 October 2016) to their request for information, to be released to Stellenbosch Municipality (Farms No 1507, 1508 & 1509, Stellenbosch). They still, however, need to follow the required internal processes
3. CAPE NATURE (GAIL CLEAVER-CHRISTIE)
 - a. CapeNature has recently been target of civil action
 - b. Was an active participant in the Jonkershoek Steering Committee in the past, wants to see resolution to the issue and will continue to support the process
 - c. CapeNature is prepared to vacate and hand over buildings currently occupied by it to Stellenbosch Municipality
 - d. CapeNature is not the owner of the land currently under discussion
4. WESTERN CAPE DEPARTMENT OF TRANSPORT & PUBLIC WORKS (DEON FOURIE)
 - a. Ownership of the land in question lies with NDPW
 - b. WCDT&PW only provides infrastructural support to CapeNature
 - c. Will consider agreement between itself and other role players, if required, going forward
5. WARD COUNCILLOR (CLLR JOUBERT)
 - a. Community wants land ownership issue to be resolved
 - b. Service delivery is not currently the issue
 - c. Process needs to be accelerated
6. MUNICIPAL MANAGER (GERALDINE METTLER)
 - a. Community representatives present have observer status only
 - b. Jonkershoek Steering Committee to be established as a matter of urgency

- c. The process of land transfers to be initiated and concluded
 - d. The Jonkershoek area has ecological significance and needs to be treated sensitively
 - e. The draft item to Council must include the MoU – must be on May 2017 Council agenda, permission for late item to be sought from Speaker
 - f. The development of the Spatial Development Framework (SDF) is a consultative process that involves the broader community and must be dealt with separately from this land issue.
 - g. Once SM gets ownership of land, only then can community issues around land be addressed
 - h. The Jonkershoek community must protect its own property and ensure that no more structures are added
7. AT 11h00 MM REQUESTED COMMUNITY REPRESENTATIVES TO BE EXCUSED FROM THE MEETING
8. WAY FORWARD
- a. MUNICIPAL MANAGER (GM): There is another informal settlement establishing on CapeNature land that needs to be attended to. SM needs MoU from CapeNature in this regard before Law Enforcement can act on this
 - b. NDPW (FJ): The portion/s of land to be transferred must be clearly identified before Ministerial Approval is sought
 - c. MUNICIPAL MANAGER (GM):
 - i. next meeting is set for 18 May 2017 at 10h00 whereafter the draft Item to Council needs to be revised and submitted as a late item for the May Council meeting
 - ii. SM to be represented by Tabiso Mfeya (must take process forward), Gerald Esau, Dupre Lombaard, Deon Louw, Piet Smit, Wally Johnstone
 - iii. CapeNature to draft MoU regarding new informal settlement
 - iv. Specific attention must be given to the fact that Jonkershoek is a key conservation area

Thank you very much

Kind regards

Wally Johnstone



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

JONKERSHOEK WAY FORWARD

04 MAY 2017 @ 10:00

COUNCIL CHAMBER, STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH

ATTENDANCE REGISTER

NO	NAME & SURNAME	DEPARTMENT	E-MAIL	CONTACT NR	SIGNATURE
1	Gerald Esau	Coun. & Protector	gerald.esau@stellenbosch.gov.za		[Signature]
2	Deon Louw	Eng. Services	deon.louw@stellenbosch.gov.za	0786019628	[Signature]
3	TABISO MFEYA	Human Resources	tabiso.mfeya@stellenbosch.gov.za	0723 895650	[Signature]
4	DUPRE LOMBARD	D: P+ED	dupre.lombard@stellenbosch.gov.za	021 808 8676	[Signature]
5	Sharon Bailey	Jonkershoek		079 421 6314	[Signature]
6	Doko NTOMBENHAYI	Jonkershoek		073 0703 380	[Signature]
7	Michele ABRAMMS	Jonkershoek		0723 451088	[Signature]
8	LUTHANDO GCEWEKA	JONKERSHOEK	lgceweka@gmail.com	0822 90 9164	[Signature]
9	SHAWELL TOMOSE	JONKERSHOEK		0739072905	[Signature]
10	ISAYA Mkhankumani	JONKERSHOEK	isaya.mkhankumani@stellenbosch.gov.za	021 808 8569	[Signature]
11	Vernon Bowers	Stell. Municipality	vernon.bowers@stellenbosch.gov.za	0845930491	[Signature]
12	Geraldine Mettler	Stellenbosch Municipality	municipal.manager@stellenbosch.gov.za	021 808 8025	[Signature]
13	Doreen Joubert	CPA	doreen.joubert@stellenbosch.gov.za	0722594851	[Signature]
14	Ossie Lamb	NAT DPW	ossie.lamb@dpw.gov.za	021 402 2175	[Signature]
15	VUYO NGONYAMA	NAT DPW	vuyo.ngonyama@dpw.gov.za	021-402-2102	[Signature]
16	FRED JOHNSON	NAT DPW	frederick.johnson@dpw.gov.za	021 402 2197	[Signature]
17	Gail Cleaver-Christie	Cape Nature	gail@capenature.co.za	021 4830002	[Signature]
18	Sisumail	Cape Nature	Sisumail@capenature.co.za	021 4830014	[Signature]
19	D. FOUR	Dep. Transport & Public Works	d.four@westerncape.gov.za	026 483 5422	[Signature]
20	DIAN DREYER	CAPENATURE	ddreyer@capenature.co.za	021 8711535	[Signature]



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

JONKERSHOEK WAY FORWARD

04 MAY 2017 @ 10:00

COUNCIL CHAMBER, STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH

ATTENDANCE REGISTER

NO	NAME & SURNAME	DEPARTMENT	E-MAIL	CONTACT NR	SIGNATURE
1	Melikhay Pautsi	CapeNature	mjpautsi@capenature.co.za	021 983 0167	
2	ADWYN HANEKOM	COUNCIL CLERK	ADWYN.HANEKOM@SBOSCH.CO.ZA	0727606606	
3	Wallyn Jansz	HSPM			
4	Piet Smit	HSPM			
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

3.7 Intervention required

The role of the Stellenbosch Municipality in the Jonkershoek Valley can be summarised as follows:

- **Service delivery** – the Constitution of the Republic of South Africa (Act 108 of 1996) in Chapter 2 (Bill of Rights) establishes the right of every citizen “to have access to adequate housing” and for organs of the state to take “reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right”. Furthermore, the Constitution guarantees the right of every citizen to health care, food, water, social security (Section 27) and education (Section 29) and obliges Municipalities, as one of their developmental duties, to “structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community” (Section 153).

In 2006 the NDPW formally requested Stellenbosch Municipality to take over responsibility for service delivery. In 2007 an agreement between NDPW and MTO whereby MTO would manage the forestry area expired and Op-die-Bult was released from the state forest area. Although the MAYCO of the Stellenbosch Municipality resolved in 2007 to take over management of the settlement, the conditions attached to that resolution remains outstanding. Service delivery at Op-die-Bult therefor remains in limbo and conditions for households living in the settlement remain extremely poor. The settlement falls within Stellenbosch Municipality’s area of jurisdiction and it can be argued that there is a moral obligation on the municipality to improve the living conditions of inhabitants by providing basic services to the area;

- **Forward planning** – The Spatial Planning and Land Use Management Act (SPLUMA), 2013 (Act 16 of 2013) provides for a system of spatial planning that includes spatial development frameworks to be “prepared and adopted by national, provincial and municipal spheres of government”. The Act identifies a number of development principles applicable to spatial planning which include that SDF’s must “address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements ... and areas characterised by widespread poverty and deprivation”.

Although two draft Jonkershoek Spatial Development Frameworks (SetPlan, 1999 and C K Rumble & Partners, 2011 /2012) were produced, neither of these documents have been formally adopted by Council. The current Stellenbosch Municipality SDF is also silent on the future spatial development of the Jonkershoek Valley and the area therefor exists within a spatial planning vacuum.

- **Integrated Development Planning (IDP)** – The Municipal Systems Act (MSA), 2000 (Act 32 of 2000) obligates municipalities to produce Integrated Development Plans (IDP's). An IDP must reflect, amongst others, an assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to municipal services.

The Stellenbosch Municipality IDP, in respect of Op-die-Bult, provides for the pursuit of eco-tourism partnerships with the public sector and the release of areas not required for forestry any longer for conservation and recreational purposes.

Given the above, it is imperative for the Stellenbosch Municipality to give effect to its commitment to service delivery at Op-die-Bult in a holistic and structured manner by adopting a focused approach that may, *inter alia*, include:

- A clear bias towards conservation in the Valley with all other uses being complimentary thereto and driven by the conservation agenda. Stellenbosch Municipality's role in this regard should be enabling and supportive;
- Containing forestry activities to the upper slopes of the Valley and, in the long term, rationalize forestry-related activities even further to provide for focused employment opportunities;
- Releasing strategic portions of land within the Mixed Use Precinct from the provisions of the 99-year Lease Agreement between Stellenbosch Municipality and RSA to be made available for the conservation agenda;
- Rationalizing and containing residential use into one clearly defined area and located on already disturbed land where it will have the least impact on the natural environment, where the impact of services infrastructure development will be minimized and the prospects of continued service delivery enhanced; and
- A clear and focused approach to management in the Valley.

3.8 Issues raised during discussions between the various internal departments

The Directorate: Human Settlements and Property Management has arranged inter-departmental discussions on the future service delivery options for Jonkershoek on 14 November 2016 and 15 March 2017. During these discussions the following were highlighted:

- Jonkershoek has not been identified as a node in the current Draft Spatial Development Framework and the preparation of a broad framework plan for Jonkershoek for inclusion in the SDF Review process must be considered;
- There is in principle agreement that there is a need for township establishment;
- Conservation can be seen as a municipal function and CapeNature may not be the appropriate entity to run the conservation agenda in Jonkershoek;
- Stellenbosch Municipality must retain control over land and conservation – the land must be kept in municipal ownership;
- Residential use in the Mixed Use Precinct must be contained;
- The possibility that NDPW may have breached the conditions of the 1936 Lease Agreement must be investigated and, if so, the lease must be terminated;

- The Eerste River is a very important source of water for the Stellenbosch Municipality and its integrity must be protected;
- Stellenbosch Municipality cannot establish a township for each existing residential settlement in the Mixed Use Precinct;
- Stellenbosch Municipality's involvement in Jonkershoek must be structured and not on an adhoc basis;
- Alternative sites for human settlement outside Jonkershoek should be investigated to accommodate overflow, if required; and
- The Directorate: Human Settlements and Property Management must prepare and submit an item to Council to solicit Council's view on the way forward and to obtain a fresh mandate.

4. COMMENTS BY RELEVANT DEPARTMENTS

4.1 Community Services

XXX

4.2 Economic Development and Planning

XXX

4.3 CFO

XXX

4.4 Legal Department

XXX

4.5 Engineering & Technical Services

XXX

5. CONCLUSION

There is a constitutional and moral obligation on the Stellenbosch Municipality to deliver basic services to the inhabitants of Jonkershoek's Mixed Use Precinct.

In addition to its responsibilities as landowner, the Stellenbosch Municipality's role in Jonkershoek includes service delivery, forward planning and integrated development planning.

The NDPW has in 2006 requested Stellenbosch Municipality to deliver services to Op-die-Bult until such time as township establishment is effected.

The Stellenbosch Municipality's Mayoral Committee, on 21 November 2007, approved a Memorandum of Agreement whereby the Municipality would take over the management of Op-die-Bult subject to conditions.

The full extent of the financial implications of taking over service delivery in the area is not determinable at this stage.

The NDPW has, in October 2016, recommitted itself to transferring the Forest Villages, including Op-die-Bult, to Stellenbosch Municipality.

Comment [DL2]: Please liaise with this directorate to do a joint report as required in terms of the above-mentioned Council decision.

The NDPW communication (Section 3.5 above) calls for a holistic approach to addressing the issue relating to Forest Villages by including "the transfer of home ownership, the funding of infrastructure and also the future planning and sustainable economic development" as "pertinent issues" to be considered.

The Jonkershoek Valley is the prime conservation area of Stellenbosch Municipality.

The Jonkershoek Valley should be afforded nodal status during the Stellenbosch Municipality SDF Review process with appropriate policy directives.

Land uses in the Mixed Use Precinct must be rationalised to allow for the sustainable delivery of engineering services.

A steady increase in the number of informal structures in the Mixed Use Precinct threatens to further deteriorate the poor living conditions in the area.

A management approach needs to be adopted and broadly based on the existing Draft Memorandum of Understanding negotiated between the various role players that allows each entity to focus on its core function/s.

It is therefore

RECOMMENDED

- (a) that Council recommits itself to taking over the management of Op-die-Bult as per the Memorandum of Agreement approved by the Mayoral Committee on 21 November 2007;
- (b) that a Status Quo investigation on the extent and condition of engineering services in the Mixed Use Precinct be conducted to allow for an accurate estimation of costs related to service delivery and services infrastructure upgrade;
- (c) that the content of the Draft Memorandum of Understanding be revisited to include, amongst others:
 - i. early termination of the 1936 Notarial Lease Agreement between Stellenbosch Municipality and the Republic of South Africa (NDPW);
 - ii. reallocation of land between the three major land use categories (conservation, township use and forestry);
 - iii. costs related to township establishment; and
 - iv. contribution towards the costs of services infrastructure upgrade; and
- (d) that the Department: Property Management be instructed to resume negotiations /discussions with the other two public landowners, the National and Provincial Departments of Public Works, and Cape Pine / MTO in order to facilitate agreement on land and service delivery issues

LIST OF ANNEXURES

Annexure A:

Annexure B:

Annexure C:

Annexure D:

Annexure E:

APPENDIX 10

Stellenbosch Municipality

MEETING MINUTES

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 MAY 2018	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
1. Meeting Objective			
SCHEDULED MEETING			
2. Attendance at Meeting			
Name	Organization	E-mail	Phone
Wally Johnstone (WJ)	SM: HS & PM	Hspm.Management@stellenbosch.gov.za	082 332 6793
Elzette van der Westhuizen (EV)	WC DT & PW	Elzette.vanderwesthuizen@westerncape.gov.za	
Deon Fourie (DF)	WC DT & PW	Deon.Fourie@westerncape.gov.za	021 483 5422
Melikhaya Pantsi (MP)	CapeNature	mpantsi@capenature.co.za	021 483 0167
Ntuthuzelo Ponoyi (NP): Chairperson	MTO	Ntuthu@mto.co.za	082 909 0034
Sydwell Tomose (ST)	Jonkershoek Community		073 907 2705
Luthando Gweka (LG)	Jonkershoek Community	llgweka@gmail.com	082 290 9164
Sharon Bailey (SB)	Jonkershoek Community		079 421 6314
M Abrahams (MA)	Jonkershoek Community		072 345 1088
Piet Smit (PS)	SM: HS & PM	Piet.Smit@stellenbosch.gov.za	084 506 5065
Lindsay Jephtha (LJ)	WC DCAS	Lindsay.jephtha@westerncape.gov.za	072 875 0233 / 021 483 9722
Patrick Shone (PSh)	CapeNature	pshone@capenature.co.za	082 467 0405
Craig Johnson	WC DCAS	Craig.Johnson@westerncape.gov.za	021 483 9715
Ifumeleng Langeni	MTO	ifumeleng@mto.co.za	
Isaya Nkunkumana	Jonkershoek Community		083 248 9796
Apologies			
Thabiso Mfeya (TM)	SM: HS & PM	Thabiso.Mfeya@stellenbosch.gov.za	072 389 5650
Lester Vanstavel	SM: New Housing	Lester.Vanstavel@stellenbosch.gov.za	021 808 8462
Johru Robyn	NDPW	Johru.Robyn@stellenbosch.gov.za	021 808 8460
Deon Louw (DL)	SM: Engineering Services	deon.louw@stellenbosch.gov.za	021 483 0167
Adele Groenewald	NDPW	Adele.Groenewald@dpw.gov.za	021 402 2049
Notes Issued & Decisions			
Topic			Owner
Minutes of Meeting held on 16 November 2017			
The minutes of the meeting held on 16 November 2017 was adopted with additions / corrections.			
Proposed, M Pantsi and seconded, P Smit			
Additions to the minutes:			
MTO requested that Department of Agriculture Forestry and Fishing (DAFF), as landowner, to also sign			

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 MAY 2018	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
MoU.			
Corrections to the minutes:			
<ul style="list-style-type: none"> ▪ Page 2: under Arising, "user department" - spelling to be corrected ▪ Page 3: under Engineering services, 7th bullet – not for PS to action, rather the appropriate engineering branch at SM 			WJ
Matters Arising:			
1. Representation by WC Department of Human Settlement (WC DHS) on the Steering Committee: WJ to check with LvS if he has discussed the issue with the Department and report to next meeting			WJ
2. Upgrading of services in Jonkershoek has been included in draft Stellenbosch Municipality budget. Once MoU has been signed SM can proceed with interim services provision			
3. MoU was amended as per the meeting on 16 November 2017 and circulated to all stakeholders			
4. Assegaibos ownership rectification is in process. The City of Cape Town has provided WC DT&PW with power of attorney			
5. Sewage-related services requirements: SM engineers only act on request from community and / or CapeNature			
6. Planned briefing session for SM Municipal Manager and Executive Mayor to be pursued by Co-Chairs and feedback provided by next meeting. Session to also include SM Directors of Human Settlements, Engineering Services and Planning & Economic Development			MP / NP
7. General area cleaning in Jonkershoek: A meeting was arranged with SM Engineering Directorate, but the department responsible for area cleaning was not represented. PS and WJ will elevate the issue to the appropriate SM Director			PS / WJ
8. Six months have passed since the last meeting of the Steering Committee on 16 November 2017. The Committee agreed that meetings should be held more regularly			WJ
Agenda			
The Draft Agenda circulated was adopted. An additional item relating to Threats against Committee Members was added			
Point of Order: WC DCAS			
A point of order requesting that WC DCAS representatives be excused from the meeting was raised by the Jonkershoek Committee (IN) because the Committee is of the opinion that WC DCAS does not show commitment to the issues being discussed. After debate it was agreed to proceed with the meeting with WC DCAS present and that an urgent effort be made to facilitate a meeting between the Jonkershoek Community Committee and the relevant officials at DCAS. The meeting agreed that LJ take up the issue with DCAS senior management. WJ and LJ to set up meeting with MP and DCAS officials			WJ / LJ

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 MAY 2018	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
Land ownership and land transfer issues			
Assegaiibos land transfer has been lodged with State Attorney by WC DT&PW. City of Cape Town has provided Power of Attorney.			
Transfer of Jonkershoek land has reached a stalemate as a result of issues related to financial responsibility for service delivery. This has impacted on the signing of the MoU. WC DT&PW preferred option is a Land Availability Agreement with SM that allows for eventual transfer of relevant land parcels to beneficiaries of township establishment processes and appropriate user departments. NDPW has requested meeting with WC DT&PW by Friday, 25 May 2018. The following items must be added to the agenda for that meeting:			
<ul style="list-style-type: none"> ▪ Letter from NDPW regarding interim services to be rendered in Jonkershoek ▪ Signing of the MoU ▪ The CapeNature offices 			
Outcome of this meeting will determine the way forward and a Special Meeting of the Jonkershoek Steering Committee is to be arranged following the conclusion of this NDPW / WC DT&PW meeting. MTO needs to be kept informed of developments in this regard as they have a vested interest. Okkie Jooste is part of SM land leased to NDPW who in turn made the land available to WC PG.			
Memorandum of Agreement (MoA) & Memorandum of Understanding (MoU)			
This will be guided by the land ownership and land transfer issues above and will be discussed at next meeting of the Steering Committee			
Social survey			
<ul style="list-style-type: none"> ▪ Fieldwork has been completed and a Draft Report has been presented to the Jonkershoek Community Committee by SM Informal Settlements Department. The draft is currently under review by the Community Committee. The Draft Survey Report will be presented to the next meeting of the Steering Committee ▪ Some Jonkershoek residents initially refused to be surveyed and this has led to strained relationships between residents leasing accommodation from MTO and the rest of the community. Community has requested MTO that lessees be requested to leave Jonkershoek. SM / MTO / Community Committee to find an amicable solution to this issue through engagement 			
Engineering services			
<ul style="list-style-type: none"> ▪ Community was not consulted before contractors were appointed by SM to construct bus stop in Jonkershoek. Contractors arriving on site took the community by surprise and sparked protest action. The Community Committee was referred to the Ward Councillor when the Contractor was approached. Committee requested that the Ward Councillor be properly informed as it would seem that there is some miscommunication in respect of service delivery issues ▪ SM and Jonkershoek Community Committee to discuss the relationship with the Ward Committee 			
Threats to Community Committee Members			
Community Committee reported threats against members of the committee by a member of the public and that it was clear that this person was well-informed. The Community Committee is of the view that information regarding the process is "leaked" by someone. The Committee also reported that the annual Jonkershoek Run had been cancelled, reportedly, as a result of word being spread that "Jonkershoek is too risky" The Committee reported that the situation was becoming tense. Members were advised to report all such threats to SAPS			
General			
<ul style="list-style-type: none"> ▪ Non-responsive requests for meetings, etc to be elevated to Co-chairpersons. MP and NP to liaise with various roleplayers in order to secure meetings where requests are ignored ▪ Co-chairs to be copied in all correspondence ▪ PS requested that it be recorded that he feels "uncomfortable being threatened" following statements by Committee members 			
Action			
Outstanding from previous meeting		Owner	Due Date

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE				
Date of Meeting:	22 MAY 2018	Time:	10h00		
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek		
1.	Invite WC DHS to future meetings		LV		Next meeting
2.	Arrange urgent meeting with Stellenbosch Municipality Municipal Manager and relevant Directors. It was requested that this issue to be given high priority (IL)		NP / MP		Next meeting
3.	Invite WC Department of Human Settlements to next meeting		LvS / WJ		Next meeting
4.	Engage relevant SM department regarding area cleaning. This issue to be elevated to the appropriate SM Director		PS		Next meeting
5.	SM to investigate free Wi-Fi for Jonkershoek		WJ		Next meeting
New actions					
6.	Elevate area cleaning in Jonkershoek to relevant SM Director		PS / WJ		Next meeting
7.	Set up meeting with MP and DCAS officials		LJ / WJ		urgent
8.	Schedule Special Meeting of Jonkershoek Steering Committee		WJ / DF		urgent
Next Meeting					
Date:	2 alternative dates in July to be circulated	Time:	TBC	Location:	TBC
Approved Minutes					
Proposed		Seconded			
Signed: Chairperson		Date			

Stellenbosch Municipality

MEETING MINUTES

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 JUNE 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
1. Meeting Objective			
SCHEDULED MEETING			
2. Attendance at Meeting			
Name	Organization	E-mail	Phone
Wally Johnstone (WJ)	SM: HS & PM	Hspm.Management@stellenbosch.gov.za	082 332 6793
Patty Gordon (PG)	WC DT & PW		
Matthews ?? (MM)	WC DT & PW		
Melikhaya Pantsi (MP)	CapeNature	mpantsi@capenature.co.za	021 483 0167
Vuyo Ngonyama (VN)	NDPW	Vuyo.Ngonyama@dpw.gov.za	021 402 2102
Adele Groenewald (AG)	NDPW	Adele.Groenewald@dpw.gov.za	021 402 2049
Ntuthuzelo Ponoyi (NP)	MTO	Ntuthu@mto.co.za	082 909 0034
Sydwell Tomose (ST)	Jonkershoek Community		073 907 2705
Luthando Gcweka (LG)	Jonkershoek Community	llgcweka@gmail.com	082 290 9164
Sharon Bailey (SB)	Jonkershoek Community		079 421 6314
M Abrahams (MA)	Jonkershoek Community		072 345 1088
Piet Smit (PS)	SM: HS & PM	Piet.Smit@stellenbosch.gov.za	084 506 5065
Leon Lourens (LL)	SM: Environment	Leon.Louw@stellenbosch.gov.za	
Apologies			
Thabiso Mfeya (TM)	SM: HS & PM	Tabiso.Mfeya@stellenbosch.gov.za	072 389 5650
Gail Cleaver-Christie (GC)	CapeNature	Gail@capenature.co.za	021 483 0002
Vernon Bowers (VB)	SM: Corporate Services	Vernon.Bowers@stellenbosch.gov.za	084 5936491
Gerald Esau (GE)	SM: C & PS	Gerald.Esau@stellenbosch.gov.za	
Dupre Lombaard (DuL)	SM: ED & P	Dupre.Lombaard@stellenbosch.gov.za	021 808 8676
Deon Louw (DL)	SM; Engineering Services	Deon.Louw@stellenbosch.gov.za	078 801 9628
Deon Fourie (DF)	WC DT & PW	Deon.Fourie@westerncape.gov.za	021 483 5422
Dian Dreyer (DD)	CapeNature	ddreyer@capenature.co.za	021 871 1535
Ossie Lamb (OL)	NDPW	Ossie.Lamb@dpw.gov.za	021 402 2175
Isaya Nkunkumana (IN)	Jonkershoek Community	Isaya.Nkunkumana@stellenbosch.gov.za	083 248 9796
3. Notes, Issues & Decisions			
Topic			Owner
Minutes of Meeting held on 18 May 2017			
The minutes of the meeting held on 18 May 2017 (amended) as circulated was adopted.			

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 JUNE 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
Proposed, P Smit and seconded, Sydwell Tomose			
Additions to the minutes:			
LG requested that the following statement made by NDPW (OL) at the meeting be added:			
"If SM does not use the land at Jonkershoek for township establishment after transfer, then NDPW can request that the land revert back to NDPW"			
Arising:			
1.	The Departments of Human Settlements, both Provincial (WC) and National to be invited to future meetings of the Steering Committee		WJ
2.	Comments / input on Memorandum of Understanding & Memorandum of Agreement CapeNature: Legal Department has confirmed wording and content of both documents. CEO will sign when finalised. MTO: As a result of the recent Knysna fires, final input could not be provided. Land parcels under lease agreement with DAFF need liaison with two Ministers (NDPW & DAFF) before they can be released. A one-on-one discussion (MTO / SM) is needed to clarify land parcels. NDPW: In principle there is no issue with the documents – legal department must still peruse. Clarity on the exact portions of land the community is located on is required. WC DT & PW: Documents have been referred to legal department for input / comment. Jonkershoek Community: Work session with SM was held on 12 June 2017 to clarify some issues relating to both MoU and MoA and community concerns / comments incorporated into amended documents. Awaiting further input from roleplayers before next draft will be considered.		MP NP OL / VN DF / PG
3.	SM has initiated process of appointing land surveyor to clarify anomalies relating to land parcels. This should not delay progress as technical processes can run parallel to legal process.		WJ / PS
4.	There will be two agreements: one between MTO / NDPW and another between SM / NDPW.		
5.	The Western Cape Department of Cultural Affairs & Sport has been informed of the current process and the meeting. SM will arrange to meet with and invite the department to the next meeting.		WJ
6.	The community is currently comfortable with the control they have in managing new entrants into the community, but social surveys should be completed as soon as possible. SM must work with community representatives regarding social surveys.		WJ / LG
7.	The need for service level agreements with CapeNature and WC DT & PW to be confirmed as part of their feedback on MoU and MoA.		MP / DF
8.	Preliminary survey of existing services: MTO and CapeNature to provide SM with brief status quo of services they are currently providing and highlight critical areas of intervention by Friday, 30 June 2017. SM will arrange one-on-one with community representatives regarding services relating to the informal areas.		MP / NP / WJ
9.	Transfer of land and ministerial approval: NDPW needs clarity on land parcels required before ministerial approval can be sought. The proposed land transfers will impact on the current 99-year lease and technocratic processes should be dealt with as soon as possible. This is a lengthy process and service delivery is key even before legal processes are completed.		ALL

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 JUNE 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
Interim service delivery action items and timeframes SM will need to have access to bulk services in Jonkershoek. SM Waste Management Department is currently discussing the introduction of trolley bins with CapeNature. LL to follow up with department. Community representatives believe that waste removal is "questionable" and that SM should remove waste from where people are living. The provision of bus shelters for learners during winter months must be investigated by SM. Decision: SM to engage MTO and CapeNature regarding the current services they provide in order to avoid duplication and allow SM to "plug the holes". SM to discuss interim service delivery issues with community representatives during first week of July and after reports from MTO and CapeNature have been received...			LL WJ NP / WJ / LG
Financial Implications Clarity is first required on roles and responsibilities before role-players can engage regarding financial implications Decision: Detailed discussions to be had later on in the process.			ALL
4. Action Items			
Action	Owner	Due Date	
Invite NDHS and WC DHS to future meetings	Wally Johnstone	Next meeting	
MTO, NDPW and WC DT&PW to provide written input / comment on the MoU and MoA	MTO, NDPW, WC DT&PW	07 July 2017	
Meet with WC DCA&S	Wally Johnstone	31 July 2017	
CapeNature and WC DT&PW to confirm need for service level agreements	CapeNature/DT&PW	07 July 2017	
Status quo of existing services and critical areas of intervention	MTO / CapeNature	30 June 2017	
SM / Community meeting re interim service delivery	WJ / LG	07 July 2017	
Investigate the provision of bus shelters for learners	Wally Johnstone	Next meeting	
Follow up on the provision of trolley bins for waste removal	LL	Next meeting	
5. Next Meeting			
Date:	24 August 2017	Time:	10h00
Location:	CapeNature		

Stellenbosch Municipality

MEETING MINUTES

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 JUNE 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
1. Meeting Objective			
SCHEDULED MEETING			
2. Attendance at Meeting			
Name	Organization	E-mail	Phone
Wally Johnstone (WJ)	SM: HS & PM	Hspm.Management@stellenbosch.gov.za	082 332 6793
Patty Gordon (PG)	WC DT & PW		
Matthews ?? (MM)	WC DT & PW		
Melikhaya Pantsi (MP)	CapeNature	mpantsi@capenature.co.za	021 483 0167
Vuyo Ngonyama (VN)	NDPW	Vuyo.Ngonyama@dpw.gov.za	021 402 2102
Adele Groenewald (AG)	NDPW	Adele.Groenewald@dpw.gov.za	021 402 2049
Ntuthuzelo Ponoyi (NP)	MTO	Ntuthu@mto.co.za	082 909 0034
Sydwell Tomose (ST)	Jonkershoek Community		073 907 2705
Luthando Gcweka (LG)	Jonkershoek Community	llgcweka@gmail.com	082 290 9164
Sharon Bailey (SB)	Jonkershoek Community		079 421 6314
M Abrahams (MA)	Jonkershoek Community		072 345 1088
Piet Smit (PS)	SM: HS & PM	Piet.Smit@stellenbosch.gov.za	084 506 5065
Leon Lourens (LL)	SM: Environment	Leon.Louw@stellenbosch.gov.za	
Apologies			
Thabiso Mfeya (TM)	SM: HS & PM	Tabiso.Mfeya@stellenbosch.gov.za	072 389 5650
Gail Cleaver-Christie (GC)	CapeNature	Gail@capenature.co.za	021 483 0002
Vernon Bowers (VB)	SM: Corporate Services	Vernon.Bowers@stellenbosch.gov.za	084 5936491
Gerald Esau (GE)	SM: C & PS	Gerald.Esau@stellenbosch.gov.za	
Dupre Lombaard (DuL)	SM: ED & P	Dupre.Lombaard@stellenbosch.gov.za	021 808 8676
Deon Louw (DL)	SM: Engineering Services	Deon.Louw@stellenbosch.gov.za	078 801 9628
Deon Fourie (DF)	WC DT & PW	Deon.Fourie@westerncape.gov.za	021 483 5422
Dian Dreyer (DD)	CapeNature	ddreyer@capenature.co.za	021 871 1535
Ossie Lamb (OL)	NDPW	Ossie.Lamb@dpw.gov.za	021 402 2175
Isaya Nkunkumana (IN)	Jonkershoek Community	Isaya.Nkunkumana@stellenbosch.gov.za	083 248 9796
3. Notes, Issues & Decisions			
Topic			Owner
Minutes of Meeting held on 18 May 2017			
The minutes of the meeting held on 18 May 2017 (amended) as circulated was adopted.			

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 JUNE 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
Proposed, P Smit and seconded, Sydwell Tomose			
Additions to the minutes:			
LG requested that the following statement made by NDPW (OL) at the meeting be added:			
"If SM does not use the land at Jonkershoek for township establishment after transfer, then NDPW can request that the land revert back to NDPW"			
Arising:			
1.	The Departments of Human Settlements, both Provincial (WC) and National to be invited to future meetings of the Steering Committee		WJ
2.	Comments / input on Memorandum of Understanding & Memorandum of Agreement		
	CapeNature: Legal Department has confirmed wording and content of both documents. CEO will sign when finalised.		MP
	MTO: As a result of the recent Knysna fires, final input could not be provided. Land parcels under lease agreement with DAFF need liaison with two Ministers (NDPW & DAFF) before they can be released. A one-on-one discussion (MTO / SM) is needed to clarify land parcels.		NP
	NDPW: In principle there is no issue with the documents – legal department must still peruse. Clarity on the exact portions of land the community is located on is required.		OL / VN
	WC DT & PW: Documents have been referred to legal department for input / comment.		
	Jonkershoek Community: Work session with SM was held on 12 June 2017 to clarify some issues relating to both MoU and MoA and community concerns / comments incorporated into amended documents. Awaiting further input from roleplayers before next draft will be considered.		DF / PG
3.	SM has initiated process of appointing land surveyor to clarify anomalies relating to land parcels. This should not delay progress as technical processes can run parallel to legal process.		WJ / PS
4.	There will be two agreements: one between MTO / NDPW and another between SM / NDPW.		
5.	The Western Cape Department of Cultural Affairs & Sport has been informed of the current process and the meeting. SM will arrange to meet with and invite the department to the next meeting.		WJ
6.	The community is currently comfortable with the control they have in managing new entrants into the community, but social surveys should be completed as soon as possible. SM must work with community representatives regarding social surveys.		WJ / LG
7.	The need for service level agreements with CapeNature and WC DT & PW to be confirmed as part of their feedback on MoU and MoA.		MP / DF
8.	Preliminary survey of existing services: MTO and CapeNature to provide SM with brief status quo of services they are currently providing and highlight critical areas of intervention by Friday, 30 June 2017. SM will arrange one-on-one with community representatives regarding services relating to the informal areas.		MP / NP / WJ
9.	Transfer of land and ministerial approval: NDPW needs clarity on land parcels required before ministerial approval can be sought. The proposed land transfers will impact on the current 99-year lease and technocratic processes should be dealt with as soon as possible. This is a lengthy process and service delivery is key even before legal processes are completed.		ALL

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	22 JUNE 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
Interim service delivery action items and timeframes SM will need to have access to bulk services in Jonkershoek. SM Waste Management Department is currently discussing the introduction of trolley bins with CapeNature. LL to follow up with department. Community representatives believe that waste removal is "questionable" and that SM should remove waste from where people are living. The provision of bus shelters for learners during winter months must be investigated by SM. Decision: SM to engage MTO and CapeNature regarding the current services they provide in order to avoid duplication and allow SM to "plug the holes". SM to discuss interim service delivery issues with community representatives during first week of July and after reports from MTO and CapeNature have been received...			LL WJ NP / WJ / LG
Financial Implications Clarity is first required on roles and responsibilities before role-players can engage regarding financial implications Decision: Detailed discussions to be had later on in the process.			ALL
4. Action Items			
Action	Owner	Due Date	
Invite NDHS and WC DHS to future meetings	Wally Johnstone	Next meeting	
MTO, NDPW and WC DT&PW to provide written input / comment on the MoU and MoA	MTO, NDPW, WC DT&PW	07 July 2017	
Meet with WC DCA&S	Wally Johnstone	31 July 2017	
CapeNature and WC DT&PW to confirm need for service level agreements	CapeNature/DT&PW	07 July 2017	
Status quo of existing services and critical areas of intervention	MTO / CapeNature	30 June 2017	
SM / Community meeting re interim service delivery	WJ / LG	07 July 2017	
Investigate the provision of bus shelters for learners	Wally Johnstone	Next meeting	
Follow up on the provision of trolley bins for waste removal	LL	Next meeting	
5. Next Meeting			
Date:	24 August 2017	Time:	10h00
Location:	CapeNature		

Stellenbosch Municipality

MEETING MINUTES

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	24 AUGUST 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	CapeNature Boardroom, Jonkershoek
1. Meeting Objective			
SCHEDULED MEETING			
2. Attendance at Meeting			
Name	Organization	E-mail	Phone
Wally Johnstone (WJ)	SM: HS & PM	Hspm.Management@stellenbosch.gov.za	082 332 6793
Gail Cleaver-Christie (GC)	CapeNature	gail@capenature.co.za	082 377 2040
Deon Fourie (DF)	WC DT & PW	Deon.Fourie@westerncape.gov.za	021 483 5422
Deon Louw (DL)	SM: Engineering Services	deon.louw@stellenbosch.gov.za	021 483 0167
Marietjie King (MK)	NDPW	Marietjie.king@dpw.gov.za	021 402 2118
Adele Groenewald (AG)	NDPW	Adele.Groenewald@dpw.gov.za	021 402 2049
Melikhaya Pantsi (MP)	CapeNature	mpantsi@capenature.co.za	021 483 0167
Ntuthuzelo Ponoyi (NP): Chairperson	MTO	Ntuthu@mto.co.za	082 909 0034
Sydwell Tomose (ST)	Jonkershoek Community		073 907 2705
Luthando Gcweka (LG)	Jonkershoek Community	llgcweka@gmail.com	082 290 9164
Sharon Bailey (SB)	Jonkershoek Community		079 421 6314
M Abrahams (MA)	Jonkershoek Community		072 345 1088
Isaya Nkunkumana (IN)	Jonkershoek Community	Nkunkumana86@gmail.com	083 248 9796
Piet Smit (PS)	SM: HS & PM	Piet.Smit@stellenbosch.gov.za	084 506 5065
M O Maenetja (OM)	National DHS	Ophilly.maenetza@dhs.gov.za	083 406 6976
Xola Njomono (XN)	WC DCAS	Xola.njomono@westerncape.gov.za	078 538 2514
Lindsay Jephtha (LJ)	WC DCAS	Lindsay.jephtha@westerncape.gov.za	072 875 0233 / 021 483 9722
Apologies			
Thabiso Mfeya (TM)	SM: HS & PM	Tabiso.Mfeya@stellenbosch.gov.za	072 389 5650
Dupre Lombaard (DuL)	SM: ED & P	Dupre.Lombaard@stellenbosch.gov.za	021 808 8676
Ossie Lamb (OL)	NDPW	Ossie.Lamb@dpw.gov.za	021 402 2175
Notes, Issues & Decisions			
Topic			Owner
Minutes of Meeting held on 22 June 2017			
The minutes of the meeting held on 22 June 2017 was adopted as circulated.			
Proposed, A Groenewald and seconded, M Pantsi			

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	24 AUGUST 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	CapeNature Boardroom, Jonkershoek
Additions to the minutes:			
No additions to the minutes were tabled			
Arising:			
1.	The National Department of Human Settlement (NDHS) was represented by Ms M O Maenetja and the WC Department of Cultural Affairs & Sport (DCAS) by Ms L Jephtha and Ms X Njomolo. NDHS will ensure that the appropriate official from WC Department of Human Settlement (WC DHS) be invited to attend future meetings of the Steering Committee		OM
2.	A separate meeting must be held between CapeNature and SM to draft bilateral Service Level Agreement (SLA) between the two. This should, however, not hamper the overall MoU / MoA process		WJ
3.	Services Status Quo reports have been received from CapeNature and MTO and has been discussed with community representatives. Services need to be mapped and a walk-about with all roleplayers to be arranged to do mapping		WJ
Role of National Department of Human Settlements			
Community representatives clarified their request for NDHS to be part of the process. The community would prefer the housing development in Jonkershoek to be managed by NDHS and requested a brief overview of the steps in a housing development process and what support the community can expect from NDHS.			
NDHS is committed to be part of the process. The Department requires a formal presentation from the community. NDHS works closely with provincial departments, but implementation of housing projects happens at ground (municipal) level.			
NDHS has various housing delivery programmes and the Jonkershoek process fits in with the National Rapid Response Task Team. (This task team has as one of its areas of focus <i>the employment of youth of an area to help document the challenges of that area (from NDHS budget speech 2017)</i>). The provincial department, however, must be part of the process. NDHS places high value on MoA's, MoU's and SLA's between roleplayers.			
Community representatives expressed concern that SM may want to use land in Jonkershoek for purposes other than housing delivery or for large scale housing to address municipality-wide need for housing.			
SM has committed to sustainable development at Jonkershoek and has no intention of providing large scale housing in the area. Op-die-Bult can, however, not be considered in isolation from the rest of the area. The participation of NDHS in this process is of critical importance.			
The Chairperson encouraged the meeting to focus on the road ahead and reminded participants that we have moved on from where we started,			
SM to arrange meeting / discussion between NDHS, WC DHS, SM and community representatives.			
Transfer of land			
Discussions on the transfer of land will be held in abeyance pending a meeting of all the landowners / landholders involved. This meeting will include MTO, SM, CapeNature, WC T&PW, NDPW and DAFF (NP will invite relevant official/s from DAFF)			
The report of the land surveyor confirming existing cadastral boundaries and extent of lease area was circulated. PS noted that the report confirms that boundary adjustments have been made and approved by SG without SM's approval. This issue must be addressed during the course of this process. SM to arrange meeting with land surveyor to present report and must include MTO, NDPW, WC T&PW and CapeNature			
Memorandum of Agreement (MoA) & Memorandum of Understanding (MoU)			
MoA can only be finalized after the meeting with the land surveyor as it needs to include information of a technical nature that must be confirmed at this meeting. The MoU, however, is very broad and does not have to be delayed because of the details of the land issue. SM to circulate draft MoU for final comment / input and to engage stakeholders to finalize MoU – to be signed as soon as possible			
Social survey			
The survey must be a participatory exercise and be used to build capacity in the community. Community members must be meaningfully involved in recording their own reality. SM to arrange for a meeting between Informal Settlements (SM) and community representatives to discuss the survey			

Stellenbosch Municipality

MEETING MINUTES

Meeting:	JONKERSHOEK LAND SURVEYOR REPORT BACK & SITE VISIT		
Date of Meeting:	21 SEPTEMBER 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	CapeNature Boardroom, Jonkershoek
1. Meeting Objective			
TO RECEIVE A REPORT BACK FROM THE LAND SURVEYOR ON THE EXTENT OF THE 99-YEAR LEASE AREA AND TO DO A SITE VISIT TO FAMILIARISE PARTICIPANTS WITH CURRENT CONDITIONS			
2. Attendance of Meeting			
Name	Organization	E-mail	Phone
Wally Johnstone (WJ)	SM: HS & PM	Hspm.Management@stellenbosch.gov.za	082 332 6793
Damien Burger (DB)	Friedlaender, Burger & Volkmann	damien@fbvsurvey.co.za	
Patrick Shone (PS)	CapeNature	pshone@capenature.co.za	082 467 0405
Deon Fourie (DF)	WC DT & PW	Deon.Fourie@westerncape.gov.za	021 483 5422
Marjetjie King (MK)	NDPW	Marjetjie.king@dpw.gov.za	021 402 2118
Adele Groenewald (AG)	NDPW	Adele.Groenewald@dpw.gov.za	021 402 2049
Ntuthuzelo Ponoyi (NP): Chairperson	MTO	Ntuthu@mto.co.za	082 909 0034
Sydwell Tomose (ST)	Jonkershoek Community		073 907 2705
Luthando Gcweka (LG)	Jonkershoek Community	llgcweka@gmail.com	082 290 9164
Sharon Bailey (SB)	Jonkershoek Community		079 421 6314
Piet Smit (PS)	SM: HS & PM	Piet.Smit@stellenbosch.gov.za	084 506 5065
Lindsay Jephtha (LJ)	WC DCAS	Lindsay.jephtha@westerncape.gov.za	072 875 0233 / 021 483 9722
Johru Robyn	SM: Informal Settlements	Johru.Robyn@stellenbosch.gov.za	021 808 8460
Lester van Stavel	SM: New Housing	Lester.vanstavel@stellenbosch.gov.za	
Apologies			
Thabiso Mfeya (TM)	SM: HS & PM	Tabiso.Mfeya@stellenbosch.gov.za	072 389 5650
Dupre Lombaard (DuL)	SM: ED & P	Dupre.Lombaard@stellenbosch.gov.za	021 808 8676
Ossie Lamb (OL)	NDPW	Ossie.Lamb@dpw.gov.za	021 402 2175
Deon Louw	SM: Engineers	Deon.Louw@stellenbosch.gov.za	
Notes, Issues & Decisions			
Topic			Owner
Report back on extent of 99-year lease area: Damien Burger (Friedlaender, Burger & Volkmann)			
Land surveyor's brief was limited to confirming the extent of land included in the 99-year lease entered into between Stellenbosch Municipality and Republic of South Africa (1936) and the status of portions of municipal land included in state land through subdivision and consolidation.			
Lease area confirmed as:			

Stellenbosch Municipality

Meeting:	JONKERSHOEK LAND SURVEYOR REPORT BACK & SITE VISIT		
Date of Meeting:	21 SEPTEMBER 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	CapeNature Boardroom, Jonkershoek
<p>Reserve A (Portion 2 of Farm No 352, Stellenbosch): 110.1111ha Reserve B (Portion 3 of Farm No 352, Stellenbosch): 7.9756ha Reserve C (Portion 1 of Farm No 358, Stellenbosch): 30.3844ha Reserve E (Portion 3 of Farm No 358, Stellenbosch): 17.3279ha Total lease area: 165.7990ha</p> <p>Reserve D (Portion 2 of Farm No 358) is municipal land that do not form part of the lease agreement.</p> <p>Farms No 1507, 1508 & 1509 was created trough a 2007 survey. This was done through a state tender in order to separate different land entities for their separate transfer. Portions of municipal land (Portion 2 of Farm 352) were subdivided and consolidated with adjoining state land. P Smit reported that there is no record of Stellenbosch Municipality having granted approval for this process. D Burger informed that no approvals were required. Although survey diagrams for Farms No 1507, 1508 & 1509 have been framed and lodged with the Surveyor-General, they have not been registered in the Deeds Office.</p> <p>Additional issues arising out of the discussion of the report</p> <ol style="list-style-type: none"> 1. Deon Fourie reported that there seem to also be conflicting information relating to land owned by NDPW, WC DT&PW, SM and City of Cape Town in Jonkershoek 2. NDPW and WC DT&PW must between them determine who owns which portion of land and report back to the Steering Committee in two weeks 3. Okkie Jooste: The property is currently sub-let under the 99-year lease. It is not possible to register a lease diagram on an existing lease diagram. The underlying lease will need to be amended. The issue can be resolved by excluding Okkie Jooste from the 99-year lease area by agreement between SM and NDPW after which the land can be transferred / leased to WC DT&PW (with WC DCAS as user-department). The technical process of framing lease diagrams can start as soon as there is agreement on this. WC DT&PW and WC DCAS to decide on how to proceed with Okkie Jooste and report back to Steering Committee 4. Services: Location of services infrastructure (soakaways, etc) not known to SM and is required to decide on interim services arrangements. CapeNature to indicate current services on a map and MTO to make artisan available to point out services. 5. SM has made contact with WC Health Services regarding mobile Clinic Services at Jonkershoek. A meeting is to be arranged between the community representatives and WC Health Services 			

Stellenbosch Municipality

Meeting:	JONKERSHOEK LAND SURVEYOR REPORT BACK & SITE VISIT		
Date of Meeting:	21 SEPTEMBER 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	CapeNature Boardroom, Jonkershoek
Site walk-about and issues identified			
<ol style="list-style-type: none"> 1. Leaking sewage drains present a serious health hazard and need to be addressed as a matter of urgency 2. Poor condition of "ring-road" at Op-die-Bult has resulted in public transport not using the road any longer. Road surface needs to be leveled 3. Positions where bus / taxi embayments and shelters are required pointed out 4. Positions for refuse containers identified 5. Not many "new structures" have been erected. Community survey will provide clarity on household numbers, etc 6. Open areas must be protected to allow them to be considered for future permanent settlement / temporary relocation 7. "Suitable" areas for additional settlement development identified on flat portions and land close to Jonkershoek Road. This need to be considered carefully in the light of the conservation status / value of Jonkershoek 8. Compound & Fishpoint <ol style="list-style-type: none"> a. Electricity: Unsafe situation exists with informal connections at the community hall, electricity kiosk door not locked, etc. CapeNature / MTO to request Eskom to address Eskom supply issues b. Ablutions: Toilets in very bad state of repair and only one is operational. Toilets at Fishpoint are long-drops and not currently usable. Urgent attention is required. c. Community hall is in a bad state of repair and consideration must be given to using the CapeNature boardroom as an interim alternative. Community hall has potential to be converted into ablution facility. 9. Soccer field: Use of facility has increased of late. Changerooms / ablution facilities required 10. Central Area & Settlement: Opportunities exist for additional settlement development 11. Assegaiibos: Sensitive conservation area. Disturbed area (caravan area and dumpsite area) could be considered for staff housing (CapeNature??) 			
Action Items			
Action	Owner	Due Date	
1. NDPW and WC DT&PW to resolve land issues	DF / AG / OL	05 October	
2. WC DT&PW and DCAS to decide on how to proceed with Okkie Jooste	DF / LJ	Next meeting	
3. Arrange meeting with WC Health services	WJ	mid October	
4. Community survey: Arrange meeting with community representatives	JR / WJ / LG	27 September	
5. Address engineering / services issues	SM / CapeNature / MTO	ASAP	
Next Meeting			
Date:	to be confirmed	Time:	Location:
Adoption of Minutes			
Proposed		Seconded	
Signed: Chairperson		Date	

Stellenbosch Municipality

MEETING MINUTES

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	16 NOVEMBER 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
1. Meeting Objective			
SCHEDULED MEETING			
2. Attendance at Meeting			
Name	Organization	E-mail	Phone
Wally Johnstone (WJ)	SM; HS & PM	Hspm.Management@stellenbosch.gov.za	082 332 6793
Elzette van der Westhuizen	WC DT & PW	Elzette.vanderwesthuizen@westerncape.gov.za	
Deon Fourie (DF)	WC DT & PW	Deon.Fourie@westerncape.gov.za	021 483 5422
Jan Truter	MTO	jtruter@mto.co.za	082 562 6740
Marietjie King (MK)	NDPW	Marietjie.king@dpw.gov.za	021 402 2118
Adele Groenewald (AG)	NDPW	Adele.Groenewald@dpw.gov.za	021 402 2049
Melikhaya Pansi (MP)	CapeNature	mpansi@capenature.co.za	021 483 0167
Ntuthuzelo Ponoyi (NP): Chairperson	MTO	Ntuthu@mto.co.za	082 909 0034
Sydwell Tomose (ST)	Jonkershoek Community		073 907 2705
Luthando Gweka (LG)	Jonkershoek Community	llgcweka@gmail.com	082 290 9164
Sharon Bailey (SB)	Jonkershoek Community		079 421 6314
M Abrahams (MA)	Jonkershoek Community		072 345 1088
Lester Vanstavel	SM: New Housing	Lester.Vanstavel@stellenbosch.gov.za	021 808 8462
Piet Smit (PS)	SM: HS & PM	Piet.Smit@stellenbosch.gov.za	084 506 5065
Johru Robyn	SM: Informal Settlements	Johru.Robyn@stellenbosch.gov.za	021 808 8460
Leon Lourens	SM: Environment	Leon.Lourens@stellenbosch.gov.za	079 880 3086
Lindsay Jephtha (LJ)	WC DCAS	lindsay.jephtha@westerncape.gov.za	072 875 0233 / 021 483 9722
Apologies			
Thabiso Mfeya (TM)	SM: HS & PM	Tabiso.Mfeya@stellenbosch.gov.za	072 389 5650
Dupre Lombaard (DuL)	SM: ED & P	Dupre.Lombaard@stellenbosch.gov.za	021 808 8676
Ossie Lamb (OL)	NDPW	Ossie.Lamb@dpw.gov.za	021 402 2175
Deon Louw (DL)	SM: Engineering Services	deon.louw@stellenbosch.gov.za	021 483 0167
Notes, Issues & Decisions			
Topic			Owner
Minutes of Meeting held on 24 August 2017			
The minutes of the meeting held on 24 August 2017 was adopted as circulated.			
Proposed, N Ponoyi and seconded, A Groenewald			

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	16 NOVEMBER 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
Additions to the minutes:			
No additions to the minutes were tabled			
Arising:			
1.	L Vanstavel will raise the issue of representation by WC Department of Human Settlement (WC DHS) on the Steering Committee at his next monthly meeting with them	LV	
2.	A separate Service Level Agreement with CapeNature is not required as they are a user department of WC DT & PW		
3.	A land surveyor report back meeting was held on 21 September and a site walk-about was conducted on the same day. Minutes / notes of these were tabled at the meeting		
4.	A building was identified for use as a clinic. An inspection of the building has, however, revealed that extensive renovations are required that cannot be executed as normal building maintenance. SM will have to treat it as a capital project and can only be done once MoU has been concluded and signed	PS	
Land ownership and land transfer issues			
A meeting of landowners was held on 15 November 2017 and attended by Stellenbosch Municipality, MTO and WC Department of Transport and Public Works.			
The ownership details were confirmed as follows:			
1.	Remainder of Farm 352 is erroneously vested and registered in the name of the Provincial Government of the Western Cape. This should be rectified to be registered in the name of the National Government		
2.	Portions 10 and 4 of the Farm 352 (unregistered portions of Farm 352) is registered in the name of the Provincial Government of the Western Cape		
3.	Portions 14 and 16 of the Farm 352 (unregistered portions of Portion 2 of Farm 352) are registered in the name of Stellenbosch Municipality		
4.	Farm 361 (Assegaaibos Nature Reserve) is erroneously registered in the name of the City of Cape Town. This should be rectified to be registered in the name of the Provincial Government of the Western Cape		
SM must align and amend the MoU which outlines the broader principles of the Jonkershoek Valley objectives. A Sale and/or Land Availability Agreement must be concluded between Stellenbosch Municipality and WC DT&PW in terms whereof the entire Remainder Farm 352, Stellenbosch RD will be transferred to Stellenbosch Municipality to enable the municipality to attend to township establishment and development. Once the planning process is completed, land will be transferred to relevant departments / agencies based on their specific mandates and/or functions.			
WC DT&PW will attend to the rectification process. The parties involved to correct the mistake are: WC DT&PW, NDPW and DRD&LR. This is a lengthy process and will happen "behind the scenes". Current initiatives and processes will not be impacted and must continue.			
WC DT&PW only needs consent from NDPW and will be ready to sign MoU once this is obtained – target is before year-end.			
The Draft MoU and MoA must be amended to reflect the above and circulated for final comment / input.			
Okkie Jooste land should be subdivided and transferred to WC DT&PW for use of DCAS as a user department of WC DT&PW. This will, however, form part of the overall "package of agreements and transfers".			
The issues related to Assegaaibos have been discussed with City of Cape Town (WC DT&PW) and they have given the assurance that rectification in this respect will be done.			
		WJ / All	
		DF	
		DF / AG	
		WJ	
		DF	

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	16 NOVEMBER 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
Social survey			
SM Informal Settlements Department had meeting with the Jonkershoek Committee on 01 November 2017 to explain the process. The Department will present the survey process to the community at a public meeting to be held on Tuesday, 20 November 2017. The appointed service provider will involve community members in the actual survey. Community Committee members will accompany the survey team to observe the process. SM's EPWP officials to be requested to attend the public meeting to register unemployed community members.		LN / JR	
Memorandum of Agreement (MoA) & Memorandum of Understanding (MoU)			
A Final Draft MoU must be circulated and an attempt made for signing before end of this year. The official "signing ceremony" should not delay the actual signature of the document as the ceremonial event can happen afterwards.		WJ	
Engineering services			
<ul style="list-style-type: none"> ▪ Engineering services walk-about on 21 September was an "eye-opener" to many. There is broad agreement that some issues require urgent attention in order to improve living conditions ▪ Health Services – refer to point 4, matters arising ▪ Ablutions – Situation is critical and requires immediate attention. MTO to liaise with Stellenbosch Municipality to arrange to have septic tank/s pumped as a matter of urgency. MTO will also send an artisan to address sewage leaks. SM to consider an improved situation for ablutions, including temporary structures even before formal agreements have been signed. A possible site for this was identified during the services walk-about. NDPW to send formal request to SM to attend to urgent services matters. ▪ Roads – Assegaibos road is up for maintenance by CapeNature. This needs to be discussed with Community Committee ▪ Water – water contamination and impact on environmental resources must be given higher priority ▪ Firebreaks – responsibility for maintenance of firebreaks must be determined and a maintenance program implemented ▪ General area cleaning – SM to investigate the option of using EPWP workers for general cleaning ▪ Community committee to attend meeting with SM Engineers on Thursday, 23 November 2017, to identify other interventions required and clear tasks and timeframes. Should challenges arise, these should be clearly communicated to community ▪ The two co-chairpersons are to arrange an urgent meeting with SM Municipal Manager and relevant Directors 		NP / AG	
		PS	
		NP / MP	
General			
<ul style="list-style-type: none"> ▪ SM to investigate free Wi-Fi in Jonkershoek ▪ Meetings requested by Community Committee with various departments / roleplayers are not happening ▪ Ward Councillor to be kept informed about progress and discussions on issues relating to Jonkershoek 		WJ	
		WJ	
Action Items			
Action	Owner	Due Date	
1. Invite WC DHS to future meetings	LV	Next meeting	
2. Set processes (SM financial) in motion for upgrade of clinic building through capital project	PS	January 2018	
3. Amend MoU and circulate for final comments	WJ	December 2017	
4. Initiate land ownership rectification process	DF		
5. Arrange for urgent pumping of septic tank/s and fixing of sewage leaks	NP	urgent	

Stellenbosch Municipality

Meeting:	JONKERSHOEK STEERING COMMITTEE		
Date of Meeting:	16 NOVEMBER 2017	Time:	10h00
Minutes Prepared By:	Wally Johnstone	Location:	MTO Boardroom, Jonkershoek
6. Arrange urgent meeting with Stellenbosch Municipality Municipal Manager and relevant Directors		NP / MP	urgent
7. Engage relevant SM department regarding area cleaning		PS	Next meeting
Next Meeting			
Date:	TBC, Final MoU	Time:	
		Location:	
Adoption of Minutes			
Proposed		Seconded	
Signed: Chairperson		Date	

APPENDIX 11

REPORT: PORTION 2 OF THE FARM NO. 352 STELLENBOSCH AND CONFIRMATION OF LEASE AREA

LEASE AREA

The Municipality entered into a 99 year lease agreement with the Government of South Africa in 1936 that is registered in the Deeds Office as Notarial Lease No.1691 of 1936 attached as Annexure A.

A locality plan is attached as Annexure B indicating the full extent of the lease area.

The properties involved are:

- **Reserve A:** Now known as Portion 2 of the farm No. 352 Stellenbosch measuring 110.1111 hectare. Attached as Annexure C.
- **Reserve B:** Now known as Portion 3 of the farm No. 352 Stellenbosch measuring 7.9756 hectare. Attached as Annexure D.
- **Reserve C:** Now known as Portion 1 of the farm No.358 Stellenbosch measuring 30.3844 hectare. Attached as Annexure E.
- **Reserve E:** Now known as Portion 3 of the farm No. 358 Stellenbosch measuring 17.3279 hectare. Attached as Annexure F.

The combined total of the lease area = 165.7990 hectare.

Note that Portion 2 of Farm No.358, is Municipal Land that is not part of the lease agreement.

12/3/10

L E A S E

between

THE GOVERNMENT OF THE UNION OF SOUTH AFRICA

and

THE MUNICIPALITY OF STELLENBOSCH.

1691
1936



(b) A Special Power of Attorney, executed at Stellenbosch on the 25th day of October 1935 and duly witnessed in accordance with law, granted to him by

DANIEL FRANCOIS DU TOIT as Mayor and WALTHER FELIX ALOIS BLERSON as Town Clerk of THE MUNICIPALITY OF STELLENBOSCH (hereinafter referred to as "the said Municipality"),

acting under the provisions of and being duly authorised thereto by Section 312 of The Cape Municipal Ordinance, 1912 (No.10 of 1912) and Amending Ordinances;

which said Special Powers of Attorney were exhibited to me on this day and now remain filed of record in my Protocol.

AND the Appearer declared that the said Municipality has let to the said Government and that the said Government has agreed to hire from the said Municipality the following property:-

1. Certain piece of land, being partly quitrent and partly freehold, situate in the Division of Stellenbosch, being Reserve A, portion of JONKERSHOEK A; Measuring 128.83 Morgen of which 9.792 Morgen are freehold;

Held by the said Municipality by virtue of Certificate of Registered Title No.2200 dated 24th March 1934;

2. Certain piece of land, being partly quitrent and partly freehold, situate in the Division of Stellenbosch, being Reserve B, portion of JONKERSHOEK B; Measuring 9.3315 Morgen of which 4.7882 Morgen are freehold;

Held by the Municipality by virtue of Certificate of Registered Title No.2201 dated 24th March 1934;

- 3(a) Certain piece of quitrent land, situate in the Division of Stellenbosch, being Reserve C, portion of JONKERSHOEK C; Measuring 35.5498 Morgen;

- (b) Certain piece of quitrent land, situate in the Division of Stellenbosch, being Reserve E, portion of JONKERSHOEK C; Measuring 20.2737 Morgen;

Held by the said Municipality by virtue of Certificate of Registered Title No 2199 dated 24th March 1934;

4. THAT the said Government shall not lay out any plantation within Sixty feet of the Eerste River or of any of its tributaries without the consent in writing of the said Municipality but the said Government shall encourage the growth of indigenous plants and trees along the banks of the said Eerste River and of its tributaries, the growth of which plants and trees does not adversely affect the water supply;

5. THAT the said Government shall encourage the growth of vegetation and shall do its utmost to prevent veld fires and soil erosion on the properties hereby let, irrespective of whether the said land or any portion thereof is used for Forestry purposes, and shall also do its utmost to prevent the pollution of the said Eerste River and its tributaries;

6. THAT the said Government shall not be permitted to keep pigs on the properties hereby let or on any portion thereof without the consent of the said Municipality;

7. THAT the said Government shall not be permitted to keep any animals of what nature or kind soever on that portion of the properties hereby let which lies above the Municipal "Intake Dam" - indicated on the diagram annexed to the Notarial Deed of Servitude hereinbefore referred to - but nothing in this Paragraph contained shall prevent the said Government from making use by day of draught animals on the said portion;

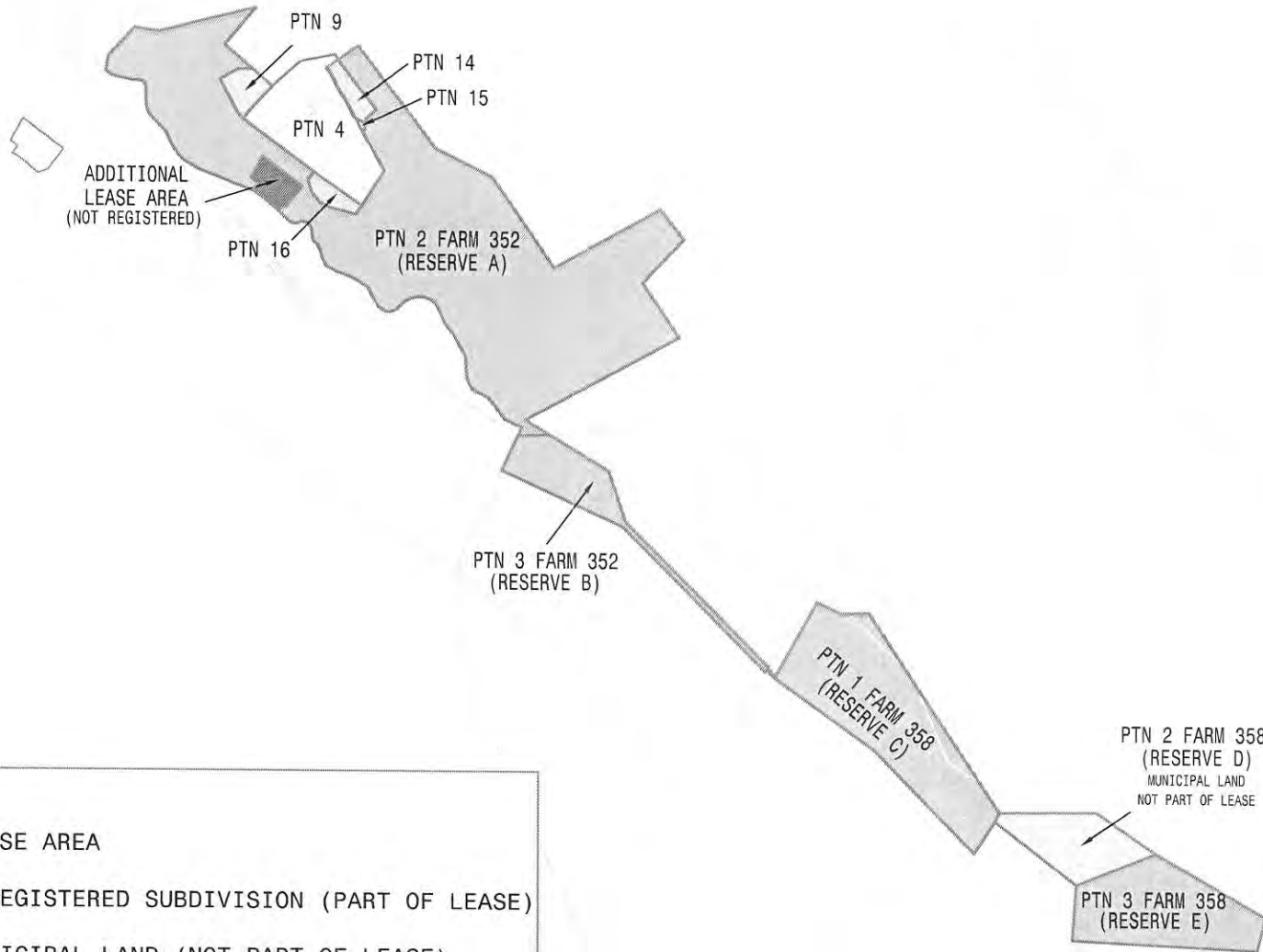
8. THAT no bathing shall be permitted in the said Eerste River and/or any of its tributaries above the said Municipal "Intake Dam" without the consent of the said Municipality;

aforesaid strip of land Twelve feet in width being damaged in connection with any work effected by the said Municipality in terms of this Paragraph, then the said Municipality shall pay compensation for such damage, and, failing agreement as to the amount of compensation to be paid, such amount shall be fixed by arbitration; provided further that the said Municipality shall exercise its right of access in terms of this Paragraph by way of the existing road indicated on the aforesaid diagram;

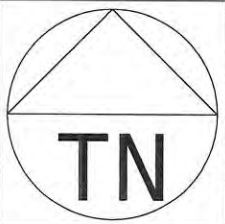
12. THAT the said Government shall grant permits to Mountaineers and Picnic Parties but shall make it a condition of such permits that no fires shall be lighted on any portion of the property hereby let, except at such clearly and properly defined places or spots as have been or shall be specially provided and set aside for the purpose;

13. THAT the said Municipality reserves the right to establish - in consultation with the said Government - such picnic spots, as the said Municipality may from time to time decide, on any part of the properties hereby let and to construct thereon proper lavatories, fireplaces and other buildings or structures as in the circumstances may be found necessary;

14. THAT the said Municipality hereby gives and grants to the said Government the first option to purchase the land hereby let for the sum of FIVE HUNDRED AND NINETY POUNDS (£590. 0. 0.) and, in the event of the said Municipality deciding to sell the land called Reserve D, in extent 10 Morgen, whereon is situate the Municipal Intake Dam, the said Government shall have the first option to purchase the same for the sum of TEN POUNDS (£10. 0. 0.), subject to the condition, however, that the sale shall not include the rights to water to which the said Municipality is at present entitled or may



LEGEND	
	LEASE AREA
	UNREGISTERED SUBDIVISION (PART OF LEASE)
	MUNICIPAL LAND (NOT PART OF LEASE)



Caveat
 1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
 2. All levels are to be confirmed prior to construction.

Scale 1:25000 @4	Date:04/08/2017	Contours:	System: WG 19
LEASE AREA No.1691/1936 LOCALITY PLAN		FRIEDLAENDER, BURGER & VOLKMANN Professional Land Surveyors Sectional Title Consultants Mapping Consultants Professionele Landmeters Deeltitel Konsultante Kartering Konsultante	
Ref:SA352-2	Dwg:LOCALITY	<small>39 Herte Street / Hertestraat PO Box / Posbus 154, Stellenbosch, 7599 TEL: 27 21 8864004, FAX 27 21 8878088 E-mail: info@fbvsurvey.co.za</small>	

ANNEXURE B

SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMARKS
297/2008	2622/2008	Portion B				

SERVITUDES/LEASEHOLD AREAS				
SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	DEED	INITIALED
E.269/1935	1165/1935	The lines ABC + DE repr. a pipeline Serv. with	D/S. filed D/T. 1934.43.2199.	WAT

JOHAN CHRISTIAANS
Professional Land Surveyor, Rosebank

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System : WG.19° X			S.G.No.
		Constants :		0,00	+3 700 000,00		1816/2007
AB	236,38	322 29 20	A	+ 6 739,14	+ 59 268,25		Approved
BC	51,63	47 53 50	B	+ 6 595,20	+ 59 455,75		<i>Stew Sheng</i>
CD	19,85	7 18 20	C	+ 6 633,51	+ 59 490,37		for SURVEYOR- GENERAL
DE	210,19	122 18 30	D	+ 6 636,03	+ 59 510,05		2007-06-27
EF	35,78	47 26 40	E	+ 6 813,68	+ 59 397,71		
FG	43,18	343 59 40	F	+ 6 840,04	+ 59 421,91		
GH	38,26	40 30 30	G	+ 6 828,13	+ 59 463,42		
HJ	34,45	71 09 40	H	+ 6 852,98	+ 59 492,51		
JK	50,72	44 02 20	J	+ 6 885,59	+ 59 503,64		
KL	99,39	85 39 20	K	+ 6 920,85	+ 59 540,10		
LM	92,15	126 24 50	L	+ 7 019,95	+ 59 547,63		
MN	29,41	137 11 00	M	+ 7 094,11	+ 59 492,93		
NP	142,31	152 51 00	N	+ 7 114,10	+ 59 471,35		SHEET 1 OF 2 SHEETS
PQ	75,31	239 56 30	P	+ 7 179,04	+ 59 344,72		
QR	56,57	268 11 00	Q	+ 7 113,86	+ 59 307,00		
RS	180,42	260 36 00	R	+ 7 057,32	+ 59 305,21		
ST	131,08	258 25 10	S	+ 6 879,32	+ 59 275,74		
TA	22,21	327 56 40	T	+ 6 750,92	+ 59 249,43		
(334) STEL 11			Δ	+ 6 520,29	+ 63 434,19		
(492) JONK			Δ	+ 5 013,33	+ 58 155,35		

COMPONENTS:

- The figure MNPQRa represents
Portion 9 of Jonkershoek No. 352 vide
Diagram S.G. No. 1808/2007 Deed of Transfer No.
- The figure RSa represents
Portion 10 of Jonkershoek No. 352 vide
Diagram S.G. No. 1815/2007 Deed of Transfer No.
- The figure TAbcEFGHJKLMS represents
Portion 11 of Jonkershoek No. 352 vide
Diagram S.G. No. 1812/2007 Deed of Transfer No.
- The figure ^xACDcb represents
Portion 14 of Jonkershoek No. 352 vide
Diagram S.G. No. 1809/2007 Deed of Transfer No.

* B

BEACON DESCRIPTION:

M : 20mm Iron pipe in concrete cone
All other beacons are 20mm Iron pegs

The figure A B C D E F G H J K L M N P Q R S T
represents 10,1563 hectares of land, being

FARM OP DIE BULT VILLAGE No. 1507

^x
situate in the Administrative District Stellenbosch
Province of the Western Cape

Beacons A,M,R and S framed in terms of Section 16 of Act8/1997
All other beacons surveyed in March 2007

by me
^x Municipality of Stellenbosch and

J. Christiaans
J. CHRISTIAANS (PLS 0894)
Professional Land Surveyor

This diagram is annexed to No. dated i.f.o. Registrar of Deeds	The original diagrams are as quoted above	File No.: Ste1.1507 S R. No.: 917/2007 Comp.: BH-8DDA (3787) LPI C0670000
--	--	--

JOHAN CHRISTIAANS
Professional Land Surveyor, Rosebank

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System : WG.19° X		S.G.No.
		Constants :		0,00	+3 700 000,00	1817/2007
AB	99,39	265 39 20	A	+ 7 019,95	+ 59 547,63	Approved <i>Stu Blang</i> for SURVEYOR- GENERAL 2007-06-27
BC	50,72	224 02 20	B	+ 6 920,85	+ 59 540,10	
CD	34,45	251 09 40	C	+ 6 885,59	+ 59 503,64	
DE	38,26	220 30 30	D	+ 6 852,98	+ 59 492,51	
EF	43,18	163 59 40	E	+ 6 828,13	+ 59 463,42	
FG	35,78	227 26 40	F	+ 6 840,04	+ 59 421,91	
GH	210,19	302 18 30	G	+ 6 813,68	+ 59 397,71	
HJ	19,82	7 18 20	H	+ 6 636,03	+ 59 510,05	
JK	37,73	22 29 00	J	+ 6 638,55	+ 59 529,71	
KL	65,05	106 47 30	K	+ 6 652,98	+ 59 564,58	
LM	100,56	39 25 00	L	+ 6 715,26	+ 59 545,79	
MN	81,93	35 53 40	M	+ 6 779,10	+ 59 623,48	
NA	239,59	126 24 50	N	+ 6 827,14	+ 59 689,85	
(334) STEL 11			Δ	+ 6 520,29	+ 63 434,19	
(492) JONK			Δ	+ 5 013,33	+ 58 155,35	

COMPONENTS:

- The figure ABCDEFGabKLMN represents
Portion 12 of Jonkershoek No. 352 vide
Diagram S.G. No. 1813/2007 Deed of Transfer No.
- The figure aHJb represents
Portion 15 of Jonkershoek No 352 vide
Diagram S.G. No. 1810/2007 Deed of Transfer No.

BEACON DESCRIPTION:

L : Iron Standard
All other beacons are 20mm Iron pegs

The figure ~~A B C D E F G H J K L M N P Q A~~
represents 4,5370 hectares of land, being

**Farm
No. 1508**

⌘
situate in the Administrative District Stellenbosch
Province of the Western Cape

⌘ Municipality of Stellenbosch and

Surveyed in March 2007
by me

J. Christiaans
J. CHRISTIAANS (PLS 0894)
Professional Land Surveyor

This diagram is annexed to
No.
dated
i.f.o.
Registrar of Deeds

The original diagrams are
as quoted above

File No.: **Stel. 1508**
S R. No.: **917/2007**

Comp.: BH-8DDA (3787)
LPI C0670000

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System : WG.19° X		S.G.No.
		Constants :	0,00	+3 700 000,00	1840/2007
AB	161,74	330 57 40	A + 6 643,87	+ 59 542,57	Approved
BC	195,54	32 08 00	B + 6 565,36	+ 59 683,98	<i>Johan Christiaan</i>
CD	99,63	104 15 30	C + 6 669,35	+ 59 849,57	for SURVEYOR- GENERAL
DE	42,54	115 38 30	D + 6 765,91	+ 59 825,04	2007-06-27
EF	49,45	140 34 30	E + 6 804,26	+ 59 806,62	
FG	49,22	163 10 10	F + 6 835,67	+ 59 768,43	
GH	120,78	215 53 40	G + 6 849,92	+ 59 721,32	
HJ	100,56	219 25 00	H + 6 779,10	+ 59 623,48	
JK	65,05	286 47 30	J + 6 715,26	+ 59 545,79	
KA	23,81	202 29 00	K + 6 652,98	+ 59 564,58	
		(334) STEL 11	Δ + 6 520,29	+ 63 434,19	
		(492) JONK	Δ + 5 013,33	+ 58 155,35	

SHEET 1 OF 2 SHEETS

COMPONENTS:

- The figure ABCbaHJK represents
Portion 13 of Jonkershoek No. 352 vide
Diagram S.G. No. 1814/2007 Deed of Transfer No.
- The figure abcCDEFG represents
Portion 16 of Jonkershoek No. 352 vide
Diagram S.G. No. 1811/2007 Deed of Transfer No.

BEACON DESCRIPTION:

- B : 20mm Iron pipe in concrete cone
E : 12mm Drill hole in top of large rock
J : Iron Standard
All other beacons are 20mm Iron pegs

The figure A B C D E F G H J K
represents 5,4515 hectares of land, being

**Farm
No. 1509**

*
situate in the Administrative District Stellenbosch
Province of the Western Cape

* Municipality of Stellenbosch and

Beacon B framed in terms of Section 16 of Act8/1997
All other beacons surveyed in March 2007
by me

Johan Christiaan
J. CHRISTIAANS (PLS 0894)
Professional Land Surveyor

This diagram is annexed to
No.
dated
i.f.o.
Registrar of Deeds

The original diagrams are
as quoted above

File No.: Ste1. 1509
S R. No.: 917/2007

Comp.: BH-8DDA (3787)
LPI C0670000

HUURKONTRAK-KAART
LEASEHOLD DIAGRAM

HANTOOR AFSKRIF
ANNEXURE G4

L.G. No.

4794/64

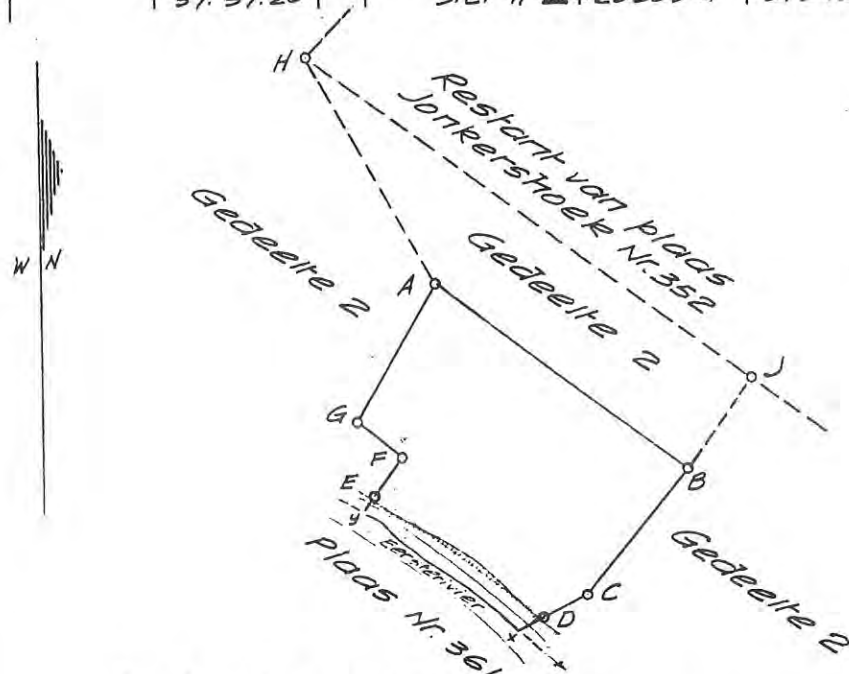
Goedgekeur.

D. J. J. J.

Landmeter-generaal.
15.9.1964

SYE Kaapse Voet	RIGTINGS	KO-ORDINATE		AMP. BEN.	
		y	Stelsel $L^{\circ}19^{\circ}$		
AB	602.1	307.03.40	A	Kontst. 0.0	+11,900,000.0
BC	306.9	38.23.50	B	+22091.0	+39863.3
CD	97.8	67.58.10	C	+21610.6	+40226.1
DE	395.5	126.59.00	D	+21801.2	+40466.6
EF	88.8	217.57.20	E	+21891.9	+40503.3
FG	108.7	128.12.00	F	+22207.8	+40265.4
GA	303.2	209.07.30	G	+22153.2	+40195.4
AH	501.3	151.26.50	H	+22233.6	+40128.2
HJ	1057.2	306.26.10	J	+22330.6	+39423.0
JB	218.5	36.40.50		+21480.1	+40050.9
DX		67.58.10			
Ey		37.57.20			

Stel 8 Δ + 22101.5 + 30048.4
Stel 11 Δ + 20509.4 + 51940.7



Beskrywing van Bakenis:
A.B.C.D.E.F.G = 3' x 1" Pyp wat 18" uitsteek, rooi
H.J = 1/2" Pyp in korrise Betonbaken
Skaal 1: 4000

Die figuur A.B.C.x middel van Eersterivier y.F.G
stel voor 2.6195 morg grond, synde

Huurkontrakgebied

geleë in op Gedeelte 2 van die plaas Jonkerstroom Nr. 352
Administratiewe Distrik Stellenbosch, Provinsie Kaap die Goeie Hoop.

Opgemeet in Mei 1964 deur my K. Thieland
Landmeter.

Hierdie kaart is geheg aan
No.
gedateer
t.g.v.
Registrateur van Aktes.

Die oorspronklike kaart is
No. 730/1934
sert. van Geregist. Titel
Transport/Grondbrief
No. 1934-43-2200

Lêer No. Stel 352
M.S. No. E1256/64
Komp. BH-B DDA
Alg. Plan

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA H.C. S. M.	TRANSFER NO.	INITIALED	REMR.
E917/07	1812/07	Ptn. 11				
"	1813/07	" 12				
"	1814/07	" 13				

Leaving no Remainder

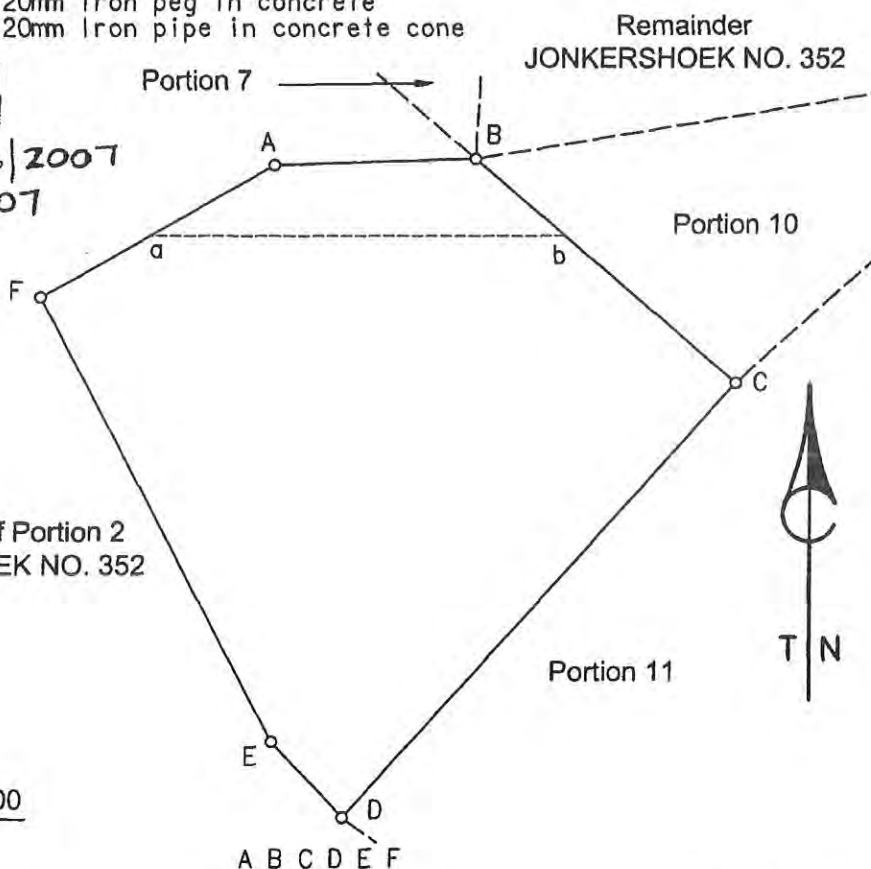
SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System : WG.19° X		S.G.No.
		Constants :	0,00	+3 700 000,00	1808/2007
AB	56,57	268 11 00	A + 7 113,86	+ 59 307,00	Approved <i>Johan Christiaan</i>
BC	97,53	311 03 50	B + 7 057,32	+ 59 305,21	
CD	165,72	41 44 30	C + 6 983,79	+ 59 369,27	
DE	29,41	137 11 00	D + 7 094,11	+ 59 492,93	
EF	142,31	152 51 00	E + 7 114,10	+ 59 471,35	
FA	75,31	239 56 30	F + 7 179,04	+ 59 344,72	
		(334) STEL 11	Δ + 6 520,29	+ 63 434,19	for SURVEYOR- GENERAL
		(492) JONK	Δ + 5 013,33	+ 58 155,35	

2007-06-27

BEACON DESCRIPTION:

- A.B.E.F : 20mm Iron peg
- C : 20mm Iron peg in concrete
- D : 20mm Iron pipe in concrete cone

Included
in Consol
Dgm 1816/2007
Farm 1507



SCALE 1:2000

The figure represents 2,0351 hectares of land, being

PORTION 9 (a portion of Portion 2) of the farm JONKERSHOEK NO. 352

situate in the Administrative District Stellenbosch
Province of the Western Cape

* Municipality of Stellenbosch and
Beacons B, C & D framed in terms of Section 16 of Act 8/1997
All other beacons surveyed in March 2007
by me

Johan Christiaan
J. CHRISTIAANS (PLS 0894)
Professional Land Surveyor

This diagram is annexed to
No.
dated
i.f.o.
Registrar of Deeds

The original diagram is
S.G. No. 730/1934
Annexed to
Transport
No. 1932- -2200

File No.: Stel. 352
S R. No.: 917/2007
Comp.: BH-8DDA (3787)
LPI C0670000

APPROVED SUBJECT TO SIMUL-
TANEOUS REGISTRATION OF
DIAGRAM 1816/2007
BEING FARM 1507

EXEMPT FROM PROVISIONS OF ACT
70 OF 1970
SECTION 1(c)

EXEMPT FROM PROVISIONS
OF CHAPTER III
OF ORD. 13/1985

JOHAN CHRISTAANS
Professional Land Surveyor, Rosebank

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System : WG.19° X		S.G.No.
		Constants :		0,00	+3 700 000,00	1810/2007
AB	47,23	302 18 30	A	+ 6 675,94	+ 59 484,81	Approved <i>Stew Blom</i>
BC	19,82	7 18 20	B	+ 6 636,03	+ 59 510,05	
CD	13,92	22 29 00	C	+ 6 638,55	+ 59 529,71	
DA	66,07	150 57 40	D	+ 6 643,87	+ 59 542,57	
(334) STEL 11 (492) JONK			Δ	+ 6 520,29	+ 63 434,19	
			Δ	+ 5 013,33	+ 58 155,35	

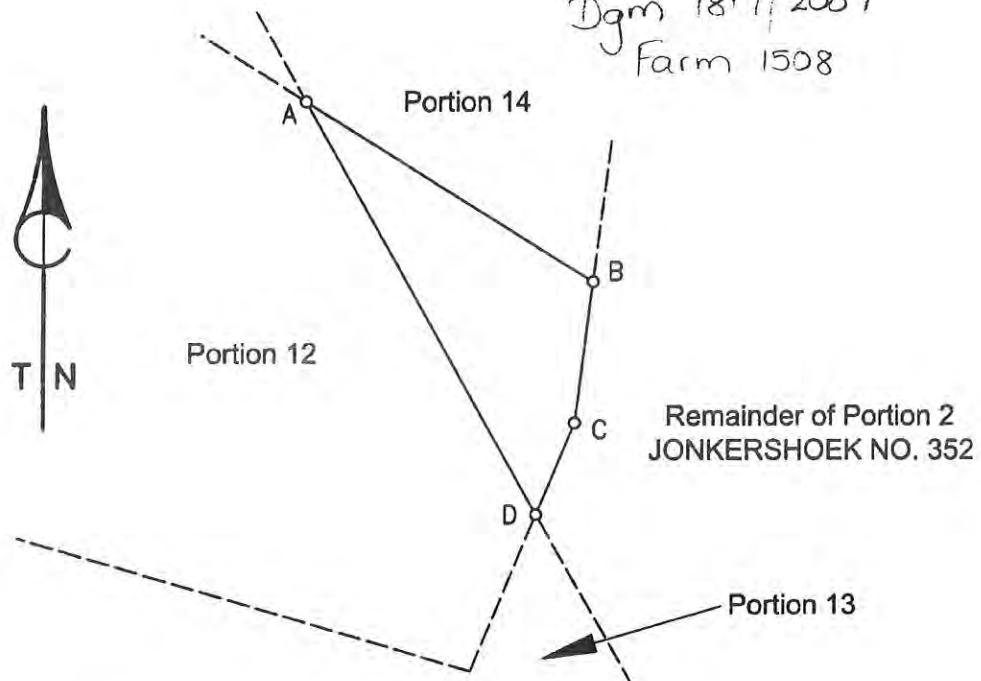
for SURVEYOR-
GENERAL

2007-06-27

BEACON DESCRIPTION:

B,C,D : 20mm Iron peg
A : Not beaconed

*Included in Consol
Dgm 1817/2007
Farm 1508*



SCALE 1:1000

The figure represents **A B C D**
784 square metres of land, being

**PORTION 15 (a portion of Portion 2) of the farm
JONKERSHOEK NO. 352**

situate in the ^{*}Administrative District Stellenbosch
Province of the Western Cape

* Municipality of Stellenbosch and

Surveyed in March 2007
by me

J. Christiaans
J. CHRISTIAANS (PLS 0894)
Professional Land Surveyor

This diagram is annexed to
No.
dated
i.f.o.
Registrar of Deeds

The original diagram is
S.G. No. ~~663/1999~~ 730/1934
Annexed to
Transport 1934. .220
No.

File No.: Stel. 352
S R. No.: 917/2007
Comp.: BH-8DDA (3787)
LPI C0670000

APPROVED SUBJECT TO SIMUL-
TANEOUS REGISTRATION OF
DIAGRAM...1817/2007
BEING...Farm...1508

EXEMPT FROM PROVISIONS OF ACT
70 OF 1970
SECTION 1(C.C.)

EXEMPT FROM PROVISIONS
OF CHAPTER III
OF C.O.D. 1970

APPENDIX 12



Chief Directorate Immovable Asset Management
Email: deon.fourie@westerncape.gov.za
tel: + 2721-4835422

Enquires: D Fourie

Reference: 12/7/R

Mr Piet Smit

Manager: Property Management

Stellenbosch Municipality

Dear Mr Smit

STELLENBOSCH: REGISTERED OWNERSHIP OF PROPERTIES IN THE JONKERSHOEK VALLEY AND THE PROPOSED DISPOSAL OF THE REMAINDER OF FARM 352, STELLENBOSCH RD TO THE STELLENBOSCH MUNICIPALITY

We refer to our meetings dated 21 September 2017 and 3 October 2017 at which several properties in the Jonkershoek Valley were discussed.

After further investigation was conducted by the Department of Transport and Public Works (DTPW), we can confirm the registered ownership of the properties in the Jonkershoek Valley. The ownership details are herewith confirmed and listed below with the attached aerial photographs and descriptions (Annexure A):

- Remainder of farm 352 is erroneously vested and registered in the name of the Provincial Government of the Western Cape and should be rectified to be registered in the name of the National Government of the Republic of South Africa;
- Portions 10 and 4 of the Farm 352 are unregistered portions of Farm 352, which is registered in the name of the Provincial Government of the Western Cape. Therefore Portions 10 and 4 are owned by the Provincial Government of the Western Cape;

- Portions 14 and 16 of the Farm 352 are unregistered portions of portion 2 of the Farm 352, of which Stellenbosch Municipality is the registered owner. Therefore Portions 14 and 16 are owned by Stellenbosch Municipality; and
- Farm 361 Assegaaibos Nature Reserve is erroneously registered in the name of the City of Cape Town and should be rectified to be registered in the name of the Provincial Government of the Western Cape;

The DTPW acknowledges that, for the Stellenbosch Municipality to take over the responsibility for providing municipal services to the broader community of Jonkershoek Valley on a sustainable basis, it is necessary to develop an Area Specific Integrated Development Plan (ASIDP), which will provide a framework for, amongst others, the transfer of certain portions of land to the municipality to enable township establishment.

Given the information provided, Stellenbosch Municipality must align and amend the Memorandum of Agreement with the National Department of Public Works (NDPW) which outlines the broader principles of the Jonkershoek Valley objectives. The DTPW recommends that a Sale and a Land Availability Agreement be concluded between the DTPW and Stellenbosch Municipality in terms whereof the entire remainder of farm 352, Stellenbosch RD will be transferred to Stellenbosch Municipality to enable them to attend to township establishment and development.

This transfer will be subject to the following (Annexure B):

- a portion indicated as portion A will be transferred to the NDPW for the use by MTO for forestry purposes;
- The portion indicated as portion B (Okkie Jooste) will be subdivided and registered in favour of the Provincial Government of the Western Cape;
- DTPW will enter into a Land Availability Agreement with the Municipality for the use of the existing office building indicated as portion C; and
- DTPW will attend to the title deed rectification of the portion marked D.

These recommendations can only be actioned once the NDPW agree to it in terms of a Memorandum of Agreement between Stellenbosch Municipality and the NDPW. Please be informed that all due processes needs to be followed in terms of legislation (Western Cape Land Administration Act, Act 6 of 1998 and its Regulations), before the disposal and acquisitions of these properties may be considered by the Provincial Government of the Western Cape.

Yours faithfully



Head of Component: Immovable Asset Management

Date: 19-10-2017

CC:

Mr F Johnson

Regional Manager

Department of Public Works

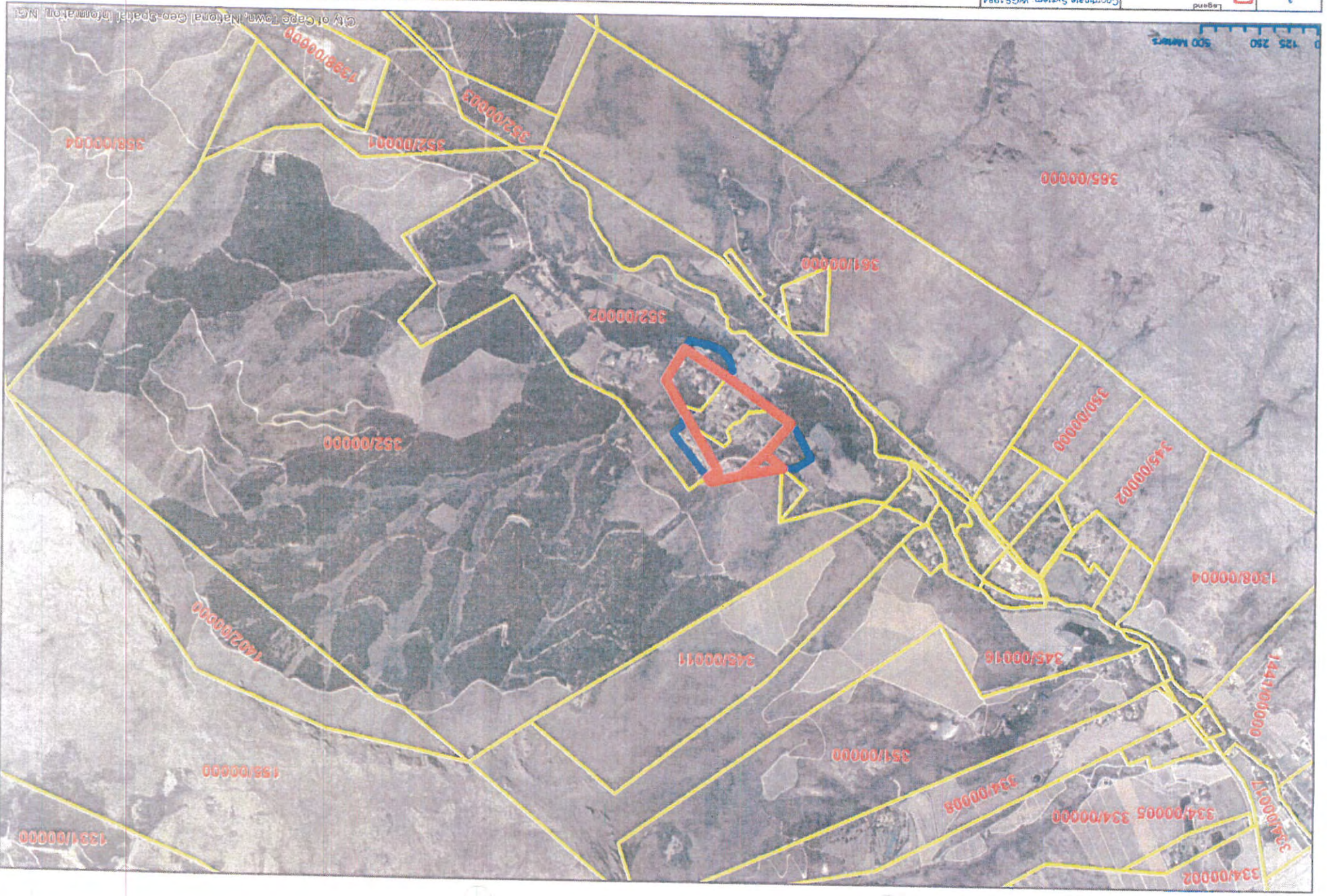


Legend
Municipal Land
Farm Portions

Coordinate System: WGS 1984
Central Meridian: 21
Author: Adriaan Boersma
Date: 2017/09/27

Portion 4 of the Farm 352 Stellenbosch

DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
IMMOVABLE ASSET MANAGEMENT
Property Planning and Information
City of Cape Town, National Geo-Spatial Information, NCAI



Annexure A

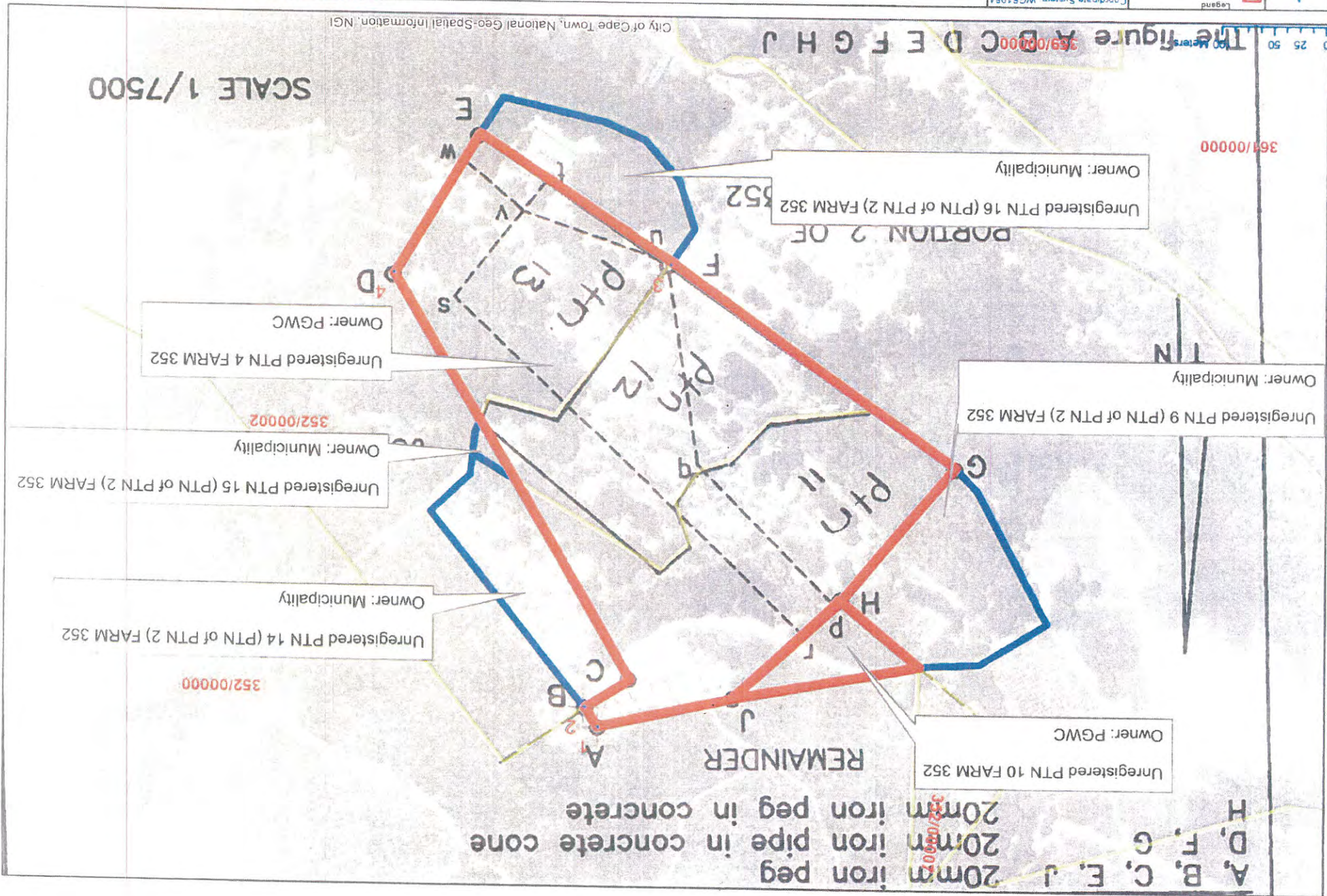


Legend
Farm Portion
Municipal Land
Provincial Land

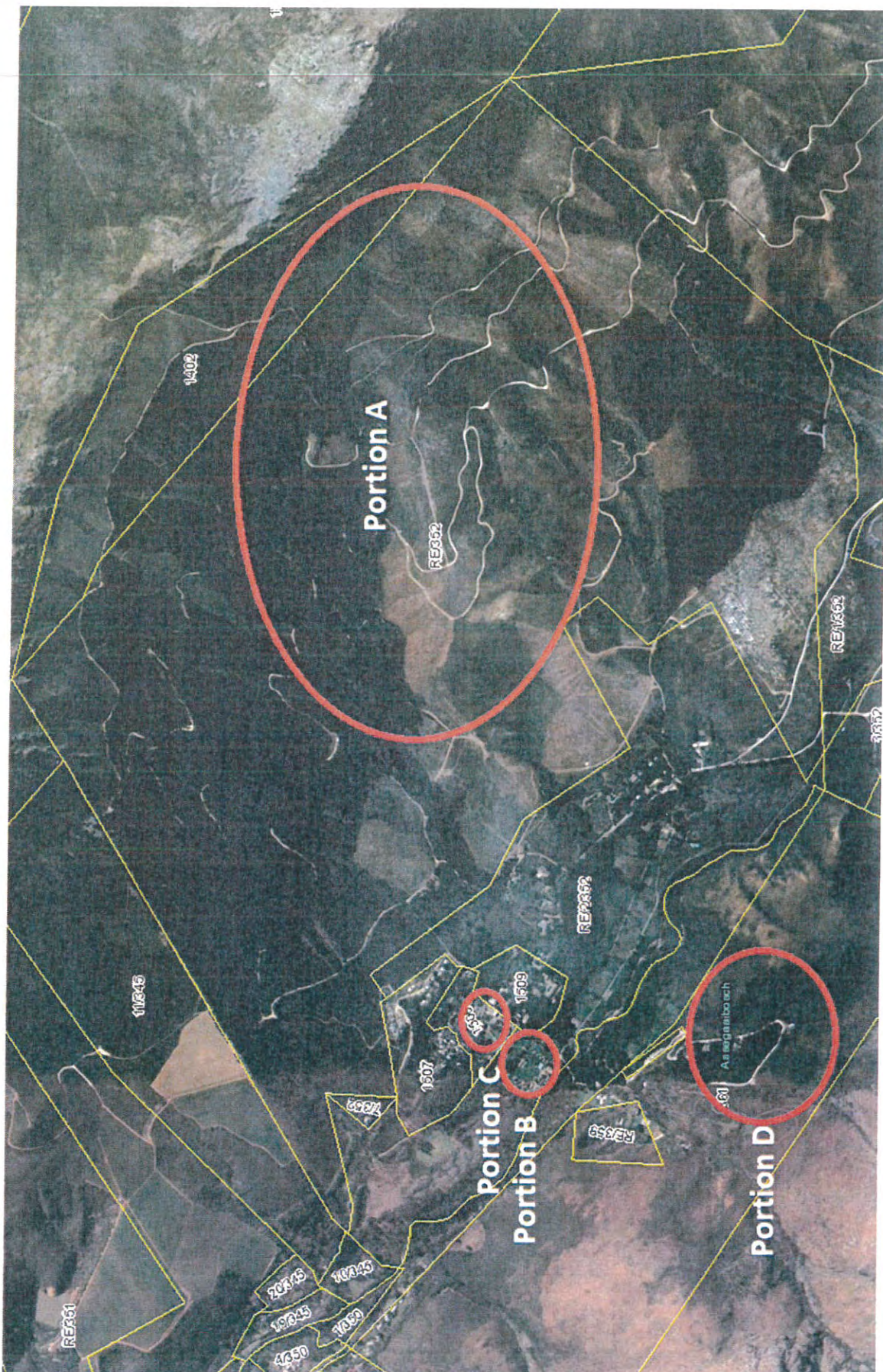
Coordinate System WGS 1984
Central Meridian 21
Author Adriaan Boersma
Date 2017/09/27

Portion 4 of the Farm 352 Stellenbosch

DEPARTMENT TRANSPORT AND PUBLIC WORKS
IMMOVABLE ASSET MANAGEMENT
Property Planning and Information



Annexure B



APPENDIX 13



Our ref. : 7/2/2/1

24 July 2018

The Director: Property Management
National Department of Public Works
P O Box X9027
CAPE TOWN
8000

ATTENTION: Ms Adele Groenewald

Dear Madam

FOREST VILLAGES IN THE STELLENBOSCH MUNICIPALITY'S AREA OF JURISDICTION: OP-DIE-BULT (PORTION 4 FARM 352, STELLENBOSCH): DRAFT POWER OF ATTORNEY TO DELIVER INTERIM ENGINEERING SERVICES

A formal request for information regarding forest villages in the Stellenbosch Municipality's area of jurisdiction from the National Department of Public Works (NDPW) (Western Cape Regional Office) dated 17 October 2016 (unreferenced), our response dated 27 October 2016, our follow-up letter dated 15 February 2017 (both referenced 7/2/1/1), copies of Action Minutes of the Jonkershoek Steering Committee meetings and a Final Draft Memorandum of Understanding (MoU), attached hereto as Annexure 1, 2, 3, 4 and 5 respectively, have reference.

1. Background

- 1.1 The following forest villages located on land owned by the Republic of South Africa are located within the area of jurisdiction of the Stellenbosch Municipality:
 - Op-die-Bult (Jonkershoek);
 - Maasdorp; and
 - Meerlust
- 1.2 Requests for transfer of the management and ownership of the forest villages from the National Department of Public Works date as far back as 2007 and in the case of Maasdorp and Meerlust formal agreements with the



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Department are in place (both dated 15 March 2007). In respect of Op-die-Bult (Jonkershoek) no formal agreement is in place, although a decision to take over the management and ownership of Op-die-Bult, subject to certain conditions, was made by the Mayoral Committee of the Stellenbosch Municipality on 21 November 2007, following a similar request from NDPW.

- 1.3 In October 2016 NDPW requested the Stellenbosch Municipality to provide information relating to forest villages within its area of jurisdiction, including Op-die-Bult located on Portion 4 Farm 352, Stellenbosch and owned by NDPW. This request was based on NDPW becoming "cognisant of the fact that it does not have the mandate or competencies to deal with issues pertaining to settlements and infrastructure necessary to service the settlements" and that the Department wishes to "devolve the villages to the municipality".
- 1.4 Stellenbosch Municipality provided NDPW with a comprehensive response to this request on 27 October 2016 which was followed up by a letter enquiring about progress on the issue on 15 February 2017.
- 1.5 Following protests on service delivery issues by the Jonkershoek Community during May 2017, a Jonkershoek Steering Committee was established on 18 May 2017 with NDPW as a key role player and founder stakeholder.
- 1.6 Meetings of the Jonkershoek Steering Committee were subsequently held on 22 June 2017, 24 August 2017 and 16 November 2017. Your Department was duly represented and participated fully at each of these meetings.
- 1.7 At the meeting of the Jonkershoek Steering Committee on 16 November 2017 it was reported that Portions 4 and 10 of Farm 352 as well as the Remainder Farm 352, Stellenbosch were erroneously registered in the name of the Provincial Government of the Western Cape. It was accepted by all parties that the National Department of Public Works is the rightful owner of the properties and that a process to rectify this must be initiated. In this regard the meeting resolved as follows:
 "WC DT&PW will attend to the rectification process. The parties involved to correct the mistake are: WC DT&PW, NDPW and DRD&LR. This is a lengthy



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

process and will happen "behind the scenes". Current initiatives and processes will not be impacted and must continue.

WC DT&PW only needs consent from NDPW and will be ready to sign MoU once this is obtained – target is before year-end".

- 1.8 At present some engineering services are provided to Jonkershoek residents on an agency basis by MTO on behalf of NDPW.
- 1.9 Stellenbosch Municipality has, during this consultative process with the Jonkershoek Community and stakeholders, committed itself to providing interim engineering services to the Jonkershoek community in an attempt to improve the extremely poor living conditions in the various settlements.
- 1.10 This can only be effected on signature of a Memorandum of Understanding (MoU) by the landowner allowing Stellenbosch Municipality to provide such services on an interim basis. WC DT&PW has indicated their willingness to sign the MoU pending NDPW, as the rightful owner of Remainder Farm 352, Stellenbosch, confirming their responsibility for all and any costs related to the provision of such interim services, as has been the case to date. NDPW has, throughout the process of drafting the MoU, shown commitment to signing the MoU as a prerequisite for interim services provision.
- 1.11 Following months of correspondence regarding this issue, the NDPW, on 17 April 2018, advised as follows:

"At the forum meeting end of 2017 it was confirmed by PGWC that portions of Farm 352 which were registered previously RSA were vested and registered in the name of Provincial Government of the Western Cape during 2015. Please note that due to this the National Department cannot sign / approve or make any payments as NDPW is not the registered owner. This will only cause unnecessary audit queries".
- 1.12 We have now been informed that at a meeting between WC DT&PW and NDPW on 05 July 2018, it was agreed that, amongst others:
 - 1.12.1 The property must be rectified to reflect NDPW as the lawful owner of the subject property;
 - 1.12.2 NDPW will provide consent to the Stellenbosch Municipality for certain



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

interim services, as required by the informal community on the property;

1.12.3 WC DT&PW will provide a draft rectification agreement to be considered and signed by both parties; and

1.12.4 NDPW will, in parallel to this process, consider and obtain legal advice in regards to the Draft MoU as provided by Stellenbosch Municipality.

2. Discussion

The consultative process embarked upon with the Jonkershoek community in May 2017, of which the NDPW has been a key role player, has opened up an avenue for a credible "solution towards facilitating the transfer" of the forest village at Jonkershoek and for the provision of basic engineering services to improve the undignified living conditions of residents in the settlements. It is therefore in the interest of good governance that the various government role players in the process be seen to commit to decisions made during this consultative process. The decision by NDPW to provide consent to Stellenbosch Municipality for certain interim services is an important step in this process.

Stellenbosch Municipality has therefore taken the initiative to prepare a Draft Power of Attorney (see attached) to be signed by NDPW that will allow the Municipality to provide basic engineering services on an interim basis, where required, in Jonkershoek. This will effectively separate the land ownership and service provision issues and allow for some relief for residents in Jonkershoek while the Memorandum of Understanding (MoU) is being finalised.

Also attached hereto is the Draft MoU for your perusal and legal consideration. Kindly inform us at your earliest possible convenience of any amendments you may require to be made thereto.

Thank you very much.

Yours faithfully

PIET SMIT



STELLENBOSCH

STELLENBOSCH • PNIFL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MANAGER: PROPERTY MANAGEMENT

Cc

*Mr Abdul Cariem: Legal Advisor: National Department of Public Works
Ms Elzette van der Westhuizen: Director; Property Acquisitions: Western Cape Government
Mr Tabiso Mfeya: Director: Human Settlements & Property Management: Stellenbosch Municipality
Ms Geraldine Mettler: Municipal Manager: Stellenbosch Municipality
Mr Deon Fourie: Deputy Director: Property Planning and Information: Western Cape Government
Nolizwi Hlengwa
Suzy Valentine*

List of Annexures attached

Annexure 1: NDPW request for information dated 17 October 2016
Annexure 2: Stellenbosch Municipality response to NDPW request for information dated 27 October 2016
Annexure 3: Stellenbosch Municipality follow-up on NDPW request for information dated 15 February 2017
Annexure 4: Jonkershoek Steering Committee Action Minutes
Annexure 5: Final Draft Memorandum of Understanding (MoU)
Annexure 6: Draft Power of Attorney

POWER OF ATTORNEY

GRANTED BY

THE NATIONAL DEPARTMENT OF PUBLIC WORKS

herein represented by in his/her capacity as
.....duly authorised thereto,

(hereinafter referred to as “**the DEPARTMENT**”)

TO

STELLENBOSCH MUNICIPALITY

(hereinafter referred to as “**the MUNICIPALITY**”)

WHEREAS the **DEPARTMENT**, in terms of a statutory arrangement under the disposal of State Land Act of 1961, read with Section 28 of Schedule 6 of the Constitution of the Republic of South Africa, have the custodianship over the property described as **PORTION 4 OF FARM 352, STELLENBOSCH (UNREGISTERED FARMS No 1507, 1508 AND 1509, STELLENBOSCH EXCLUDING THOSE PORTIONS OF THESE FARMS THAT ARE IN THE OWNERSHIP OF THE MUNICIPALITY)**, as shown on the map hereto attached as **APPENDIX A** (hereinafter referred to as “state properties”) **AND**, in terms of a 99-year lease agreement with the **MUNICIPALITY** that is registered in the Deeds Office as Notarial Lease No 1691 of 1936, has custodianship over certain portions of land, consisting of “**RESERVE A**” (a portion of Portion 2 of Farm 352), “**RESERVE B**” (a portion of Portion 3 of Farm 352), “**RESERVE C**” (a portion of Portion 1 of Farm 358) **and** “**RESERVE E**” (a portion of Portion 3 of Farm 358) as shown on the map hereto attached as **APPENDIX B** (hereinafter referred to as “municipal properties”);

WHEREAS the houses and other related buildings on the properties are, in part, occupied by tenants in terms of Lease Agreements concluded with CAPE PINE and CAPE NATURE respectively;

WHEREAS it is recorded that there are an unspecified number of informal dwellings on the properties including, but not limited to, the areas commonly known as Op-die-Bult, Compound, Fishpoint, Settlement and Assegaaibos;

WHEREAS the **DEPARTMENT** and the **MUNICIPALITY** agree, that as local authority within whose jurisdiction the properties are situated, the Municipality is the competent authority for the provision of municipal services;

WHEREAS the **DEPARTMENT** has requested that the **MUNICIPALITY** provide municipal services on its behalf, as an interim arrangement;

WHEREAS the **DEPARTMENT** has previously requested the **MUNICIPALITY** to attend to township establishment, with the view of transferring ownership of individual dwellings to current occupants and public open spaces, roads and related infrastructure to the Municipality; should the properties indeed be viable for township establishment; and

WHEREAS the **MUNICIPALITY** is in the process of acquiring the said state properties for the purposes of township establishment and has, in the spirit of co-operative governance, agreed to the request by the **DEPARTMENT** for township establishment, subject to certain terms and conditions;

NOW, THEREFORE, the **DEPARTMENT** grants authority to the **MUNICIPALITY** for:

1. MANAGEMENT OF PROPERTIES

1.1 Management of Informal Settlement(s)

1.1.1 It is specifically recorded that there are a number of informal dwellings situated on the properties;

1.1.2 The **DEPARTMENT** hereby authorizes the **MUNICIPALITY** to manage these informal areas, including, but not limited to, the areas commonly known as Op-die-Bult, Compound, Fishpoint, Settlement and Assegaaibos, to the best of its ability, taking into account the limitations regarding bulk infrastructure and financial means;

1.1.3 For this purpose the municipality undertakes to:

- a) undertake a survey of all informal dwellings, with the view of
- b) the provision of basic municipal services.

1.2 Provision of Municipal Services

1.2.1 The **DEPARTMENT** hereby authorizes the **MUNICIPALITY** to render the following Interim Municipal Services which will include the maintenance of infrastructure to deliver such services:

- (a) Bulk supply of water, subject to an agreement being reached with CAPE PINE in terms whereof the **MUNICIPALITY** will be allowed to use the current bulk supply of water or take over such infrastructure;
- (b) potable water to house-holds, with the understanding that, where technically feasible, the current supply of water to residences will be retained;
- (c) sewerage (French drains)

- (d) roads and stormwater;
- (e) solid waste disposal;
- (f) fire fighting Services;
- (g) maintenance of public open spaces and parks; and
- (h) prevention of unauthorised land occupation, which includes, but is not limited to, the management of new people wishing to settle in Jonkershoek.

- 1.2.2 It is expected of the **MUNICIPALITY** to render the services as set out in paragraph 1.2.1 in an effective manner and in compliance with legal requirements taking into account the availability and standard of existing infrastructure.
- 1.2.3 It is expected of the **MUNICIPALITY** to draft and submit a budget on a monthly basis to the **DEPARTMENT**, setting out the cost of providing the services mentioned in paragraph 1.1 and 1.2.
- 1.2.4 The **DEPARTMENT** undertakes to make monthly payments to the **MUNICIPALITY** to cover the costs of services as per paragraph 1.2.3.
- 1.3.6 In the event that the **DEPARTMENT** is unable to cover the entire costs as set out in paragraph 1.2.3, the parties will negotiate in good faith a contribution to be paid by the **DEPARTMENT**, failing which the **MUNICIPALITY** may consider suspending service provision. It is, however, specifically recorded that the **MUNICIPALITY** will not act unilaterally in this regard and will only consider suspension of services after all alternatives have been considered, and only after a 1 month written notice period.
- 1.3.7 It is specifically recorded that the property falls outside the electricity distribution area of the **MUNICIPALITY**. Until such time as an agreement can be reached with ESKOM to take over the distribution network, the **MUNICIPALITY** will not deliver any electrical related services on the property.

2. UPGRADING OF INFRASTRUCTURE

- 2.1 The **DEPARTMENT** hereby authorizes the **MUNICIPALITY** to upgrade the current services infrastructure relating to roads and stormwater and the provision of water, sewage and refuse removal services, where required for the purposes of appropriate interim services delivery, to an acceptable standard on behalf of the **DEPARTMENT**, so as to enable the **MUNICIPALITY** to render a professional service to the inhabitants in the interim.
- 2.2 For this purpose, it is expected of the **MUNICIPALITY**, to prepare a gap-analysis on the status of services and a subsequent budget for the upgrading of services, where necessary, and shall present same to the **DEPARTMENT** for consideration.
- 2.3 The **MUNICIPALITY** is hereby authorized to, once the budget referred to above has been approved by the **DEPARTMENT**, either in part or in full, do the necessary upgrading of the services, as per paragraph 2.1 above.
- 2.4 The **DEPARTMENT** undertakes to compensate the **MUNICIPALITY** on completion of such upgrading works as agreed upon.

3. PERIOD OF AUTHORIZATION

This authorization shall be valid until such time as a Memorandum of Understanding, which will supersede this Power of Attorney, is concluded and signed or when the Council of the Stellenbosch Municipality resolves to terminate service provision envisaged in this Power of Attorney.

THIS DONE AND SIGNED AT THIS DAY OF2018,

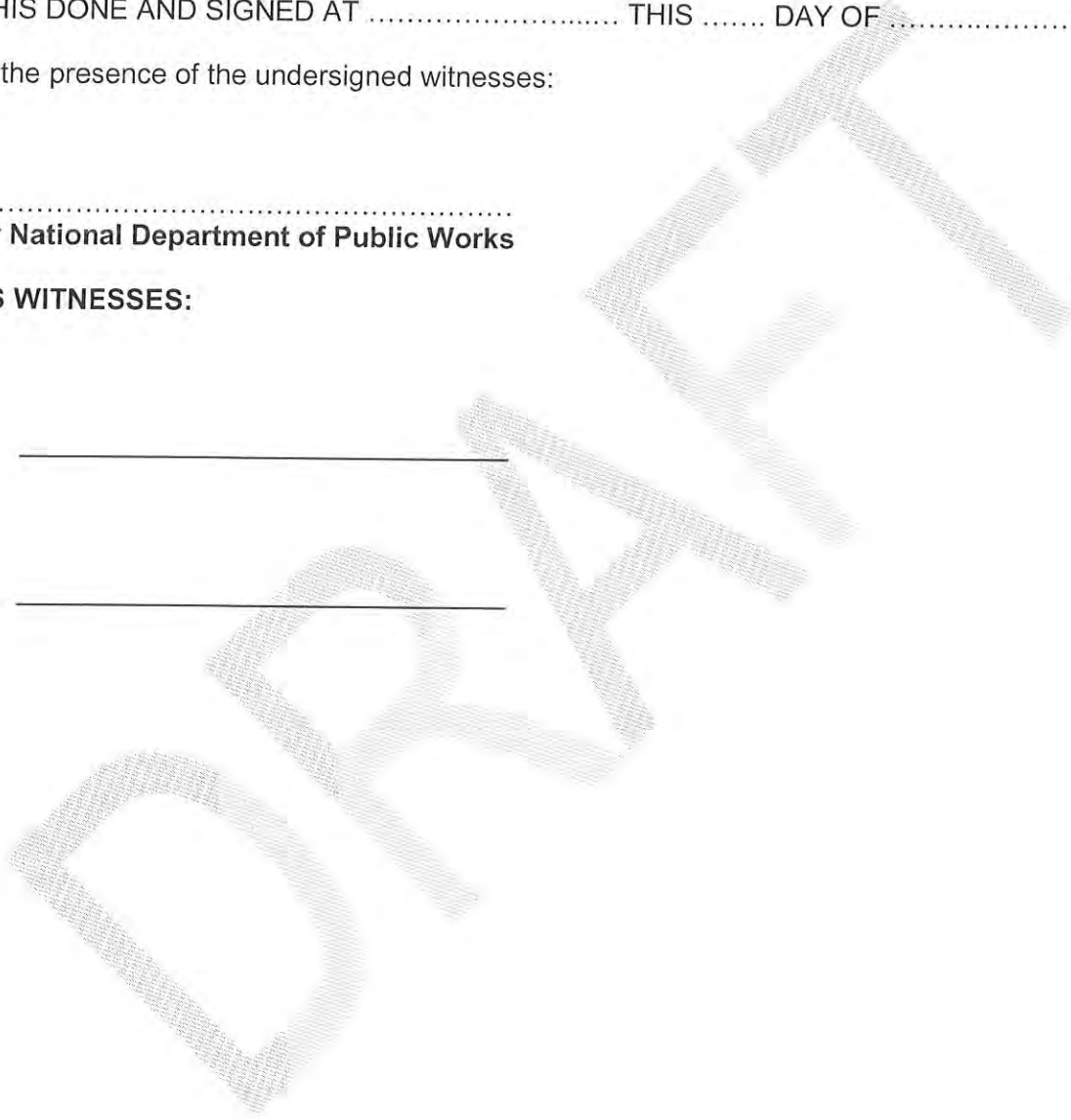
in the presence of the undersigned witnesses:

.....
for **National Department of Public Works**

AS WITNESSES:

1. _____

2. _____



**APPENDIX B: MAP SHOWING MUNICIPAL PROPERTIES UNDER 99-
YEAR LEASE AGREEMENT**

DRAFT

APPENDIX 14



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

Private Bag X9027, Cape Town. 8000 Enquiries: Ms N Hlengwa Ref: Tel: 021-4022102
e-mail: nolizwi.hlengwa@dpw.gov.za website: www.publicworks.gov.za

The Municipal Manager
Stellenbosch Municipality
P.O Box 17
STELLENBOSCH
7599

Attention: Piet Smit

Dear Sir

STELLENBOSCH: FARM 352 JONKERSHOEK

1. Our meeting of 5 September 2018 refers.
2. Please be advised that this Department confirm commitment that we will work together in order to reach an amicable Agreement with yourselves for the sake of service delivery.
3. The Municipality is authorized to provide the community with interim municipal services.
4. Furthermore the P.O.A will be facilitated for signature by our National office.
5. Your office will be updated accordingly.

Yours faithfully

DIRECTOR: REAL ESTATE MANAGEMENT SERVICES

Signed: Mrs. N. Hlengwa

DATE 10/09/2018

APPENDIX 15

POWER OF ATTORNEY

GRANTED BY

THE NATIONAL DEPARTMENT OF PUBLIC WORKS

herein represented by **MR MAHALINGUM GOVENDER** in his capacity as

(**DDG**) **ACTING DIVISIONAL HEAD: REMS** duly authorised thereto,

(hereinafter referred to as "**the DEPARTMENT**")

TO

STELLENBOSCH MUNICIPALITY

(hereinafter referred to as "**the MUNICIPALITY**")

WHEREAS the **DEPARTMENT**, in terms of a statutory arrangement under the disposal of State Land Act of 1961, read with Section 28 of Schedule 6 of the Constitution of the Republic of South Africa, have the custodianship over the property described as **PORTION 4 OF FARM 352, STELLENBOSCH (UNREGISTERED FARMS No 1507, 1508 AND 1509, STELLENBOSCH EXCLUDING THOSE PORTIONS OF THESE FARMS THAT ARE IN THE OWNERSHIP OF THE MUNICIPALITY)**, as shown on the map hereto attached as **APPENDIX A** (hereinafter referred to as "state properties") **AND**, in terms of a 99-year lease agreement with the **MUNICIPALITY** that is registered in the Deeds Office as Notarial Lease No 1691 of 1936, has custodianship over certain portions of land, consisting of "**RESERVE A**" (a portion of Portion 2 of Farm 352), "**RESERVE B**" (a portion of Portion 3 of Farm 352), "**RESERVE C**" (a portion of Portion 1 of Farm 358) and "**RESERVE E**" (a portion of Portion 3 of Farm 358) as shown on the map hereto attached as **APPENDIX B** (hereinafter referred to as "municipal properties");

WHEREAS the houses and other related buildings on the properties are, in part, occupied by tenants in terms of Lease Agreements concluded with **CAPE PINE** and **CAPE NATURE** respectively;

WHEREAS it is recorded that there are an unspecified number of informal dwellings on the properties including, but not limited to, the areas commonly known as **Op-die-Bult**, **Compound**, **Fishpoint**, **Settlement** and **Assegaaibos**;

WHEREAS the **DEPARTMENT** and the **MUNICIPALITY** agree, that as local authority within whose jurisdiction the properties are situated, the Municipality is the competent authority for the provision of municipal services;

WHEREAS the **DEPARTMENT** has requested that the **MUNICIPALITY** provide municipal services as an interim arrangement;



WHEREAS the **DEPARTMENT** has previously requested the **MUNICIPALITY** to attend to township establishment, with the view of transferring ownership of individual dwellings to current occupants and public open spaces, roads and related infrastructure to the Municipality; should the properties indeed be viable for township establishment; and

WHEREAS the **MUNICIPALITY** is in the process of acquiring the said state properties for the purposes of township establishment and has, in the spirit of co-operative governance, agreed to the request by the **DEPARTMENT** for township establishment, subject to certain terms and conditions;

NOW, THEREFORE, the **DEPARTMENT** grants authority to the **MUNICIPALITY** for:

1. MANAGEMENT OF PROPERTIES

1.1 Management of Informal Settlement(s)

1.1.1 It is specifically recorded that there are a number of informal dwellings situated on the properties;

1.1.2 The **DEPARTMENT** hereby authorizes the **MUNICIPALITY** to manage these informal areas, including, but not limited to, the areas commonly known as Op-die-Bult, Compound, Fishpoint, Settlement and Assegaaibos, to the best of its ability, taking into account the limitations regarding bulk infrastructure and financial means;

1.1.3 For this purpose the municipality undertakes to:

- a) undertake a survey of all informal dwellings, with the view of
- b) the provision of basic municipal services.

1.2 Provision of Municipal Services

1.2.1 The **DEPARTMENT** hereby authorizes the **MUNICIPALITY** to render the following Interim Municipal Services which will include the maintenance of infrastructure to deliver such services:

- (a) Bulk supply of water, subject to an agreement being reached with CAPE PINE in terms whereof the **MUNICIPALITY** will be allowed to use the current bulk supply of water or take over such infrastructure;
- (b) potable water to house-holds, with the understanding that, where technically feasible, the current supply of water to residences will be retained;
- (c) sewerage (French drains)
- (d) roads and stormwater;
- (e) solid waste disposal;
- (f) fire fighting Services;
- (g) maintenance of public open spaces and parks; and
- (h) prevention of unauthorised land occupation, which includes, but is not limited to, the management of new people wishing to settle in Jonkershoek.

2. UPGRADING OF INFRASTRUCTURE

2.1 For this purpose, it is expected of the **MUNICIPALITY**, to prepare a gap-analysis on the status of services and a subsequent budget for the upgrading of services, where necessary. Identify the land suitable for provisioning of services to the community in consultation with such communities. Municipality will then provide formal request of land to be released by NDPW for such. Within such planning sites to provide Provincial, Local and National Government services which might be required should be identified within such township establishment.

2.3 The **MUNICIPALITY** agree to provide the **DEPARTMENT** with planning of Jonkershoek.

3. PERIOD OF AUTHORIZATION

This authorization shall be valid until such time as a Memorandum of Understanding, which will supersede this Power of Attorney, is concluded and signed or when the Council of the Stellenbosch Municipality resolves to terminate service provision envisaged in this Power of Attorney.

THIS DONE AND SIGNED AT CAPE TOWN THIS 23 DAY OF OCTOBER 2018,

in the presence of the undersigned witnesses:


.....
for **National Department of Public Works**

AS WITNESSES:

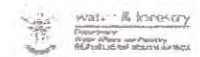
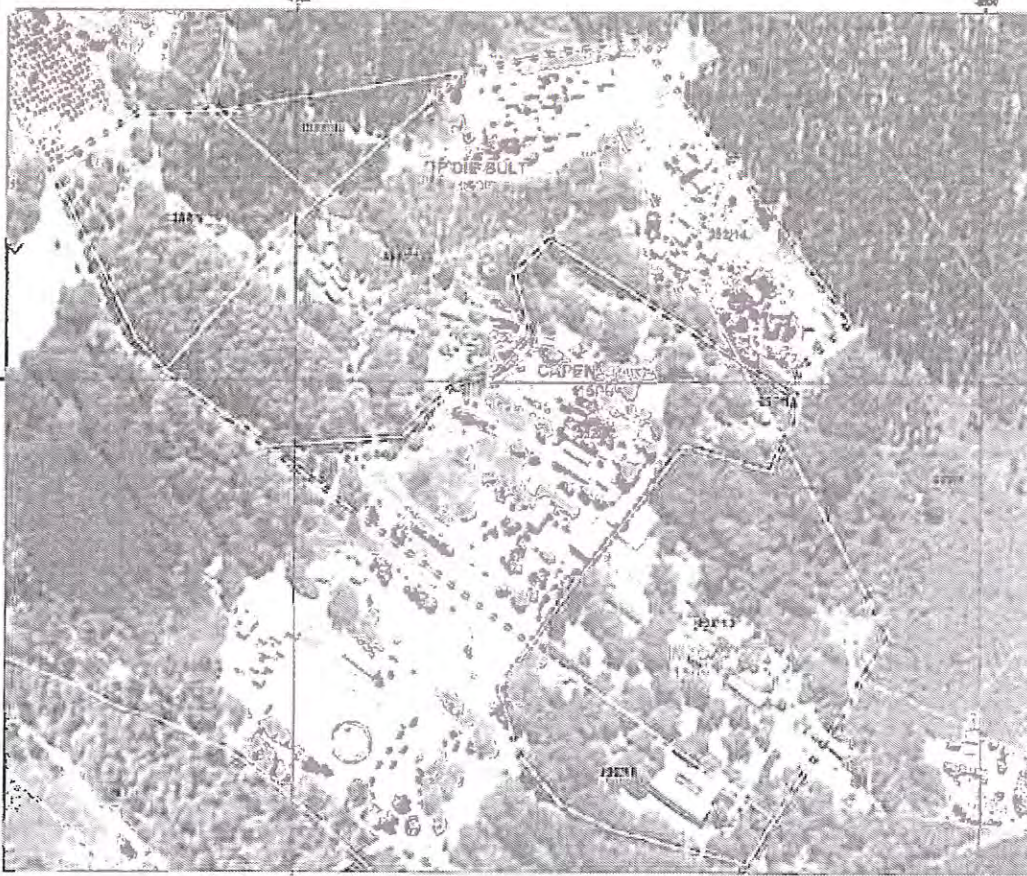
- 1. 

- 2. 



APPENDIX A: MAP SHOWING STATE PROPERTIES

Jonkershoek - Op die Bult Village



Legend

- Farm
- Farm Portion
- Consolidation Lines

MUNICIPALITY	
30209	2.0327 HA
30214	1.0520 HA
30215	0.0734 HA
30216	1.4162 HA
Total	5.5843 HA

RSA	
30210	0.8715 HA
30211	5.8298 HA
30212	4.4922 HA
30213	4.0122 HA
Total	14.9857 HA

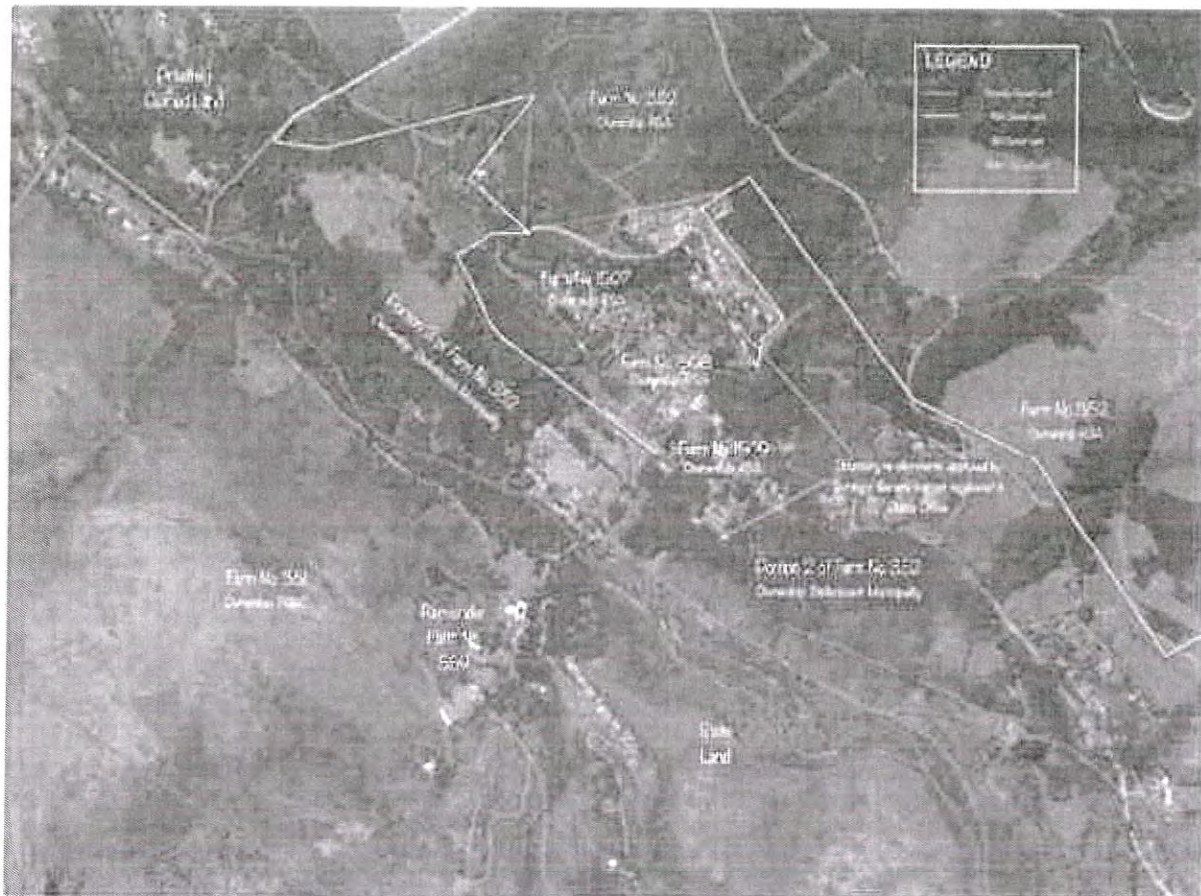
DEPARTMENT OF WATER AFFAIRS AND FORESTRY

WESTERN CAPE NATURE RESERVES

District	Beaufort West
Locality No.	022002
Code	WCA / BCB / BCB / FOC / SCA
Date	7 June 2007
Compiler	N. Anderson / G. van der Merwe
Task No.	100000
Workstation	C:\Tjalle
Source	DMAP
Image	30100004
Reg. No.	SA

JSA/06/0004 -
Op die Bult Village

APPENDIX B: MAP SHOWING MUNICIPAL PROPERTIES UNDER 99-YEAR LEASE AGREEMENT



APPENDIX 16



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

Private Bag X9027, Cape Town. 8000 Int Code: +27 21 Tel: 4022197 Fax: 0862726230 Cell:
0828552266 email: nolizwi.hlenqwa@dpw.gov.za website: www.publicworks.gov.za

Stellenbosch Municipality

P O Box 17

STELLENBOSCH

7600

Dear Mrs Geraldine Mettler

LETTER OF INVITATION TO ATTEND MEETING REGARDING FOREST VILLAGES

As the Department of Public Works is a custodian of all State-owned properties, it has accepted the hand back of de-proclaimed forest land and villages from the Department of Agriculture, Fisheries and Forestry. Regarding the forest villages this Department does not have mandate nor competencies to deal with issues pertaining to settlements and to provide the necessary infrastructure to service settlements. Some of the forest villages fall under your municipality's jurisdiction.

You are hereby invited to an inter-municipal meeting scheduled to take place on 10 October 2018 from 10:00 until 13:00 at Lower Hereengracht Street, Customs House Building, 11th Floor Boardroom. The meeting will cover the following items.

- Taking over of forest villages
- Transfer of ownership
- Future plans and sustainable economic development.

Due to the nature of this meeting, your attendance is very important, you are also welcome to send a representative.

Your attendance will be highly appreciated.

Yours Faithfully

DIRECTOR – GENERAL

Signed: Mrs NTP Hlenqwa

DATE: 14/09/2018

7.2.5	PAYMENT OF TRANSPORT ALLOWANCE TO EMPLOYEES ON TASK LEVEL 15 AND HIGHER
--------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: PAYMENT OF TRANSPORT ALLOWANCE TO EMPLOYEES ON TASK LEVEL 15 AND HIGHER

2. PURPOSE

To request Council to approve the payment of a car allowance to permanent employees from Task Level 15 and higher.

3. DELEGATED AUTHORITY

FOR DECISION BY THE COUNCIL

4. EXECUTIVE SUMMARY

Council currently pays some permanent employees a (perk) car allowances. This applies to employees who used to be in the post levels 1 to 4 under the old Van der Merwe job gradings. Since 1 July 2013 Council has accepted the SALGA approved TASK Job evaluation system and although no official comparison was done the Task Levels of 16 and higher potentially equates to the old post levels of 1 to 4. The posts of people who received the allowances have however graded on TASK levels from as low as T14. They retained the allowances. With the acceptance of the new organogram on 25th October 2017 and the implementation of the structure is has become necessary to also adjust the policies dealing with the car allowance.

In order to attract skilled and qualified employees in the more senior positions the administration needs to use additional benefits, such as a car allowances to attract the best possible candidates. Investigations at nearby and comparative municipalities have revealed that a car allowance is one of the benefits offered to employees on TASK levels T15 and above.

A new policy was drafted with the intention to replace the existing policy. The policy was tabled at the LLF and the policy was consulted in the LLF and Human resources Sub-committee of the LLF. Parties could not reach consensus on all the provisions of the new policy mainly due to conflicting interests that the unions have to protect.

5. RECOMMENDATIONS

- (a) that Council notes the criteria for qualification for the car allowance as indicated in the policy;
- (b) that the following allowances be approved for T grade T15 and above as per the provisions of the policy:

TASK LEVEL	AMOUNT
T15	R 11000
T16	R 12000

T17	R 14000
-----	---------

T18	R 15000
-----	---------

T19 and higher	R 16000
----------------	---------

(c) that the new Motor Vehicle Allowance Scheme be approved for implementation.

6. DISCUSSION / CONTENTS

6.1 Background

Council currently pay some permanent employees a (perk) car allowances. This applies to employees who used to be in the post levels 1 to 4 under the old Van der Merwe job gradings. Since 1 July 2013 Council has accepted the SALGA approved TASK Job evaluation system and although no official comparison was done the Task Levels of 16 and higher potentially equates to the old post levels of 1 to 4. The posts of people who received the allowances have however graded on TASK levels from as low as T14. They retained the allowances. With the acceptance of the new organogram on 25th October 2017 and the implementation of the structure is has become necessary to also adjust the policies dealing with the car allowance.

6.2 Discussion

In order to attract skilled and qualified employees in the more senior positions the administration needs to use additional benefits, such as a car allowances to attract the best possible candidates. Investigations at nearby and comparative municipalities have revealed that a car allowance is one of the benefits offered to employees on TASK levels T15 and above.

Investigations at nearby and comparative municipalities have revealed that a car allowance is one of the benefits offered from T15 levels. These amounts vary from R14 000 to R 20 000 per the levels applicable and hence the proposal is that the car allowance be staggered as follows:

TASK LEVEL	AMOUNT
T15	R 11 000
T16	R 12 000
T17	R 14 000
T18	R 15 000
T19 and higher	R 16 000

A new policy was drafted with the intention to replace the existing policy. The policy was tabled at the LLF and the policy was consulted in the LLF and Human resources Sub-committee of the LLF. Parties could not reach consensus on all the provisions of the new policy mainly due to conflicting interests that the unions have to protect.

As Council wants to attract the best possible candidates for the positions, it is essential that we offer applicants comparable benefits with neighbouring municipality's as we compete with them for the best candidates.

6.3 Financial Implications

The financial implications must still be determined based on the amount of employees currently participating and likely to be participating going forward.

6.4 Legal Implications

Employees who currently receive an allowance and whose posts do not grade on T15 or higher in the new structure will have to be given notice. An agreement will be entered into with all the employees who qualify for the allowance.

A municipality may offer its employees additional benefits to what is contained in the Basic Conditions of Employment Act and the SALGBC collective agreements provided that, if addressed in the collective agreements exemption must first be obtained from the SALGBC. The perk car allowance is not contained in the SALGBC collective agreements.

6.5 Staff Implications

Employees who currently receive an allowance and whose posts do not grade on T15 or higher in the new structure will have to be given notice.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

Possible disputes from employees whose allowances are terminated if they do not qualify.

6.8 Comments from Senior Management:

The item was not circulated for comment as it was discussed with all Directors and their inputs were incorporated in the policy. Discussed with all Senior Managers.

ANNEXURES**Appendix A: MOTOR VEHICLE ALLOWANCE SCHEME****FOR FURTHER DETAILS CONTACT:**

NAME	GERALDINE METTLER
POSITION	MUNICIPAL MANAGER
DIRECTORATE	MUNICIPAL MANAGER'S OFFICE
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	6 November 2018

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

STELLENBOSCH MUNICIPALITY

MOTOR VEHICLE ALLOWANCE SCHEME

1. BACKGROUND:

Stellenbosch Municipality has a Vehicle Allowance Scheme in place for employees who was appointed on level 0-4 (van der Merwe evaluation system). To be able to implement that scheme the post levels will have to be re-aligned. There are also a lot of questions about T-grades allocated to post on the old structure and the basis on which it was done. Council also approved new organisational structure on 25 October 2017. For all these reasons it was decided not to continue and revise the old policy, but rather compile a new policy applicable to post on the new structure and after a proper evaluation has been done of the posts.

It is custom in most municipalities and private companies to pay senior employees a motor vehicle allowance as part of the perks of the position they occupy. These employees are required to use their own vehicles for work and work related purposes and when receiving a motor vehicle allowance may not use company vehicles for work or work related purposes. Should an employee use a company vehicle without prior approval from the Municipal Manager disciplinary action may be taken against such employee.

There is also an Essential Use Car Scheme in place. The Essential User car Scheme is available to all employees who must use their private vehicles for work purposes and is then compensated for the use of their own vehicles through an allowance. It is not linked to a specific grading, but to a specific post and the functions of the post. The Essential User Car scheme is currently under revision at the Western Cape branch of the SALGBC.

2. DEFINITIONS:

“ Long terms contract” is a contract longer than 12 months or linked to a project of which the duration will be longer than 12 months

3. VEHICLE ALLOWANCE SCHEME:

The following motor vehicle scheme is hereby proposed to replace the existing scheme from the 1 day of the month following approval by Council.

3.1 To qualify for the allowance an employee/post must adhere to the following criteria:

- 3.1.1. Be permanently employed by Stellenbosch Municipality or appointed on a long term contract of which the terms and conditions of the contract specifically indicated the application of the scheme;
- 3.1.2. Be appointed on one of the Post Levels indicated below;
- 3.1.3. The post the employee is appointed in must be on the approved structure of 25 October 2017 or a later revision thereof;
- 3.1.4. The post must have been evaluated in terms of the new structure and the outcome of the evaluation confirmed by the TASK audit committee;
- 3.1.5. The employee must be in possession of a valid driver's license;
- 3.1.6. The vehicle must be registered in his/her name. The employee must inform the employer of any change in ownership of such vehicle or the purchasing of any new vehicle attached to this allowance. If an employee has more than one vehicle registered in his/her name the employee must elect one of the vehicles as the vehicle for purposes of this policy.
- 3.1.7. The vehicle must be available for work purposes at all times.
- 3.1.8. A non-pensionable vehicle allowance based on the post level of the employee will be payable on a monthly basis:

TASK grade 15	=	R 11 000.00
TASK grade 16	=	R 12 000.00
TASK grade 17	=	R 14 000.00
TASK grade 18	=	R 15 000.00
TASK grade 19 and higher	=	R 16 000.00

Comment [A1]: SAMWU AND IMATU of the opinion that a single amount should be paid as the costs for the use of the vehicle is the same. SAMWU PROPOSES THAT SAME % IS USED FOR THE DIFFERENT LEVELS BASED ON SALARY.

Comment [A2]: IMATU AND SAMWU of opinion that should be a single amount to all and not differentiated based on T levels. OTHER OPTION IS TO USE A % OF THE 1ST NOTCH OF EACH T-GRADE. See also general comment above.

- 3.2 This fixed non-pensionable / transport allowance may be structured annually, either before the last working day of February, in a tax friendly manner on an individual basis, based on an incumbent's personal needs in accordance with the options set out here under:
- (a) Option 1: 100% taxable non-pensionable transport allowance;
 - (b) Option 2: 80 % taxable non-pensionable transport allowance;
- 3.3. The allowance will be increased annually with effect from 1 July 2019 in accordance with a determination in the budget process.
- 3.4. In addition to the allowance provided for in this Scheme, incumbents may submit *ad hoc* claims on an ad-hoc basis in respect of officially approved journeys undertaken in their private motor vehicles for purposes of performing official duties outside the current municipal boundaries which journeys exceed 250 km (return). The reimbursement of *ad hoc* claims will be calculated in accordance with the running cost tariffs of the AA on submission of a memorandum approved by the Director of the Directorate within which the employee is employed or the Municipal Manager.
- 3.5. Irrespective of the tax option chosen, the employees shall be obliged to use his / her private motor vehicle in respect of which he / she receives the allowance every day for transport to and from his / her place of work and shall at all reasonable times during working hours have the said motor vehicle available for official journeys. The employee will not be entitled to use a municipal-/pool vehicle unless specifically approved by the Municipal Manager. An employee who receives a car allowance may not instruct an employee driving a council vehicle to pick them up and drive them somewhere without prior approval by the Municipal Manager. Trips to and from home to the workplace is not deemed as official kilometers.

4. TRANSITIONAL ARRANGEMENTS:

- 4.1 Employees who currently receive a transport allowance under the current 0-4 van der Merwe scheme will continue with that allowance until the post they occupy in the 25 October 2017 Organogram or later version thereof is evaluated and the evaluation falls within the criteria indicated above.

Comment [A3]: General comment from IMATU that employees must keep their car schemes irrespective of their grading.
General comment from SAMWU that lower ranking employees also want to get the benefit.

- 4.2 Employees who currently receive an allowance and whose posts do not grade within the parameters set out above will be given notice of the termination of such allowance.
- 4.3 Employees who currently receive a transport allowance higher than the allowance allocated to the TASK grade of their posts (after evaluation) will retain such allowance personal to incumbent. However no increases will apply to the allowance in terms of clause 4 above until such time that the current allowance equals the allowance provided for on the employee's TASK grade above.
- 4.4 All employees posts must be re-evaluated based on the new organogram and the provisions of this scheme will then apply to the employees from the 1st day of the month following the confirmation of the evaluation results starting with the 1st day of the month following the date of implementation of the policy. .
- 4.5 Employees who currently receive an allowance lower than the T-graded post must be adjusted to the correct allowance on the first day of the month following the confirmation of the evaluation of the post
- 4.6 Employees whose posts grade at a T15 and higher who has not received a car allowance before should be adjusted in accordance with the TASK grade of their post on the first day of the month following the confirmation of the evaluation.
- 4..7 The packages of TCOE employees must take the allowance into account where applicable and is not additional to the TCOE.

Comment [A4]: Request from unions that this period take the current loan period (as on date of approval of policy) into account.

REPEAL OF PREVIOUS POLICIES:

This policy replaces previous policies on travel allowances.

Implementation date:

Council Approved on:

7.2.6	NEW OVERTIME POLICY
-------	----------------------------

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: NEW OVERTIME POLICY

2. PURPOSE

To obtain approval for the New Overtime Policy.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council

4. EXECUTIVE SUMMARY

The new Overtime Policy was tabled at the Local Labour Meeting on 26 February 2018 and was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

The Human Resources Development Sub-Committee worked through all the provisions of the policy during the consultation process.

Then consulted Overtime Policy was re-submitted to the Local Labour Forum on 29 October 2018 where the parties confirmed that the policy was consulted and can be referred to MAYCO and COUNCIL for approval.

The new overtime Policy is attached as **APPENDIX 1**.

5. RECOMMENDATION

that the New Acting Policy be supported and submitted to Council for approval.

6. DISCUSSION / CONTENTS

6.1. Background

Stellenbosch Municipality has an existing overtime policy that is duplicating the provisions of the collective agreement and the provisions of the Basic conditions of Employment Act. It was therefore decided to draft a new policy rather than revising the existing policy.

6.2 Discussion

Overtime is regulated by the Basic Conditions of Employment Act and the Collective Agreements of the SALGBC.

Only employees below the minimum threshold set by the Minister of Labour is entitled to paid overtime unless such employee is on standby and then called out for emergency work. Currently that threshold falls at the top notch of Trade 9. The Minister is due to set a new threshold as the current threshold dates back to 2015 and has not kept up with changes in salary since then, which poses a challenge for employers and employees. Council can however not change the threshold unilaterally – we need to wait for new ministerial promulgation.

The new Overtime Policy was tabled at the Local Labour Meeting on 26 February 2018 and was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

The Human Resources Development Sub-Committee worked through all the provisions of the policy during the consultation process.

Then consulted Overtime Policy was re-submitted to the Local Labour Forum on 29 October 2018 where the parties confirmed that the policy was consulted and can be referred to MAYCO and COUNCIL for approval.

The new overtime Policy is attached as **APPENDIX 1**.

6.3 Financial Implications

As per the approved budget.

6.4 Legal Implications

The provisions of the policy are in line with legislative provisions, collective agreements of the SALGBC and SALGA guidelines.

6.5 Staff Implications

Staff will be appropriately remunerated for overtime worked or may receive time off for working longer hours to complete work related requirements.

6.6 Previous / Relevant Council Resolutions:

Approval of previous policy.

6.7 Risk Implications

Approval of the policy will minimize risks.

6.8 Comments from Senior Management:

Comments from the Management Team was solicited at a Management meeting have been incorporated.

ANNEXURES

Appendix 1 – New Overtime Policy

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2018</i>

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Stellenbosch Municipality Overtime Policy 2018

1. Purpose

This policy serves to guide management regarding overtime worked and payment thereof, as required by the Basic Conditions of Employment Act. All personnel must be made aware that even though overtime work is needed to adhere to operational requirements, payment thereof is more expensive than actually performing the work during office hours. It is important to note that the cost implication for Council must be taken into consideration when overtime is worked and authorized except for emergencies or life threatening situations.

2. Definitions

- 2.1 "Overtime" means the time that an employee works during a day or a week in excess of ordinary hours of work, as defined in the Basic Conditions of Employment Act and the Collective Agreement on Conditions of Service. A full day's work (8 hours) must first be worked before such employee is eligible for overtime. .
- 2.2 "Emergency work" refers to work that must be done without delay because of circumstances for which the employer could not reasonable have been expected to make provision and which cannot not be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours. Provision should be made for life threatening instances.
- 2.3 "Earnings" means gross pay before deductions, ie income tax, pension, medical and similar payments but excluding similar payments (contributions) made by the employer in respect of the employee as defined by the Basic Conditions of Employment Act.
- 2.4 "Senior Managerial employee/ Director" means an employee who has the authority to hire, discipline and dismiss employees and to represent the employer internally and externally.
- 2.5 "Shift worker", is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

3. Policy

3.1 Legal framework

Basic Conditions of Employment Act 75 of 1997 amended in 2005 (BCEA)

Collective Agreement on Conditions of Service for the Western Cape Division of the South African Local Government Bargaining Council

Municipal Systems Act 32 of 2000, as amended

3.2 Scope and application

3.2.1 Employees earning less than the overtime earnings threshold provided for in the Basic Conditions of Employment Act as amended, will, subject to the provisions of this policy, be remunerated for overtime or be given time off in lieu of overtime worked at the rates provided in the Basic Conditions of Employment Act as amended. The approving authority and the employee involved to agree beforehand in writing on payment or time off for overtime work

3.2.2 . Employees earning more than the overtime earnings threshold provided for in the Basic Conditions of Employment Act as amended, will be provided time off in lieu of payment for overtime worked calculated on straight time basis (1hour worked = 1 hour overtime), subject to the provisions of this policy. The approving authority and the employee involved to agree beforehand in writing on time off for overtime work.

3.2.3 An employee may not be required or allowed to work for a longer period overtime than prescribed by the Basic Conditions of Employment Act which state that an employee may not work more that 10 hours overtime per week and/or 4 hours per any day in the case of a 40hour work week. This provision excludes employees earning above the threshold as determined by the Minister from time-to-time and must be read with the Western Cape Conditions of Service Collective agreement.

3.2.4 Employees earning below the threshold and employees on standby (above the threshold) performing work on a basis of emergency overtime, shall receive overtime payment, irrespective of his/her earnings.

3.2.5. Where an employee earning above the threshold is placed on standby the Director must motivate the necessity for such standby to the Municipal Manager who must approve the standby.

3.3 General

3.3.1 Overtime work is subject to the provisions of the Basic Conditions of Employment Act as amended, the Collective Agreement on Conditions of Service: Western Cape Division and the provisions of this policy. In case of conflict between this policy and

the provisions of the Basic Conditions of Employment Act as amended, the provisions of the Act will prevail.

- 3.3.2 Planned overtime work is subject to prior written approval by a competent authority and no planned overtime may be worked without such written approval being obtained.
- 3.3.3 In cases of work related to emergency situations where work has to be done without delay owing to circumstances for which the employer could not reasonably have expected to make provision for and which cannot be performed by employees during their ordinary hours of work, and or in life threatening situations. For emergency overtime the competent authority may give verbal approval to the working of such overtime provided such approval is followed-up with a written confirmation. Written standing approval may be granted where justified by operational requirements.
- 3.3.4 An employee may not be required or permitted to work for a longer period overtime than 10 hours during any working week, these hours may only be increased to 15 hours by means of an agreement between the employee and the employer. An employee may not work more than 12 hours on any working day (normal + overtime hours), except in case of work related to emergency situations and employees performing essential services.
- 3.3.5 3.3. Only officials with delegated authority may approve overtime work and overtime payment.
- 3.3.6 No overtime can be claimed should an employee work less than the normal working hours. A full day's work (normal working hours-8hours or in the case of 5/8 5 hours) must first be worked before such employee is eligible for overtime.
- 3.3.7 Overtime can only be claimed for actual hours worked and exclude travelling time except for standby staff. Overtime for the latter group starts from the time of call out.
- 3.3.8 No overtime will be paid for attendance of functions/prize giving, etc. by personal invitation.
- 3.3.9 Where overtime in emergency situations cause an employee to work past midnight on a day, the employee will be entitled to a break of at least 8 hours before the employee is required to report for normal duty, without negatively impacting on his salary.
- 3.3.10 Should an employee who is appointed on a part-time or 5/8th basis be required (and agree) to work overtime, payment or time off in lieu of payment would only be effected at overtime rates after 8 hours worked on that specific day. The hours worked in excess of such an employee's ordinary working hours will be paid at straight time up to 8 hours and only thereafter at overtime rates.
- 3.3.11 If an employee chooses to take time off, this time off will be regarded as overtime, and cannot be converted to normal leave.
- 3.3.12 If an employee is on standby and is called out to work, then this will be seen as overtime work which is payable and the employee is entitled to overtime regardless of statutory limitations in item 3.7.

3.4 Time off in-lieu of overtime

- 3.4.1 Time off in lieu of payment for overtime shall be granted only for structured and approved overtime.
- 3.4.2 Application for time off in lieu of payment for overtime worked shall be done on the prescribed application form.
- 3.4.3 Time off in lieu of payment for overtime worked must be taken within 3 month from date of accrual. Time off not taken within 3 month will be forfeited. This 3 month period may, for operational reasons, be extended to a maximum of 6 months by the Municipal Manager or his delegate.
- 3.4.4 Time off in lieu of payment for overtime worked cannot be encashed. .

3.5 Overtime worked on public holidays

Payment or time off to eligible employees for work on public holidays will be dealt with in terms of the Basic Conditions of Employment Act as amended.

3.6 Overtime work on Sundays

Payment or time off to eligible employees for work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act as amended.

3.7 Payment for overtime worked

Payment can only be granted when such payment is in line with the Basic Conditions of Employment Act as amended, Collective Agreement on Conditions of Service as well as the approved Overtime Policy.

3.8 Administrative measures for managing and control of overtime

- 3.8.1 Each Director is responsible and accountable to constantly monitor and review the provisions for overtime on his/her budget and to ensure that trends are noted early; funds are adequate; justified and provided for timeously.
- 3.8.2 Each Director is responsible and accountable that only officials who are authorized in terms of the delegated powers approve overtime work and payment or time off in lieu of payment. The authorizing bodies must determine whether the information on the overtime form is accurate and correct before they authorize the form for payment/time off.z
- 3.8.3 Attendance registers, time sheets and overtime approval forms, which should indicate dates, starting and ending times, must be kept at source for three years in

respect of all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers/time sheets serve as source documents to complete overtime sheets.

- 3.8.4 Overtime forms must be submitted on a monthly basis before the 10th to the Remuneration Section. Forms that exceed the period of 1 month must be supported with valid reasons for the period.
- 3.8.5 An employee acting in a higher position and receiving an acting allowance will be remunerated overtime for emergency work only at his/her current post level.

4. Calculations per category:

As set out above and according to the collective agreement on Conditions of Service in the Western Cape, excluding Fire Services operational personnel, read with the Basic Conditions of Employment Act

5. Policy Review

This policy shall be reviewed bi- annually or as and when the need arises and replaces any other policy relating to overtime. .

7.2.7	NEW ACTING POLICY
-------	--------------------------

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: NEW ACTING POLICY

2. PURPOSE

To obtain approval for the New Acting Policy.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

Acting and the payment of acting allowance is regulated in terms of the Basic Conditions of Employment Act read with the Conditions of Service Collective Agreement for the Western Cape Division of the SALGBC. Acting provisions for Section 56 managers and the Municipal Manager is dealt with in the Municipal Systems Act (section 54 A and Section 56).

The appointment of an employee in an acting capacity is subject to very strict control measures and therefore, an employee will only be considered to act in a position if he or she has been appointed by his or her Director or authorised representative to act in a higher position. In the case of acting as Municipal Manager and Section 56 Manager Council must approve the acting arrangements. It is normally done through a roster that Council approves.

The New Acting Policy was submitted to the Local Labour Forum on in August 2018 who in turned referred same to the Human Resources Development Sub-Committee for consultation. The Human Resources Development Sub-Committee worked through all the provisions in the consultation process and referred the policy back to the Local Labour Forum for adoption. The policy is attached as Appendix A.

The Local Labour Forum meeting confirmed that the New Acting Policy was properly consulted and supported the policy. It was resolved to be forwarded to MAYCO and COUNCIL for approval.

5. RECOMMENDATION

that the New Acting Policy be supported and submitted to Council for approval.

6. DISCUSSION / CONTENTS

6.1. Background

Stellenbosch Municipality has an existing Acting Policy. The changes in the structure as well as changes to the collective agreements required a revision of the policy. It was decided to draw up a new policy instead of working with the old policy on revision.

6.2 Discussion

Acting and the payment of acting allowance is regulated in terms of the Basic Conditions of Employment Act read with the Conditions of Service Collective Agreement for the Western Cape Division of the SALGBC. Acting provisions for

Section 56 managers and the Municipal Manager is dealt with in the Municipal Systems Act (section 54 A and Section 56).

The appointment of an employee in an acting capacity is subject to very strict control measures and therefore, an employee will only be considered to act in a position if he or she has been appointed by his or her Director or authorised representative to act in a higher position. In the case of acting as Municipal Manager and Section 56 Manager Council must approve the acting arrangements. It is normally done through a roster that Council approves.

The New Acting Policy was submitted to the Local Labour Forum on in August 2018 who in turned referred same to the Human Resources Development Sub-Committee for consultation. The Human Resources Development Sub-Committee worked through all the provisions in the consultation process and referred the policy back to the Local Labour Forum for adoption. The policy is attached as Appendix A.

The Local Labour Forum meeting confirmed that the New Acting Policy was properly consulted and supported the policy. It was resolved to be forwarded to MAYCO and COUNCIL for approval.

6.3 Financial Implications

As per the approved budget.

6.4 Legal Implications

The provisions of the policy are in line with legislative provisions, collective agreements of the SALGBC and SALGA guidelines.

6.5 Staff Implications

Staff will be appropriately remunerated for the additional responsibilities on a higher level whilst acting in a higher position.

6.6 Previous / Relevant Council Resolutions:

Approval of previous policy.

6.7 Risk Implications

Approval of the policy will minimize risks.

6.8 Comments from Senior Management:

Comments from the Management Team solicited at a Management meeting have been incorporated.

ANNEXURES

Appendix 1 – New Acting Policy

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2018</i>

APPENDIX 1



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

ACTING ALLOWANCE POLICY 2018

1. PREAMBLE

The Stellenbosch Municipality accepts that from time to time an employee may not be available to discharge his/her duties and responsibilities in terms of the contract of employment. The Municipality recognizes that from time to time there would be a need to appoint another appropriately skilled and experienced employee to discharge the duties of the employee who is absent. The latter is to take place within a framework, having regard not only for the Labour Relations Act, but also for other applicable legislation, inclusive of the MFMA, but not limited to the latter only.

2. OBJECTIVES OF POLICY

The object of this policy is to provide a uniform standard to regulate the appointment of staff in acting positions. In doing so, the policy addresses the issue of appointing staff in acting positions on the one hand and on the other deals with the payment of an acting allowance when applicable including when acting functions are performed in the positions of the Municipal Manager and Section 56 Managers..

3. LEGAL FRAMEWORK

- Labour Relations Act, 66 of 1995;
- Local Government : Municipal Systems Act, 2000, (Act 32 of 2000)
- Local Government : Municipal Finance Management Act, (Act 56 of 2003)
- SALGBC Western Cape Division: Collective Agreement on Conditions of Service
-

4. SCOPE OF POLICY

This policy applies to all employees who are appointed in an acting capacity in a post that is at a higher level than the post they normally occupy.

5. DEFINITIONS:

- “deemed salary”: is equal to 60% of the total remuneration package of the Municipal Manager or a Section 56 Manager
- “category Municipality” means in this instance the category municipality that Stellenbosch Municipality fall in in terms of the calculations in the Regulations that determines the Upper Limits for Senior Managers as determined annually
- “minimum package” means the lowest package for the category of Municipality that applies to Stellenbosch Municipality irrespective of the package payable to the incumbent in the post in which the Director or employee is acting
- “acting” means the fulfillment of all duties, tasks and responsibilities of a post on a higher level of responsibility than the employee who is acting
- “acceptable standard” a standard as would be expected of a normal person in the position

5. THE PRINCIPLES OF ACTING

An employee will be acting in another post when he/she has been authorised in writing by the Municipal Manager or the applicable Director to act in a more senior post, or in terms of the Council Resolutions (rotating schedule) appointing Acting Municipal Managers and Acting Directors. An employee who acts in another post is still responsible for his/her original duties, functions and powers. Said employee will then also be vested with the delegations and responsibilities of the more senior post. If acting in the higher post makes it impossible to still performs all of own functions and duties the Municipal Manager may approve that some/all of the own functions and duties are not performed.

No staff member may be authorized to act in a higher post without the requisite qualifications, skill and experience.

6. ACTING AS MUNICIPAL MANAGER

- 6.1 Directors will act as Municipal Manager when the Municipal Manager is not available in terms of the rotation schedule appointment made by Council and as adjusted from time-to-time.
- 6.2 Directors will be paid for acting in the stead of the Municipal Manager during the absence of the Municipal Manager when they act for a period of 10 consecutive work days or longer. They will be paid an amount equal to the difference between 60% of their total remuneration package and 60% of the total remuneration package of the Municipal Manager (minimum package linked to the category municipality not to the individual in the post).

Where 60% of the Director’s package is more than 60% of the minimum Municipal Manager package (linked to the category municipality) the Director will be paid 5% of his/her own deemed salary (60% of his/her package).

7. ACTING AS DIRECTOR

- 7.1 Council must approve the acting arrangements for the different Directors on a rotation schedule.
- 7.2 An acting allowance is only payable when an employee acts as Director of a Directorate for a minimum of ten consecutive working days.
- 7.3 The employee acting as a director will be paid an amount equal to the difference between his/her salary and the minimum deemed salary component of the Director in whose post the employee is acting.
- 7.4 Where 60% of the minimum Director's package (linked to the category of the Municipality) is less than the employee's salary the employee will be paid 5% of his/her own salary.

8. ACTING IN ALL OTHER POSTS

- 8.1 The Director must appoint an appropriately skilled person in writing to act in a higher position than that of the employee who is appointed to act, prior to the start of the acting period.
- 8.2 The Director must authorise the payment, subject to budgetary provision, of an acting allowance to a person acting in the more senior post.
- 8.3 The acting allowance is only payable when an employee acts in another post for a minimum of ten consecutive working days.
- 8.4 The acting allowance payable is calculated in terms of Clause 8.2 of the Collective Agreement on Conditions of Service for the Western Cape Division of the South African Local Government Bargaining Council (SALGBC) which prescribes that:

"Acting allowance equal to the difference between the employee's pensionable salary and the commencing notch of the salary scale of the post in which the employee is acting shall be paid to the employee for the period of acting.

If the employee earns more than the commencing notch of the salary scale in which the employee is acting the employee will be paid 5% of the acting employee's salary"
- 8.5 Where an employee has acted for a continuous period of three (3) months or longer, he/she will qualify for an acting allowance while on paid leave.
- 8.6 Any acting period must be limited to not exceed nine (9) consecutive working months.
- 8.7 The higher post must be a vacant post and budgeted for (funded) or a filled post where the current incumbent will be absent from work for more than a 10 consecutive working days.
- 8.8 The acting incumbent shall sign a suitable undertaking committing to and assuming all the responsibilities normally associated with the higher post
- 8.9 No expectation is created or that eligibility exists for placement in the post if the post is

vacant.

8.10 The acting employee will not be remunerated on the acting salary for overtime and other benefits. The employee's own salary will be used for calculation of such.

9. THE FOLLOWING GUIDELINES ARE TO BE CONSIDERED PRIOR TO MAKING A DECISION TO APPOINT A PERSON IN AN ACTING POSITION

- 9.1 Consideration should be given as to whether an official, more senior to the post concerned, can absorb all or part of the critical duties and responsibilities associated to the post; and or whether any other persons are interested and have capacity to perform the duties.
- 9.2 The possibility of spreading the workload of the post amongst other employees operating at the same level;
- 9.3 The need for supervision over sub-ordinates
- 9.4 The need to maintain the daily output associated with the post
- 9.5 Acting allowances will not be paid if not all the responsibilities of the higher post is not fulfilled by the acting incumbent during the acting period as is required of the incumbent of the post.

10. POLICY REVIEW

This policy document will be reviewed every third year or when deemed necessary - especially if there is a change in collective agreements or legislation.

This policy will replace all previous policies on acting arrangements and allowances

Date approved by Council:

7.2.8	REVISED FIREARM POLICY
-------	------------------------

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: REVISED FIREARM POLICY

2. PURPOSE

To obtain approval for the Revised Firearm Policy applicable to employees to whom firearms are issued as part of their functions.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

A request was made to revise the firearms Policy. A revised policy was tabled at the Local Labour Meeting of 8th of June 2017 and was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

The Human Resources Development Sub-Committee worked through the policy during the consultation. The Fire Arms Policy was re-submitted to the Local Labour Forum for adoption on the 29th of October 2018.

The Local Labour Forum confirmed that the policy was consulted and recommended that it be referred to MAYCO and COUNCIL for approval.

5. RECOMMENDATION

that the Firearms Policy (as revised in 2018) be supported and submitted to Council for approval.

6. DISCUSSION / CONTENTS

6.1. Background

Stellenbosch Municipality has an existing Firearms policy and due to inter alia the structure changes in 2017 it was necessary to revise the current policy.

6.2. Discussion

A request was made to revise the firearms Policy. A revised policy was tabled at the Local Labour Meeting of 8th of June 2017 and was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

The Human Resources Development Sub-Committee worked through the policy during the consultation. The Fire Arms Policy was re-submitted to the Local Labour Forum for adoption on the 29th of October 2018.

The Local Labour Forum confirmed that the policy was consulted and recommended that it be referred to MAYCO and COUNCIL for approval.

6.3 Financial Implications

No additional financial implications.

6.4 Legal Implications

Employees must comply with provisions as indicated by Firearms Control Act before they may be issued with a fire Arm. They have to undergo training and when not carrying on their person the fire arms have to be locked in an appropriate storage place as prescribed by the legislation.

6.5 Staff Implications

Staff has to be trained and comply with the provisions of legislation before they are authorised to carry a firearm.

6.6 Previous / Relevant Council Resolutions:

Approval of previous policy.

6.7 Risk Implications

Possible injuries flowing from the use or the loss of a firearm.

6.8 Comments from Senior Management:

Comments from the Management Team was solicited at a Management meeting have been incorporated.

ANNEXURES**Appendix 1 – Revised Firearm Policy****FOR FURTHER DETAILS CONTACT:**

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2018</i>

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

STELLENBOSCH MUNICIPALITY FIREARM POLICY

Date approved by Council:

April 2018

INDEX

NO	SUBJECT	PAGE NO
1.	INTRODUCTION	3
2.	DEFINITIONS	3
3.	RESPONSIBILITY	4
4.	TRAINING	5
5.	FAILURE TO REPORT FOR TRAINING	6
6.	USE OF OFFICIAL FIREARMS	6-7
7.	CARRYING AND SAFEKEEPING OF OFFICIAL FIREARMS	8
8.	CARRYING OF FIREARM WHEN ON DUTY	9
9.	ISSUING OF FIREARMS	10
10.	RETURN OF FIREARMS	11
11.	LOSS, THEFT OR UNAUTHORISED USE OF FIREARM	11
12.	CONCLUSION	12

1. INTRODUCTION

- 1.1 This policy serves to implement relevant legislation, with regard to the issuing, handling and use of firearms within Stellenbosch Municipality for law enforcement and traffic officers to perform their mandatory duties.
- 1.2 This policy is guided by the Act and all laws pertaining to the use of firearms and all the Regulations governing the use of firearms. This policy encapsulates legislative prescripts applicable to the issuing and use of firearms, which Stellenbosch Municipal Council adheres to.

2. DEFINITION

- 2.1 Words in this policy shall have the meaning assigned thereto in either the Firearms Control Act, or the Firearms Control Regulations, or in the absence thereof, as follows:
 - 2.1.1. "Act" means the Firearms Control Act, (Act 60 of 2000);
 - 2.1.2. "Authorised Official" means the Stellenbosch Municipality law enforcement official or traffic officer or any other relevant municipal official duly authorized by Director after due assessment of the functions and requirements of that official, to whom a firearm has been issued;
 - 2.1.3. "Director" means the Municipality's Director: Community & Protection Services (or any other person appointed in terms of Section 56 of the Local Government: Municipal Systems Act who may from time to time be assigned the responsibility of the duties of traffic and law enforcement);
 - 2.1.4. "DFO" means a Designated Firearms Officer as detailed in clause 3.2 only, to be differentiated from the designated firearms officer as defined in the Act;
 - 2.1.5. "Firearm" means a firearm owned by the Municipality and detailed in the firearm register;
 - 2.1.7. "Municipality" means the Stellenbosch Municipality;
 - 2.1.8. "Peace Officer" means any person who is a peace officer under the Declaration of Peace Officers in terms of section 334 of the Criminal Procedure Act 51 of 1977, published under Government Gazette 23143, Government Notice No GN R209 dated 19 February 2002;

- 2.1.9 “Policy” means this Firearms Control Policy upon approval by Council and as may be amended from time to time;
- 2.1.10. “Regulations” means the Firearms Control Regulations, published in Government Gazette No GG 26156 under Government Notice No GN R345 dated 26 March 2004;
- 2.1.11. “Responsible Person for Firearms” and “the Responsible Person” means the officer designated as such in terms section 7 of the Act by the Municipality, and is responsible for fulfilling all roles and responsibilities as set out in the Act and the Regulations;
- 2.1.12. “Safety Zone” and “Firearm Safety Zone” means the areas as designated by the Responsible Person from time to time for the safe checking and loading of Firearms; and
- 2.1.13. “Shooting Incident Report” means the report referred to in clause 6.4 and 6.5 below that must be generated on each and every occasion that a Firearm is discharged.
- 2.2 The provisions of this Policy will take precedence over any other policy of the Municipality, and this Policy will be superseded by the provisions of the Act, the Regulations or any other relevant provision of any other law, as amended from time to time.

3. RESPONSIBILITY

- 3.1 The Manager: Traffic and Law Enforcement Services of the Municipality’s, Directorate: Community and Protection Services, will be the Responsible Person in terms of the Firearms in respect of, but not limited to the following:
 - 3.1.1 Monthly inspection, with the assistance of the relevant DFO, of all Firearms and ammunition for all Authorised Officials;
 - 3.1.2 Firearm inspection reports are to be forwarded by the Responsible Person for Firearms to the Senior Manager: Protection Services, during the first week of each month;
 - 3.1.3 Certification by the Responsible Person for Firearms which reflects the correct status of the Firearms concerned; and
 - 3.1.4 The Responsible Person should ensure that all registers are kept in terms of the prescriptions of Regulation 82 of the firearms Control Regulations[.

3.2 The following departmental centralized DFO's will assist the Responsible Person as contemplated in this Policy, including (but not limited to) in clauses 3.1 and 9:

3.2.1 Law Enforcement Department: Principal Inspectors/Senior Inspectors (Unit supervisors) excluding control room staff; and

3.2.2. Traffic Department: Assistant Superintendents (Traffic Services – shift supervisors);

Provided that each departmental centralized DFO appointed by the Municipality, be done in writing and confirmed by the Central Fire Arms Register, Pretoria.

4. TRAINING AND COMPETENCY CERTIFICATES

4.1 There are legislative responsibilities attached to all Peace Officers who carry firearms and it is therefore necessary that all Stellenbosch Municipal Peace Officers participate in firearm training and qualification programmes.

4.2 The firearm training programme will strictly be adhered to for all Authorised Officials who are issued with a Firearm.

4.3 Any Authorised official who in terms of his/her functional duties is required to be issued with an official Firearm will only be issued with such Firearm if the Authorised Official meets all the competency requirements as set out in Section 6 of the Act read with Chapter 5 of the Firearms Control Act.

4.4 The training program must comply with section 9 of the Act and the accredited standards of the SASSETA. All Authorised Officials of the relevant departments, referred to above, are required to qualify with the basic firearm course once a year as prescribed in terms of legislation.

4.5. The Municipality will, in compliance with its supply chain management policy, obtain the services of a registered and competent training person or institution who can provide the necessary training for officers, as set out in Section 9(2)(q) and (r) of the Act, read with the Regulations.

4.6 Unless already declared a competent person in terms of Section 9 and 10 of the Act, and for which purpose the necessary documentary proof thereof must be submitted to the Responsible person for Firearms to his/her satisfaction, an Authorised Official

must undergo the training as prescribed by the Municipality's service provider at the Municipality's cost.

- 4.7 In the event of the Authorised Official failing the training course, such Authorised Official may, **at his/her own cost repeat** the training course.
- 4.8 The arrangement as set out above will apply whenever the officer has to have his/her competency status renewed or if, for whatever reason, the Authorised Official no longer complies with the competency requirements of Section 9 of the Act.

5. FAILURE TO REPORT FOR TRAINING

- 5.1 Authorised Officials who have failed to report for training as scheduled and have not been granted leave of absence shall face disciplinary action.
- 5.2 An Authorised Official may apply for leave of absence in the following limited circumstances, with no other reasons being acceptable:
 - 5.2.1 Verified sick or injury;
 - ;
 - 5.2.2 Emergency duty;
 - 5.2.3 Court appearance;
 - 5.2.4 Being on leave, including annual, maternity or family responsibility leave. Provided that where other special leave has been granted, that the Authorised Official disclosed the training date prior to being granted such other special leave.

6. USE OF OFFICIAL FIREARMS

- 6.1 All irregularities, including but not limited to, the misuse and unauthorized use of a Firearm, and/ or allowing it to be misused or allowing the unauthorized use thereof, including any contravention of the Act and Regulations in the handling of Firearms and ammunition, must immediately be reported to the control room so that an entry can be made in the occurrence book. The following

information must be supplied to the control room by the Authorised Official or his /her supervisor:

- 6.1.1 The exact geographical location;
 - 6.1.2 Serial number of the Firearm;
 - 6.1.3 Time of the incident;
 - 6.1.4 The Authorised Official's call sign (if applicable);
 - 6.1.5 Short description of the incident;
 - 6.1.6 Authorised Official's name and staff number;
 - 6.1.7 CAS number if available; and
 - 6.1.8 Number of rounds fired;
 - 6.1.9 Caliber as well as type of weapon and ammunition.
- 6.2 A report has to be submitted in writing to the relevant Manager, the relevant DFO and the Responsible Person for Firearms, the latter who then has to submit the report to the Director, as soon as possible for his attention and action.
- 6.3 The Director will take responsibility to ensure that the matter is reported to the Municipal Manager.
- 6.4 Whenever a staff member uses a Firearm and discharges it, whether "birdshot" or "live ammunition" is used, then a Shooting Incident Report containing the details as listed in clause 6.1 above, shall be submitted before end of that shift as well.
- 6.5 The Shooting Incident Report shall be submitted to the Authorised Official's immediate supervisor who shall forward it to the relevant Manager and a copy to the Director.
- 6.6 If the Authorised Official is unable to submit the report, this responsibility rests with the immediate supervisor who shall submit the report within 24 hours of the incident.
- 6.7 The supervisor must ensure that a CAS number is obtained from the SAPS in the event of a shooting incident that necessitates the opening of a criminal investigation and is therefore responsible to report any such contraventions that come to his / her attention to the local South African Police Service where the incident occurred.

- 6.8 Where a Firearm has been discharged, whether a person has been injured or killed, then the Authorised Official shall ensure that a comprehensive Shooting Incident Report is submitted to his/ her immediate superior, to the relevant DFO and the Responsible Person and that the matter is immediately reported to the relevant SAPS offices.

7. CARRYING AND SAFEKEEPING OF OFFICIAL FIREARMS

- 7.1 When an Authorised Official carries his/her official Firearm on his/her person he/she must do so in the manner as prescribed by section 84 of the Act. Failure to do so will result in a disciplinary proceedings being instituted against Authorised Official.
- 7.2 When an Authorised Official carries his/her official Firearm on his/her person he/she must at all-time be able to produce the relevant permit for that firearm.
- 7.3 Whenever a firearm is issued to an Authorised Official and that Authorised Official is allowed to store such issued Firearm at his/her place of residence, the Authorised Official shall at his/her own cost purchase a firearm safe that complies with Regulation 86 and install such safe in accordance with the Regulations.
- 7.4 Only after the Responsible Person for Firearms has approved of the safe and its installation shall such approval be conveyed in writing to the Authorised Official.
- 7.5 The Director may revoke permits or authorisation referred to in this Policy if any Authorised Official is found guilty of non-compliance with the provisions of this Policy or of any relevant legislation.
- 7.6 The Firearm shall remain holstered at all times except:
- 7.6.1 For inspection;
 - 7.6.2 For use in the scope of the officer's duties/authority;
 - 7.6.3 For the use at scheduled firearm practices;
 - 7.6.4 For storage;
 - 7.6.5 For cleaning.

- 7.7 No Authorised Official shall repair, modify or adjust any issued weapons. Any problems and/ or defects should be reported to the Responsible Person for Firearms who will then address the problem and/ or defect with the relevant manager of that Authorised Official's section/ department.
- 7.8 The Firearms will be held in the dedicated safe until such time as the repairs or maintenance can be effected. Every DFO and/ or the Responsible Person for Firearms shall on a regular basis be responsible for the inspection of weapons, ammunition, firearm permit (authorisation) and leather gear of all Authorised Officials under their supervision.
- 7.9 Authorised Officials who has been issued with a fire arm and is not carrying the firearm on their person must ,store the Firearm for safekeeping in the prescribed locked safe. This also applies to when the employee is off duty or on standby and is allowed to carry the firearm home.
- 7.10
- 7.11 The DFO shall be held responsible on overseeing the cleanliness of the Firearms of Authorised Officials under his/ her supervision.
- 7.12 Each Authorised Official shall be responsible for the cleaning of the Firearm as issued to them from time to time, and shall ensure that in the process of cleaning all required safety procedures are complied with; Provided that the Responsible Person may issue any reasonable directive in this regard from time to time.

8. CARRYING OF FIREARMS WHEN ON DUTY

- 8.1 Section 98 (5) of the Act provides that at the end of each period of the Authorised Official's duty he/she must return the Firearm in question to the place of storage designated for this purpose by Stellenbosch Municipality.
- 8.2 Section 98 (4) of the Act provides that the Municipal Manager may impose any further conditions on the possession and use of the firearms and ammunition under the control of the Stellenbosch Municipality.
- 8.3 The carrying of official Firearms when outside the area of jurisdiction of the Stellenbosch Municipality is strictly forbidden, unless specifically authorised in writing by the Director.

- 8.4 The carrying of official Firearms when in civilian clothing is strictly forbidden unless specifically authorised in writing by the Director.
- 8.5 No Authorised Official issued with a firearm shall allow it to be used, carried or kept in any vehicle at any time when off duty.
- 8.6 No private firearms may be carried when an official is on duty or be stored in the designated safe of Stellenbosch Municipality.

9. ISSUING OF FIREARMS

- 9.1 The Responsible Person for Firearms and/ or the relevant DFO(s) shall ensure that all the Authorised Officials are accounted for and are in possession of the required leather gear prior to the issuing of Firearms on commencement of their tour of duty.
- 9.2 Firearms shall only be issued to officers employed by Stellenbosch Municipality in accordance with Regulation 79 (1) and (2) of the Firearms Control Regulations and who will be required to handle firearms as part of their work in the execution of their duties as law enforcement officers/traffic officers for self-protection purposes.
- 9.3 The Responsible Person for Firearms and/ or the designated DFO shall ensure that the firearms are made safe and unloaded prior to issue, in the designated Firearm Safety Zone at the safe.
- 9.4 Every Authorised Official shall receive the Firearm and magazine with ammunition and visually ensure that it is safe before it is placed in their holster.
- 9.5 Every Authorised Official shall ensure that the Firearm register is signed that a record of the issue is noted in their pocket books.
- 9.6 The Responsible Person for Firearms and/ or the relevant DFO shall counter sign for the issue of each Firearm and ammunition in both the Firearm register and pocket book.
- 9.7 In the case of Firearms being taken home because an Authorised Official is on standby, then a permit will be issued subject to the provisions of clause 7.3 above having already been complied with, which will allow the Authorised Official to take the Firearm home.
- 9.8 When all Firearms have been issued to the Authorised Officials, the Responsible Person for Firearms shall ensure that all the Authorised Officials are present in the Safety Zone at the Safe and shall ensure that the Firearms are loaded, checked and holstered in accordance with safety procedures.

10. RETURN OF FIREARMS

- 10.1 The Responsible Person for Firearms and/ or the relevant DFO shall ensure that all the Authorised Officials are present and all weapons and ammunition accounted for after returning the Firearms.
- 10.2 The Responsible Person for Firearms and/ or the relevant DFO will ensure that all Firearms are unloaded and checked in the Firearm Safety Zone, before they are handed in at the prescribed safe.

11. LOSS, THEFT ON UNAUTHORISED USE OF OFFICIAL FIREARM

- 11.1 Any official Firearm lost, stolen or any unauthorized use of Firearms must be reported immediately to the Director through the chain of command setting forth the detailed circumstances of the loss, theft or unauthorised use of the Firearm.
- 11.2 In addition the Responsible Person for Firearms and/ or the relevant DFO shall ensure that the crime and incident report is prepared, reported and entered into the Occurrence Book/ Register at the relevant South African Police Station.
- 11.3 The Municipality's Responsible Person for Firearms or a DFO as designated by the Responsible Person, shall institute an objective and comprehensive investigation (internal) into the matter, and shall fully co-operate with the South African Police Services in the investigation required from the SAPS. In the event that the internal investigation cannot be conducted by the Responsible Person or a DFO for whatever reason, then the Director or the Municipal Manager shall designate an appropriate person to do so.
- 11.4 All the information and statements shall be compiled and forwarded through the chain of command to the office of the Director, who in turn will report the incident to the Municipal Manager.
- 11.5 In terms of 11.3 a formal investigation must be conducted to clear the authorized officer of any wrongdoing before a firearm is reissued. During the investigation period, the authorized officer will temporarily not be issued with a firearm.

12. CONCLUSION

- 12.1 Any transgression of this Policy will be regarded as extremely serious and dealt with as such under the disciplinary code.
- 12.2 It is therefore imperative that no deviations from the content of this Policy by any person may be permitted without the prior written permission from the Director after sufficient and reasonable grounds to do so have been demonstrated.
- 12.3 Authorised Officials or any other persons who transgress this Policy may be charged criminally (where relevant) and disciplinary procedures may also be instituted against them. On conviction, the privilege to carry an official Firearm might be withdrawn from an Authorised Official or that Authorised Official may, under section 102 of the Act, be declared a person unfit to possess a firearm.

7.2.9	PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND AY: WITH HELDERVALLEY FARMING ASSOCIATION
--------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND AY: WITH HELDERVALLEY FARMING ASSOCIATION

2. PURPOSE

To obtain Council approval for the cancelation of the lease agreements with HC Myburgh Boerdery and the in principle approval of a lease agreement for the identified properties be concluded with Heldervalley Farming Association.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

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

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

The Heldervalley Farming Association, through the Heldervalley Community Forum, has now requested that the matter be finalised. The Heldervalley Farming Association is not an established entity and will have to establish a legal entity (NGO) or alike before any lease agreement(s) can be entered into. In the mean time they remain on the farm using it and not paying rent.

Council determined in 2016 that upcoming farmers may rent land a 20% of the market value and established the market value at R2194.23 ph/per annum. A determination in this regard is made every 5 years.

The matter served before the Executive Mayoral Committee on 18 July 2018 and was referred to Council. The item was withdrawn from the Council agenda and referred back to the department for refinement. The matter served before Mayco in September 2018, but questions were raised on a piece of land that is regarded as environmentally sensitive as well as the specific identity parties with whom the agreement is to be entered into. Farm 502 BC is the area that is regarded as environmentally sensitive and it is recommended that that piece of land not be leased. It is not currently used for agricultural purposes. The matter is now resubmitted to Council.

5. RECOMMENDATIONS

- (a) that the current lease agreements with HC Myburgh Boedery in regard to the lease agreements in 5 (b) below, be cancelled;
- (b) that the following properties be identified as land **not needed for own use** during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulation 5:

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

- (c) that Council, in principle, approves the leasing of the properties to Heldervalley Farming Association (to be established) on a private treaty basis as provided for in Regulation 34 (1) (b), for a period of 9 years and 11 months subject thereto that Council's intention to lease the properties be advertised for public inputs/comments/alternative offers, as provided for in paragraph 9.2.2 of the Property Management Policy;
- (d) that the Heldervalley Farming Association provides proof that they are an established NGO or alike association and the specific identities of the people who are involved be provided before Council makes a final resolution on the matter;
- (e) that Council determines the rental at 20% of market value as R438.85 ha/per annum R2194.23 ph per annum), R438.85ha/annum, as provided for in paragraph 22.1.4 of the Property Management Policy (below market value rental);
- (f) that the matter be referred back to Council after the public participation process indicated in 5(c) above;
- (g) that the possibility of either recovering the outstanding debt or writing it off, be investigated by the Accounting Officer; and
- (h) that the Heldervalley Farming Association be informed that they are liable for the payment of rent from 1 October 2018, irrespective of the date of the signing of the lease agreement should they wish to remain using the land for farming purposes.

6. DISCUSSION / CONTENTS**6.1 Background**

On 1 April 1991 Stellenbosch Municipality concluded three (3) long term Lease Agreements with HC Myburgh Boedery in relation to the following properties:

Property description	Size	Water rights	Contract period
Lease Farm 502 AX	6.96 ha	2.3ha	1991-04-01 to 2041-03-31
Lease Farm 502AY	4.28 ha	1.3ha	1991-04-01 to 2041-03-31
Lease Farm 502 BC	8.5 ha	2.5ha	1991-04-01 to 2041-03-31

The Lease Areas form part of the bigger Farm 502, situated to the South of the Annandale Road, as shown on Fig 1 and 2, below.

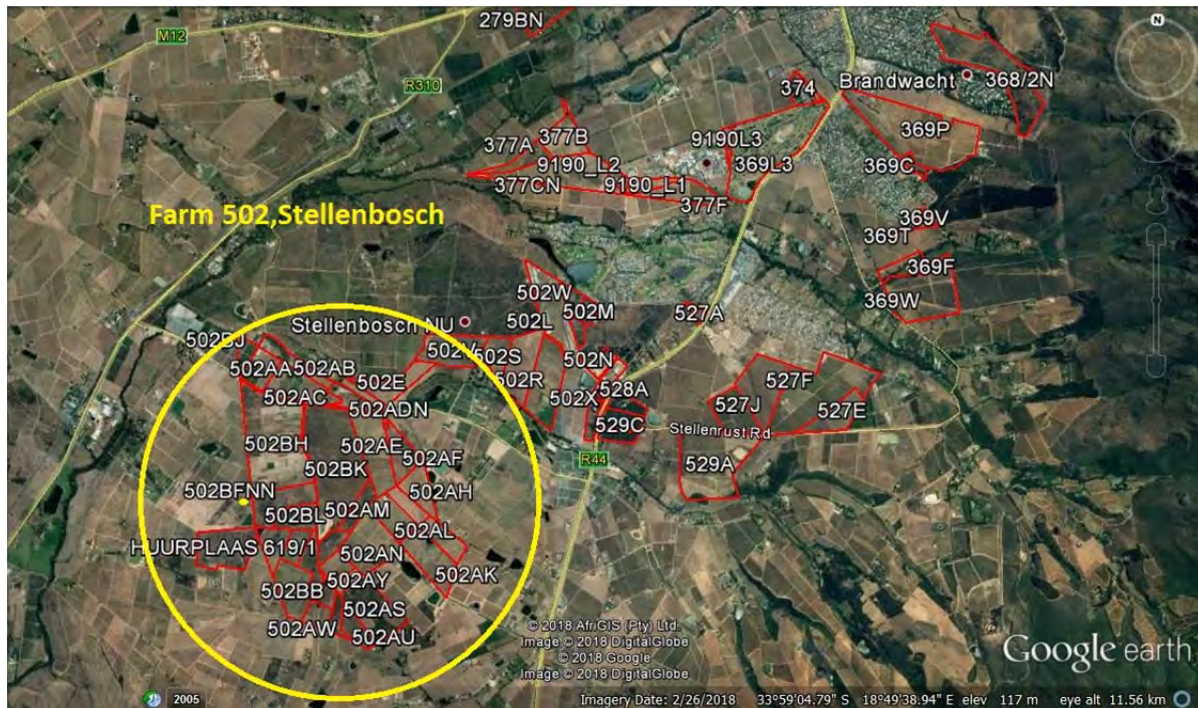


Fig 1: Location



Fig 2: Extent of properties

6.2 Discussion

During 2013 a written request was received from Mr Johan Myburgh, on behalf of HC Myburgh Boerdery, to cede the abovementioned lease agreements to the Heldervalley Farming Association. At the time of the request, members of the Heldervalley Farming Association were already using the leased land. They concluded an agreement with Mr Myburgh, and the Provincial Department of Agricultural. The sub-lease was never approved by Stellenbosch Municipality.

There were rent not paid to the Municipality and the lessee (HC Myburgh Boerdery) due disputed the outstanding rent. There was a dispute between the parties with regard to outstanding monies. Mr Myburgh indicated that he cannot be hold

responsible for the outstanding rental, as the Farming Association was benefitting from the land and should be liable and the municipality held the Lessee liable for the rent in terms of the agreement. Before the matter could be resolved, Mr Myburgh suddenly passed away.

This department later met with the Attorney handling the estate of the late Mr Myburgh, explaining that the proposed ceding were never concluded, and that they should indicate in writing whether they would like to proceed with the process. Notwithstanding a number of follow-up requests, they never responded. During 2015 further attempts were made, by involving the late Mr Myburgh's brother, to finalise the matter, but without success. From the above one can only assume that the estate did not want to continue with the lease agreements nor did they formally indicate that they want to continue with the ceding thereof. It is our understanding that the estate has in the meantime been wrapped up, without making any payments to the Municipality. The Municipality did not put a claim in against the estate. The contracts have not been formally terminated and it is proposed that the contracts with H C Myburgh Boerdery, be terminated

A letter was received from the Heldervalley Farming Association, hereto attached as APPENDIX 1, requesting that the lease agreements be ceded to them, as they are utilising the land from 2008. This would enable them to approach Government for financial assistance and would provide them with legal certainty.

The legal concept of a cession or assignment of a lease agreement is where, by agreement, and after obtaining the written consent of the landlord (Lessor), the Lessee (cedent) surrender or transfer its rights and/or obligations to a third party (cessionary). Once the cession is effected, the cedent falls out of the picture and the cessionary effectively becomes the (new) Lessee.

The legal requirements for a valid cession are:

- a) Written consent by the landlord, if the Lease Agreement provided therefor;
- b) Agreement * between the cedent and the cessionary to give and accept transfer of the rights (and obligations); and
- c) Compliance with any formalities in law;

*Although an agreement for a cession or assignment need not to be in writing, it is always preferable. The only requirement is that the parties must have consensus (*wilsooreenstemming*) on the terms and conditions of such an agreement.

In the circumstances under discussion:

- a) The Lessee (Myburgh) indeed requested the written consent of the Lessor (Stellenbosch Municipality);
- b) Consensus on the proposed ceding was indeed reached, but agreement was never reached on the issue of taking over the obligations (outstanding debt) of the Lessee. For this reason no agreement was ever concluded.
- c) The lessee has passed away before an agreement was reached and his estate has not taken up the rights and responsibilities under the leases and the state has been finalised.

It is recommended that a lease be concluded with the Heldervalley Farming Association, on the basis of a private treaty agreement* i.e. without following a public competitive tender process. Members of the association had been farming on the land since 2008. The new Property Management Policy, allows Council to dispense with a competitive process under certain circumstances, subject to certain conditions as set out in the legal implications below. Farm 502 BC is the area that is regarded as

environmentally sensitive and it is recommended that that piece of land not be leased. It is not currently used for agricultural purposes.

6.3. Legal implications:

Asset Transfer Regulations

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

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

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

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

*None of the land parcels has a value in excess of R10M.

In terms of Regulation 36, the municipal council must, when considering such approval, take into account:

- a) whether such asset may be required for the municipality's **own use** during the period for which such right is to be granted;
- b) the extent to which any compensation to be received will result in a significant economic or **financial benefit** to the municipality;
- c) the **risks and rewards** associated with such right to use; and
- d) the **interest of the local community**.

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality (read Mayco) may grant the right only in accordance with the **disposal management system*** of the municipality, irrespective of:-

- a) the value of the asset; or
- b) the period for which the right is granted.

*The Policy on the Management of Council-owned property is deemed to be Stellenbosch Municipality's Disposal Management System.

Policy on the Management of Council owned property

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may **dispense** with the prescribed, **competitive process**, and may enter into a **private treaty agreement** through any convenient process, which may include **direct negotiations**, but only in **specific circumstances**, and only after having **advertised** Council's intentions.

One of the circumstances listed in (l) is **lease contracts with existing tenants**. In the current circumstances, however, the Heldervalley Farming Association is not the legal tenants, although they are occupying the land since 2008.

Another condition is listed in paragraph 9.2.2.1 (e), and reads as follows:

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

Under the circumstances described above, this Department is of the view that a direct Lease Agreement with the Heldervalley Farming Association would fall into this criteria. For this reason it is recommended that Council approve, in principle, the conclusion of a lease agreement with the Heldervalley Farming Association on a private treaty basis, subject thereto that Council’s intentions be advertised for public inputs/objections.

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

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

In the current circumstances it is important to note that Council has already approved a tariff of 20% of the fair market rental (as approved by Council from time to time) for other emerging farmers. It is therefore recommended that the rental be determined at 20% of market rental, i.e. R 438.85/ha per annum.

6.4 **Financial Implications**

The current outstanding debt on the three Lease Agreements is as follows:

•	Lease Farm 502 AY:	R122 116.45
•	Lease Farm 502 AX:	R141 566.34
•	Lease Farm 502 BC:	<u>R219 784.20</u>
	Total	R483 466.99

Should Council agree to lease the portions indicated above to the Heldervalley Farming Association, it is recommended that the outstanding rental of Mr Myburgh be written off. Although the Heldervalley Farming Association used the land leased to HC Myburgh Boerdery there is no legal agreement with them and there is no legal claim against them. With the conclusion of the Myburgh estate without a claim been lodged by the Municipality, the Municipality lost it right to claim for this outstanding debt,

The proposed rental of 80% of market rental it can be justified, as other emerging farmers already receive this benefit, and it is in line with our Property Management Policy, authorising a below market value/rental “*where the plight of the poor*” demands as such.

6.5 **Staff Implications**

This report has no staff implications for the municipality.

6.6 **Risk Implications**

It is necessary to comply with Council Policies and applicable legislation.

6.7 Comments from Senior Management:**6.7.1 Director: Infrastructure Services**

I notice that some of these farm portions are close to Annandale Road. They seem to be mostly south of this road but it must be noted that the intended Western Bypass is to originate from Annandale Road. We need to ensure that should the Western Bypass become live and when WCG decides to promulgate this road, that those properties upon which the Road Reserve is to be placed must understand that we reserve the right to allow a promulgation on the applicable properties regardless of this lease and should the construction of such road commence upon any of these properties that such construction will be allowed with, say, a 12-month warning. Apart from the above and therefore the impact on recommendation (a), I support the other recommendations.

Please note that the properties under consideration are located to the south of Annandale Road, and will therefore not be affected by the proposed western bypass.

6.7.2 Director: Planning and Economic Development

No comments received

6.7.3 Chief Financial Officer

No comments received

6.7.4 Municipal Manager

Supports the recommendations

ANNEXURES

Annexure 1: Letter received from Heldervalley Farming Association

FOR FURTHER DETAILS CONTACT:

NAME	ANNALENE DE BEER
POSITION	DIRECTOR: CORPORATE SERVICES
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-808 8106
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	2018-09-06

APPENDIX 1



Tel: 072 943 4682

Est. 1995

E-mail: heldervalleycommunityforum@gmail.com

Klein-Helderberg Farm
R44 Strand Road
Stellenbosch
7600

“Together we can make a difference”

10 November 2017

Die Burgermeester
Stellenbosch Munisipaliteit
Pleinstraat
7599

Geagte Rdl Adv. Gesie van Deventer

SEDERING VAN GROND: PLAAS 502 (AW,AX,AY+BC)

Die vorige samesprekings met Stellenbosch Munisipaliteit rakende bogenoemde aangeleentheid het betrekking,

Hiermee rig ons graag hierdie versoek as 'n aansoek om die sedering van bogenoemde eiedom na Heldervalley Farming Association.

1. Agtergrond van Heldervalley Community Forum

Die Heldervalley Community Forum (HCF) was gestig in die jaar 1995 met die doel om sosiale en ekonomiese probleme te adreseer van agtergeblewene gemeenskappe en plaaswerkers in die Helderberg kom en Stellenbosch. Dit word gedoen deur verskillende programme wat fokus op Jeug ontwikkeling, Sports en kultuur, Boerdery en Vaardigheidsontwikkeling. Die organisasie het suksesvol n "Computer Learning Centre" by Avontuur Wine Estate wat ingerig is met 25 kompers and n Boerdery besigheid bekend as Helderbergvalley Farming te Klein-Welmoed Plaas Moddergat Pad naby Raithby.

2. Agtergrond Helderberg Farming te Klein-Welmoed Plaas Moddergat

Gedurende die jaar 2000 het die Heldervalley Community Forum (HCF) begin met n boerdery projek (Heldervalley Farming) op verskeie plase naamlik Zandberg en Blaauwklippen. Die 30ste September 2008 gaan ons in n meer formele ooreenkoms met wyle Mnr Johan Myburg te Klein-Welmoed Plaas Moddergat vir Sederling van Plaas 502 (AW,AX,AY+BC) en n aansoek was ingedien (09 Februarie 2009) deur wyle Mnr Johan Myburg na Stellenbosch Munisipaliteit vir sedering van grond. Befonsing was ook verkry vanaf Departement Lanbou waarmee ons die plaas toe kon inrug met; besproeiing stelsels, 3x containers vir pakstoor, yskas asook kantoor, Trekker, wa, Hyundai Bakkie en nog kleiner toebehore.

Die sedering van Plaas 502 (AW,AX,AY+BC) het tot stilstand gekom met die ontydige dood van Mnr Myburg en so kon onderhandelinge nie voort gaan met Stellenbosch Munisipaliteit nie. Dit dien ook gemeld te word dat daar was verskeie gespreke met Mnr Piet Smit maar voor dinge afgehandel kon word is Mnr Myburg oorlede. Ons is tans besig sederd 2008 op die grond met organise groente boerdery met verskeie markte en in die proses om ooreenkoms aantegaan met n Tee maatskappy maar weens die feit dat die grond nog nie op ons naam is nie maak dit vir ons baie moeilik om groter te groeie asook om ondersteuning te kry van ander besighede asook Staat instansies.

Members

Chairperson: Jeremy Johannes Tel.: 072 943 4682 Vice-chairperson: Christian Roman Tel: 079 248 0335
Secretary: Patricia Stoffels Tel: 073 119 5597 Vice Secretary: Genewade Manuel Tel: 062 390 4026
Treasurer: Valentine Solomons Tel: 079 677 4970 Additional Member Vice: Sarah Fortuin Tel: 078 347 7410

3. Wie is die Heldervalley Farming Association

Die Heldervalley Farming Association is 'n ter stigte nie-regeringsorganisaie wat deur Heldervalley Community Forum geïnisieer is met die doel om boerdery ontwikkelingsgeleenthede te vestig vir voorheenbenadeelde en werklose persone wat binne die bediensgebied van Stellenbosh munisipaliteit resorteer.

Die Heldervalley Farming bestaan uit 4 lede, naamlik, Jeremy Johannes, Jakob Olivier, Irwin Julius en Enrico Muller wat tans nog funksioneer onder die vaandel van Heldervalley Community Forum tot en met die boerdery entiteit gevestig is.

Daar is reeds boerdery bedrywighede op die perseel aan die gang wat namens die entiteit bestuur word deur Jakob Olivier. Laasgenoemde het in afwesigheid van die ter stigte entiteit en met goedkeuring van die lede reeds verantwoordelikheid geneem vir die oornome van die munisipale verpligtinge. Hierdie verpligtinge sal dan deur die ter stigte entiteit oorgeneem en nagekom word sodra die registrasie dokumentasie ontvang.

Die rede waarom die entiteit se registrasie verdrag was, was as gevolg van afsterwe van Mnr Johan Myburgh en die finalisering van sy boedel, die onsekerheid van die status van die eiendom en van die herhaalde samesprekings met Stellenbosch munisipaliteit, veral met Mnr Piet Smit, wat die organisasie baie behulpsaam was met leiding en advies oor die beste moontlike oplossings vir die benutting van die grond. Alvorens die voorafgaande nie gefinaliseer kon word nie, sou dit op daardie stadium nutteloos wees om 'n entiteit te registreer wat nie sekerheid gehad het of die eiendom aan hom toegeken sou word, al dan nie.

4. Aansoek

Die aansoek van Heldervalley Farming Association is dus dat die bogenoemde eiendom tot sy beskikking gestel word in oorleg met die terme en voorwaardes van Stellenbosch Munisipaliteit.

Ons vertrou dat hierdie versoek en aansoek gunstig oorweeg en spoedig geproseseer sal word.

U samewerking word waardeer.

Die uwe



JEREMY JOHANNES
VOORSITTER

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

NONE

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
-----	--

7.4.1	PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT, DEPARTMENT OF HUMAN SETTLEMENTS
-------	--

Collaborator No: 614819
IDP KPA Ref No:
Meeting Date: 09 November 2018

1. SUBJECT: PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT DEPARTMENT OF HUMAN SETTLEMENTS

2. PURPOSE

The purpose is two – fold:-

- a) To inform council about the proposed devolution of certain rental stock to Stellenbosch Municipality; and
- b) To obtain approval for the proposed devolution of the said rental stock.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Head of Department for the Provincial Department of Human Settlements approached the Municipality requesting the devolution of immovable asset in favour of Stellenbosch Municipality in terms of the housing legislation and minmec directives. The properties are attached as **ANNEXURE A**.

5. RECOMMENDATIONS

- (a) that an assessment be made of the defects and cost (if any) at all the rental stock which the Provincial Department of Human Settlements requests to transfer to Stellenbosch Municipality;
- (b) that the cost involved of repairing the rental stock be funded by the Provincial Department of Human Settlements;
- (c) that the request from the Western Cape Government's Department of Human Settlements to transfer the properties listed in par. 6.1.2.4 to the Municipality be approved; and
- (d) that the Municipal Manager be authorised to sign all documents necessary to effect transfer of the said properties.

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Institutional arrangements

The Constitution establishes housing as a concurrent Schedule 4A function between national and provincial governments, with no role for local government. The White Paper on Housing outlined the policy framework that led to the development of the Housing Act, the Housing Code and a number of other legislative provisions that govern the sector. The Housing Act (107 of 1997) clarifies the roles and responsibilities of national and provincial government and assigns roles to municipalities that are accredited in terms of the Act.

6.1.2 Housing Act 107 of 1997

6.1.2.1 Transfer of certain properties to Provincial Government

In terms of Section 14 (2) (a) of the Act, all property of the former National Housing Board must pass to the Provincial Government for the province in which such property was situated.

In terms of Section 14(3)(b) of the Act, any dwelling or residential erf which has passed to the Provincial Government in terms of sub-section (2), and which is suitable for letting or sale, must be let or sold by such Provincial Government. The proceeds of any such sale, letting or alienation contemplated above must be paid into the Provincial Housing Development Fund for the province in question.

6.1.2.2 Transfer of certain property from Provincial Housing Development Boards to municipalities

In terms of Section 15 (2)(a) of the Act, any immovable property which has passed to a Provincial Government in terms of Section 14(2), and has not yet been sold or alienated in terms of Section 14(3), **must be transferredto the Municipality** within whose area of jurisdiction such property is situated, not later than a date determined by the Minister.

In terms of sub-section 3, **such immovable property may only be transferred to a municipality if such municipality**, in the opinion of the Provincial MEC, after consultation with the municipality, **has the capacity to administer such immovable property** in accordance with national housing policy.

In terms of sub-section 4(c), the net proceeds of any letting, sale or other alienation must be utilised by the municipality for housing development in accordance with national housing policy and a housing project approved by the MEC. A municipality to which any such immovable property is transferred, **must maintain a separate account through which all matters contemplated in section 15 and 16 must be transacted.**

6.1.2.3 Transfer of money in certain funds to municipal operating accounts

In terms of Section 16, any money which at commencement of this section stands to the credit of or is payable to:

- a) the Community Facility Account;
- b) the Rent Reserve Fund; or
- c) the Maintenance and Renewal Fund of a municipality must be transferred to the separate operating account of such municipality referred to in Section 15(5).

The money so transferred must be utilised by a municipality for housing development in accordance with national housing policy and a housing project approved by the MEC.

6.1.2.4 Notice: Devolution of Rental Stock: Western Cape Government

Hereto attached as **ANNEXURE A**, a letter received from the Provincial Department of Human Settlements, informing us that they are continuing with their programme to devolve immovable assets to municipalities in terms of the Housing Act (referred to above) and Minmec Directives. In terms hereof, they want to transfer the following immovable assets to Stellenbosch Municipality, on condition that the municipality undertakes not to sell their units, but to take it up in our social housing (rental) stock:

- **La Colline flats:**
32 units situated on erven 2644, 2645, 2660, 2661, 2666, 2667, 2683 and 2684
- **Zimbabwe flats:**
2 units situated on erf 2544
- **Zambezi flats**
2 units situated on erf 5137

To enable them to continue and obtain the necessary approval for the devolution (transfer to Municipality), **the Municipality is requested to indicate its willingness to accept the devolution of the assets.**

6.2 Discussion

6.2.1 Location and context

The properties are situated in Tobruk Park; Muller Street and Borchard Street, respectively, as indicated on Fig 1- 4 below.



Fig 1: Location and context

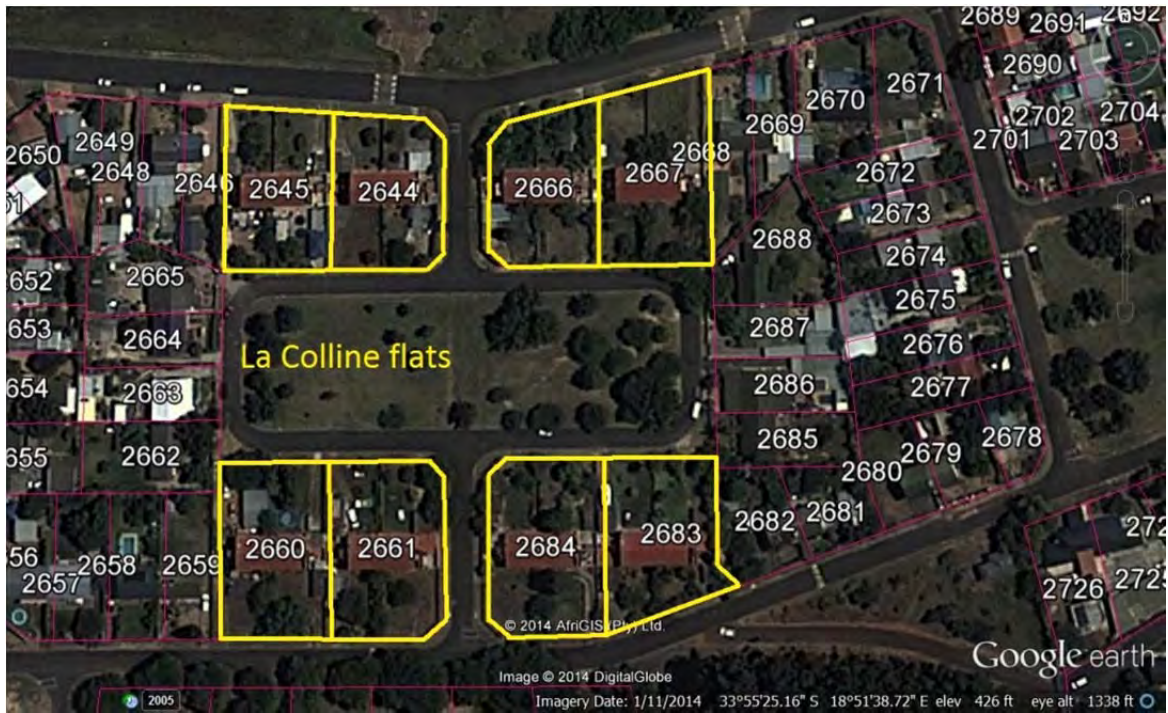


Fig 2: La Colline flats



Fig 3: Zimbabwe flats



Fig 4: Zambezi flats

6.3 **Financial Implications**

The financial impact be determined and the cost thereof be reimbursed from the Provincial Department of Human Settlements.

6.4 **Legal Implications**

It is Council's prerogative to decide to accept the proposed devolution of the abovementioned properties if Council is of the opinion that it has the necessary capacity to administer the immovable properties.

6.5 **Staff Implications**

None

6.6 **Previous / Relevant Council Resolutions**

None

6.7 **Risk Implications**

No risk implications are foreseen at this stage, except further, illegal land invasion due to no progress being made.

6.8 **Comments from Senior Management**

6.8.1 **Director: Planning and Economic Development**

Integrated Human Settlements:

At the 39th Council meeting dated 2016-03-30 Item: 7.8, Council approved the Restructuring zones which included these erven that currently belongs to the Provincial Department of Human Settlements. During April 2017, the National Minister of Human Settlements approved Stellenbosch as a Restructuring Town and the Restructuring

zones as per the Social Housing Act. This enables the municipality to form partnerships with Social Housing Institutions which will develop affordable rental stock in the demarcated areas as approved by the National Minister.

These erven as depicted in the item will become an integrated part of the Social Housing programme the municipality envisaged to roll out.

The item is therefor supported.

Housing Administration

This department should be able to manage the lease administration of an additional 38 units.

The management of the flats (social housing) must be maintained at high levels to ensure continued compliance with the relevant zoning scheme and the National building Regulations.

Entry of the flats into the social housing supply of the Municipality fits with the spatial planning principles and policies.

6.8.2 Director: Strategic and Corporate Services

Legal Services

The propose devolution of the abovementioned properties is supported.

6.8.3 Chief Financial Officer

In support of the item.

6.8.4 Municipal Manager

To follow / None requested.

ANNEXURES

Annexure A: A letter received from the Provincial Department of Human Settlements, including the properties identified

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Director: Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@stellenbosch.gov.za
REPORT DATE	5 October 2018

APPENDIX 1



REFERENCE: 12/2/2/2/2052
ENQUIRIES: L Esterhuizen

The Municipal Manager
Stellenbosch Municipality
P O Box 100
Stellenbosch
7599

Dear sir

STELLENBOSCH: DEVOLUTION OF RENTAL STOCK:

The Department is continuing with its programme to devolve immovable assets to municipalities in terms of the housing legislation and Minmec directives. Previous correspondence to you in this regard dealt with vacant land, while this letter deals with the rental stock which the Department owns in your municipal area. It is the Department's intention to devolve such properties to the Municipality at no cost.

The Department regard these properties to be suitable to be retained as rental accommodation, and would require the Municipality to undertake, in line with national (Outcome 8) and provincial strategy (PSO 6) which aim to build sustainable rental stock, not to sell these units but to take these units up in its social housing stock.

To enable the Department to continue and obtain the necessary approvals for the devolution, the Municipality is requested to indicate its willingness to accept the devolution of the assets. The details of such assets are listed in the attached schedule.

Should you require any further clarification or information you are welcome to contact Mr Frikkie van Zyl (Frikkie.vanzyl@westerncape.gov.za; tel 021 483 4797).

A meeting can, if necessary, be arranged with you to discuss the matter.

With kind regards

A handwritten signature in black ink, appearing to be "L. Esterhuizen", written over a horizontal line.

HEAD OF DEPARTMENT

DATE

09/06/2014

27 Wale Street, Cape Town, 8001
tel: +27 21 483 4444 fax: +27 21 483 2590
Directorate: Land & Asset Management

Private Bag X9083, Cape Town, 8000
Lionel.esterhuizen@pgwc.gov.za
www.westerncape.gov.za

DEPARTMENT OF HUMAN SETTLEMENTS

DIRECTORATE : LAND AND ASSET MANAGEMENT

PROFILE OF **STELLENBOSCH RENTAL PROPERTIES** KNOWN AS "LA-COLLINE" OWNED BY THE PGWC

NO	YEAR For Income, Maintenance & Eviction	PROPERTY PROFILE TYPE OF UNIT	ERF NO	TENANT PROFILE TYPE OF TENANT	RENT AMOUNT	INCOME / PAYMENT RATE	MAINTENANCE COST	NO OF EVICTIONS	COSTS INCURRED
1	Year 2011 / 2012	1 Bedroom : 0		Pensioners : 13	R 320 PM	R 114 855. 20	R 0. 00	None	None
2	Year 2012 / 2013	2 Bedrooms : 32		Unemployed : 6	R 100 PM	R 159 124. 50	R 0. 00	None	None
3	Year 2013 / 2014	3 Bedrooms : 0		Employed : 15	25%/ Mrkt	R 197 113. 00	R 81 868. 95	None	None
4				Illegal Occp : 0	R 0.00				
5				Vacant : 1	-----				
	TOTAL	32				R 471 092.20	R		

OTHER RENTAL PROPERTIES LOCATED AT ZIMBABWE AND ZAMBEZI FLATS, STELLENBOSCH

NO	ADDRESS	PROPERTY PROFILE	ERF NO	TYPE OF TENANT	RENTAL	INCOME	MAINTENANCE	EVICTION	COSTS
1	61 Borcherd Street	1 Bedroom	2544	Illegal	R 0. 00	0. 00	R 0. 00	Not yet final	
2	61 A Borcherd Street	1 Bedroom	2544	Pensioner	R 320.00		R 0. 00		
3	63 Borcherd Street	1 Bedroom	5138	Employed	R 2 400.00		R 0. 00		
4	4 Muller Street	1 Bedroom	5138	Unemployed	R 100.00		R 0. 00		

STELLENBOSCH RENTAL UNITS of the DHS

NR	Property No	Scheme Name	Erf No	Part/Ptn No	Allotment Area	Street No	Street No	Town	Size SQM
1	39061	no scheme	2644		Stellenbosch	3	Tobruk Park	Stellenbosch	unknown
2	39060	no scheme	2644		Stellenbosch	4	Tobruk Park	Stellenbosch	unknown
3	39009	no scheme	2644		Stellenbosch	8	Dr Malan	Stellenbosch	unknown
4	39062	no scheme	2644		Stellenbosch	9	Dr Malan	Stellenbosch	unknown
5	39063	no scheme	2645		Stellenbosch	1	Tobruk Park	Stellenbosch	unknown
6	38979	no scheme	2645		Stellenbosch	2	Tobruk Park	Stellenbosch	unknown
7	38986	no scheme	2645		Stellenbosch	6	Dr Malan	Stellenbosch	unknown
8	39015	no scheme	2645		Stellenbosch	7	Dr Malan	Stellenbosch	unknown
9	39026	no scheme	2660		Stellenbosch	5	Dan Pienaar	Stellenbosch	unknown
10	39071	no scheme	2660		Stellenbosch	6	Dan Pienaar	Stellenbosch	unknown
11	39027	no scheme	2660		Stellenbosch	19	Tobruk Park	Stellenbosch	unknown
12	39072	no scheme	2660		Stellenbosch	20	Tobruk Park	Stellenbosch	unknown
13	38981	no scheme	2661		Stellenbosch	17	Tobruk Park	Stellenbosch	unknown
14	39074	no scheme	2661		Stellenbosch	18	Tobruk Park	Stellenbosch	unknown
15	39023	no scheme	2661		Stellenbosch	7	Dan Pienaar	Stellenbosch	unknown
16	39073	no scheme	2661		Stellenbosch	8	Dan Pienaar	Stellenbosch	unknown
17	39019	no scheme	2666		Stellenbosch	6	Tobruk Park	Stellenbosch	unknown
18	38990	no scheme	2666		Stellenbosch	10	Dr Malan	Stellenbosch	unknown
19	39038	no scheme	2666		Stellenbosch	11	Dr Malan	Stellenbosch	unknown
20	39025	no scheme	2666		Stellenbosch	5	Tobruk Park	Stellenbosch	unknown
21	38984	no scheme	2667		Stellenbosch	7	Tobruk Park	Stellenbosch	unknown
22	39005	no scheme	2667		Stellenbosch	8	Tobruk Park	Stellenbosch	unknown
23	39011	no scheme	2667		Stellenbosch	12	Dr Malan	Stellenbosch	unknown
24	39037	no scheme	2667		Stellenbosch	13	Dr Malan	Stellenbosch	unknown
25	39008	no scheme	2683		Stellenbosch	12	Dan Pienaar	Stellenbosch	unknown
26	39017	no scheme	2683		Stellenbosch	14	Tobruk Park	Stellenbosch	unknown
27	38995	no scheme	2683		Stellenbosch	11	Dan Pienaar	Stellenbosch	unknown
28	38993	no scheme	2683		Stellenbosch	13	Tobruk Park	Stellenbosch	unknown
29	38996	no scheme	2684		Stellenbosch	15	Tobruk Park	Stellenbosch	unknown
30	38994	no scheme	2684		Stellenbosch	16	Tobruk Park	Stellenbosch	unknown
31	39013	no scheme	2684		Stellenbosch	9	Dan Pienaar	Stellenbosch	unknown
32	39075	no scheme	2684		Stellenbosch	10	Dan Pienaar	Stellenbosch	unknown



Erf 2645
STELLENBOSCH

Erf 2667
STELLENBOSCH

Suburb: LA COLLINE, STELLENBOSCH

Tobruk Park

Erf 2660
STELLENBOSCH

Erf 2684
STELLENBOSCH

Dan Pienaar



Western Cape
Government
Human Settlements

Note:

Property Data: 31 March 2012
Imagery Data: City of Cape Town - December 2011
Outside City of Cape Town - 2009-2011
Map Print Date: 2013/08/14

1 centimeter = 11 meters

Disclaimer:
Compiled for Information Purposes



7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
-----	---

NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
-----	---

NONE

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

NONE

7.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
-----	--

NONE

7.9	YOUTH, SPORTS AND CULTURE: (PC: M PIETERSEN)
-----	--

NONE

8.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
----	--

8.1	ADOPTION OF THE REVISED RISK MANAGEMENT POLICY
-----	--

Collaborator No: 615972
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 09 November 2018

1. SUBJECT: ADOPTION OF THE REVISED RISK MANAGEMENT POLICY

2. PURPOSE

To adopt the Revised Risk Management Policy of 2018.

3. DELEGATED AUTHORITY

Municipal Council.

4. LEGISLATIVE BACKGROUND

Section 60 of the MFMA

Municipal Managers to be accounting officers

“The Municipal Manager of a municipality is the accounting officer of the municipality for the purposes of this Act, and, as accounting officer, must –

- (a) Exercise the functions and powers assigned to an accounting officer in terms of this Act; and
- (b) Provide guidance and advice on compliance with this Act to –
 - (i) The political structures, political office-bearers and officials of the municipality;

Section 62 of the MFMA

General Financial Management Functions

- (1) The accounting officer of a municipality is responsible for the managing of financial administration of the municipality, and must for this purpose take all reasonable steps to ensure –
 - (c) that the municipality has and maintains effective, efficient and transparent systems–
 - (i) of financial and **risk management** and internal control; and
 - (ii) of internal audit operating in accordance with any prescribed norms and standards;
 - (d) that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;
 - (e) that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15.

5. RECOMMENDATION

that the Revised Risk Management Policy of 2018, be adopted.

6. DISCUSSION / CONTENT**6.1 Background**

This submission aims to replace the Risk Management Policy of 2013 with the Risk Management Policy of 2018 in line with recommendations from management and the Risk Management Committee.

6.2 Discussion

Effective risk management requires a cultural shift in favour of continuous risk identification and mitigation. This requires risk management to be culturally mainstreamed into the general practice of local government at all levels.

6.3 Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Risk Implications

None

6.7 Comments from Senior Management:

The item is supported.

ANNEXURES

Annexure A: Revised Risk Management Policy - 2018

FOR FURTHER DETAILS CONTACT:

NAME	SHIREEN DE VISSER
POSITION	SENIOR MANAGER: GOVERNANCE
DIRECTORATE	OFFICE OF THE MUNICIPAL MANAGER
CONTACT NUMBERS	X8035
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	3 November 2018

APPENDIX 1

RISK POLICY

2018/19



STELLENBOSCH
MUNICIPALITY

Contents

1. PREAMBLE / POLICY STATEMENT	4
2. INTRODUCTION.....	5
3. STRATEGIC INTENT.....	6
4. OBJECTIVES OF RISK MANAGEMENT	6
5. REGULATORY CONTEXT	6
6. MUNICIPALITY'S RISK MANAGEMENT APPROACH.....	7
6.1 Communication and Consultation.....	8
6.2 Establishing Context.....	8
6.3 Risk Assessment.....	8
6.4 Risk Treatment	10
6.5 Reporting, Monitoring and Review.....	10
7. LINES OF ASSURANCE	10
8. ETHICS IN RISK MANAGEMENT	11
9. ROLE PLAYERS IN RISK MANAGEMENT PROCESS.....	12
10. MUNICIPAL COUNCIL	12
10.1 Audit & Performance Audit Committee.....	12
10.2 Risk Management Committee (RMC).....	12
10.3 Risk Management Implementers.....	13
10.4 Integrated Risk Management Unit.....	13
10.5 Risk Management Assurance Providers	14
11. REPORTING, MONITORING & REVIEW.....	15
12. DEFINITIONS AND ABBREVIATIONS.....	16

DOCUMENT REVIEW AND APPROVAL**Previous Updates**

	Reviewer	Date of Review	Council Adoption Date
1.	Nigel Abrahams	June 2012	
2.	Nigel Abrahams	December 2013	December 2013
3.	Helena Priem	June 2015	
4.	Helena Priem	March 2017	
5.	Helena Priem	September 2017	
6.	Helena Priem & Shireen de Visser	October 2018	28 November 2018
7.			

DRAFT

1. PREAMBLE / POLICY STATEMENT

The overall objective of *reducing risk* and *optimizing opportunities*, as far as reasonably practical, is to ensure that the municipality successfully realises the strategic objective set to the benefit of the broader community.

The concept of risk in the municipal environment is complex and diverse. The success of a risk management strategy is therefore dependent on all departments working together in a consistent and integrated manner to optimally tackle risk and optimise opportunities for success.

The Stellenbosch Municipality is committed to effective risk management in order to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community. The municipality is committed to a process of risk management that is aligned to the principles of Leading Practice and recognised Governance Frameworks applicable to local government.

The Risk Management Policy of Stellenbosch Municipality outlines the following:

- mandatory environment for risk management;
- an integrated approach to the management of risk;
- mechanisms to bring the management discipline together;
- management of risks consistent with the approved risk acceptance level; and
- annual risk management framework to identify, report and review prevailing risks.

As part of the risk management framework different risk related or assurance provider functions will align their various goals and reporting processes into one cohesive and structured framework. The municipality's key business risks exposures, whether they are insurable or not, will be identified, assessed, and appropriately managed. The framework considers various risk functions as it determines concepts such as risk tolerance and appetite limits.

Effective risk management is imperative to the municipality, with its diverse key processes and an intrinsic risk profile. The realisation of the municipality's Integrated Development Plan (IDP), strategic goals and objectives depends on all role-players being able to take calculated risks in a way that does not jeopardise service delivery. Sound management of risk will enable all role-players to anticipate and respond to changes in our environment, as well as make informed decisions under conditions of uncertainty and inherent risk.

Management is responsible for the execution of risk management in the achievement of the municipality's strategy. Every employee, partner, contractor and specialist has a part to play in this important endeavour.

MUNICIPAL MANAGER

Geraldine Mettler

2. INTRODUCTION

Risks are uncertain future events which could influence the achievement of the Municipality's objectives. **Risk** is the chance of an event occurring which will have an impact (usually a threat rather than an opportunity) upon the achievement of the municipality's business objectives. No municipality has the luxury of functioning in a risk-free environment and municipalities are especially vulnerable to risks associated with fulfilling their mandates.

Risk management is the process whereby the Municipal Manager, the Risk Management team and other key members of the senior management proactively, purposefully and regularly identify and define current as well as emerging *business, financial and operational* risks. This allows them to either simultaneously or with due expedition, identify appropriate and cost effective methods of mitigating and the exposure to such risk. Stated differently risk management is the identification and evaluation of actual and potential risk areas as they pertain to the Municipality as an entity, followed by a process of either termination, transfer, acceptance (tolerance) or mitigation of those risks through a system of appropriate internal controls and other measures. The risk management process entails the planning, arranging and controlling of activities and resources to minimise the impacts of all risks to levels that can be tolerated by stakeholders whom the Council has identified as relevant to the Municipality.

Risk management cuts across all levels, functions and process in a municipality, incorporating human health and safety, security, legal and regulatory compliance, public acceptance, environmental protection, product quality, project management, efficiency in operations, governance and reputation. Risk management is part of the responsibilities of, not only management, but of all municipal personnel and an integral part of all municipal processes, including strategic planning and all project and change management processes.

The process and practice of risk management should aim to optimise the cost benefits and aim to go beyond compliance for the sake of compliance to a greater focus on value creation. Risk management addresses strategic risks that will prevent the achievement of the objectives of the municipality.

Effective risk management requires a cultural shift in favour of continuous risk identification and mitigation. This requires risk management to be culturally mainstreamed into the general practice of local government at all levels.

Through this revised policy Stellenbosch Municipality puts into practice its commitment to implement risk management and institutionalise a culture of IRM within the municipality. This policy forms the basis for the accompanying IRM Framework and Implementation Plan which is designed to help achieve the objective of implementing an effective IRM process and to ensure compliance with the legislative framework.

3. STRATEGIC INTENT

This Policy seeks to assist Stellenbosch Municipality in ensuring that Good Governance principles with regards to risk management are applied throughout the municipality, thereby establishing an efficient and productive administration that can focus on service delivery. The fundamental principles underpinning this Risk Management Policy will assist the municipality to achieve, among other things:

- more sustainable and reliable delivery of services;
- informed decisions underpinned by appropriate rigour and analysis;
- innovation;
- reduced waste;
- prevention of fraud and corruption;
- better value for money through more efficient use of resources; and

4. OBJECTIVES OF RISK MANAGEMENT

The objectives of risk management are to assist management in making more informed decisions which:

- provide a level of assurance that significant risks are effectively managed;
- enhanced decision making, by promoting a more innovative, less risk averse culture in which calculated risks are taken in pursuit of opportunities to the benefit of the municipality;
- minimisation of fraud and corruption;
- promote a risk awareness ethic in all Departments/Directorates and improve risk transparency to stakeholders;
- transparency to stakeholders;
- improved performance, outputs and outcomes;
- improving the early detection of risks thereby placing management in a better position to effectively deal with new and emerging risks;
- assist management in ensuring more effective reporting, compliance with applicable laws, regulations and other corporate governance requirements; and
- provide a sound basis for integrated risk management and internal control as components of good corporate governance.

5. REGULATORY CONTEXT

In terms of Section 62 (1) (c) (i) of the Local Government: Municipal Finance Management Act (Act 56 of 2003) (MFMA):-

- (1) The accounting officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure:

- (c) That the municipality has and maintains effective, efficient and transparent systems;
- (i) Of financial and risk management and internal control;

The above risk management responsibilities can be delegated to municipal officials in terms of Section 79 (1) (b) of the MFMA.

The above is furthered by MFMA Section 165 regarding internal audit. Section 165:-

- (a) requires internal audit to follow a risk based audit plan and Section 165 (2)(b)
- (iv) requires internal audit to advise the Accounting Officer and report to the Audit Committee on risk and risk management.

The risk management practices of Stellenbosch Municipality is furthermore guided by the following frameworks:

- Committee of Sponsoring Organizations of the Treadway Commission: Enterprise Risk Management – Integrated Framework (COSO ERM Framework)
- Public Sector Risk Management Framework (PSRMF)
- King Codes of Governance Principles
- International Organization for Standardization – Standard 31000 (ISO 31000)

The Municipality is continuously implementing new initiatives and redesigning systems and processes to align with the best practices espoused by the risk management frameworks and improve risk management maturity.

6. MUNICIPALITY'S RISK MANAGEMENT APPROACH

The risk management principles contained in this policy will be applied at both strategic and operational levels within the Municipality.

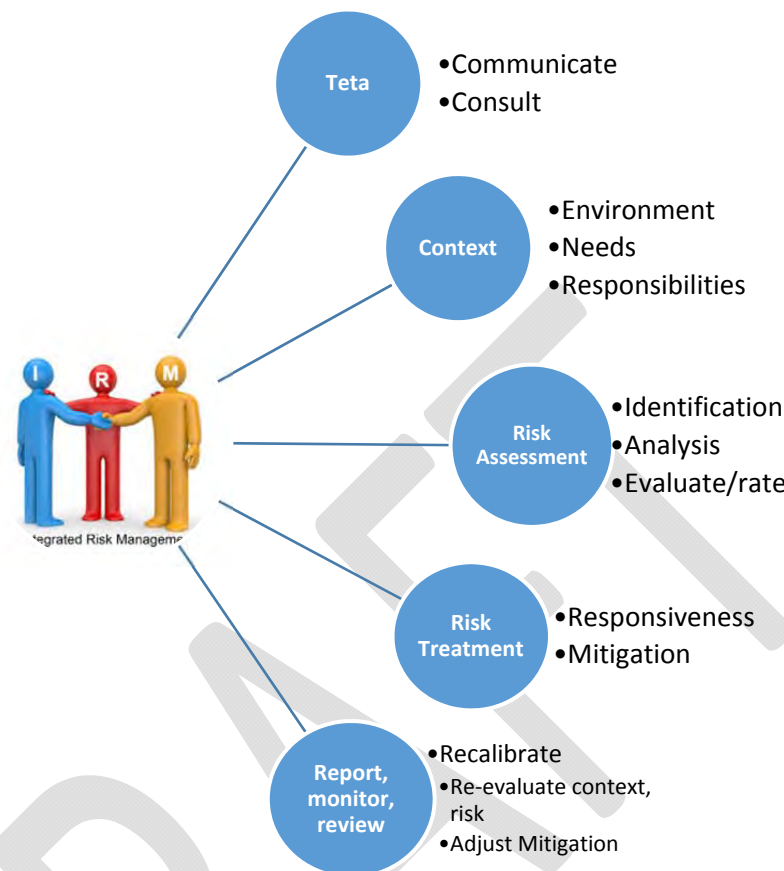
Our positive approach to risk management means that we will not only look at the risk of activities that could go wrong, but also the impact of not taking opportunities or not capitalising on corporate strengths. All risk management activities will be aligned to the Municipality's aims, objectives and priorities, and aims to protect and enhance the reputation and standing of the Municipality.

The Integrated Risk Management (IRM) Approach consist of 5 key steps, including:

- i. Communication and consultation;
- ii. Context establishment;
- iii. Risk assessment;
- iv. Risk Treatment; and

- v. Report, monitor and review.

Illustration 1: Integrated Risk Management Approach



6.1 Communication and Consultation

Communication and consultation with external and internal stakeholders should take place during all stages of the risk management process.

6.2 Establishing Context

The environment in which Stellenbosch Municipality functions sets the foundation for the other components of risk management. By understanding the needs, responsibilities and environment in which the municipality operates, objectives are set. Management then sets goals and objectives to assist in achieving the overall strategic objectives.

6.3 Risk Assessment

The risk assessment stage include three steps, including, *risk identification, risk analysis and risk evaluation.*

6.3.1 Risk Identification

Risk identification aims to identify future uncertain events from internal or external sources that could affect implementation of the municipality's strategy or achievement of the objectives. These events may have positive or negative impacts, or both. Events do not occur in isolation. One event can trigger another and events can occur concurrently.

Management should understand how events interrelate. By assessing the interrelationships, one can determine where risk management efforts are best directed.

6.3.2 Risk Analysis

Risk analysis assesses management's confidence in the effectiveness of the control mechanisms driving the various systems (including the IT environment) and processes practiced within the municipality. Internal Controls can be preventative, detective or corrective by nature.

Note: Management evaluates controls to ensure they are still appropriate, relevant, economical (cost effective) and efficient.

6.3.3 Risk Evaluation (Ratings)

Uncertainty around potential future events relevant to Stellenbosch Municipality and its activities are evaluated from two perspectives, namely likelihood and impact which helps to determine the **risk exposure (risk rating)** to the municipality. By calculating the risk exposure (risk rating), management gets to understand the extent to which potential events might impact on their objectives. Stellenbosch uses a 5 by 5 rating scale for likelihood and impact to determine the extent of the risk exposure (risk rating).

Table 1: Likelihood Rating

#	Grading	Description
5	Almost certain	Is expected to occur in most circumstances
4	Likely	Will probably occur
3	Possible	Might occur at some time in the future
2	Unlikely	Could occur but doubtful
1	Rare	May occur but only in exceptional circumstances

Table 2: Impact Rating

#	Grading	Description
5	Catastrophic	Loss of ability to sustain ongoing operations.
4	Major	Significant impact on achievement of strategic focus areas of the IDP.
3	Moderate	Disruption of normal operations with a limited effect on the strategic focus areas of the IDP
2	Minor	No material impact on achievement of the municipality's strategy or objectives.
1	Insignificant	Negligible impact.

The rating determines the risk exposure. Through this management gets to understand the extent to which potential events might impact on their objectives on a scale from 1 as a minimum and 25 as a maximum.

Table 2: Risk Exposure

Critical 20-25	act immediately
High 16-19	action plan needed
Moderate 9-15	monitor/transfer
Low 1-8	disregard

It is very important for a management to understand the risk exposure to the municipality in order to base decisions on calculated risks. This assists the municipality to continuously deliver services in spite of risks. However, a management must also decide how much risks the municipality is able to absorb when deciding an appropriate mitigations strategy.

6.4 Risk Treatment

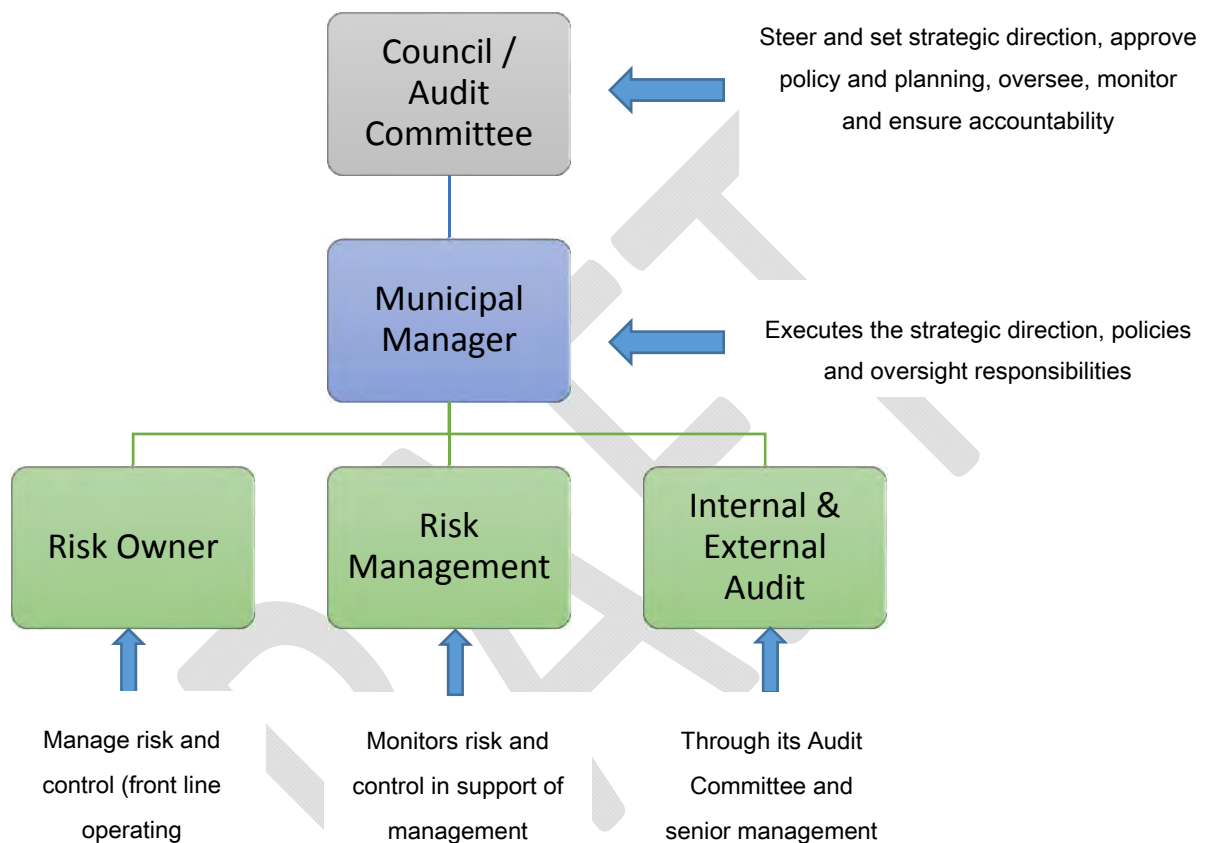
This component aims to identify and evaluate possible responses to the risk exposures or risk incidents that are rated equal or above the municipality's risk acceptance level. The risk acceptance level (RAF) helps determine the most appropriate response to bring risks back to an acceptable level.

6.5 Reporting, Monitoring and Review

Risk management changes over time. Risk responses that were once effective may become irrelevant; control activities may become less effective, or no longer be performed; or the municipality's objectives may change. This can for example be due to the arrival of a new Council or new officials, changes in the municipality's organisational structure or direction, or the introduction of new processes and even external changes. In the face of such changes, management needs to determine whether the functioning of each risk management component continues to be effective.

7. LINES OF ASSURANCE

In principle there are 5 lines of assurance applicable in a municipal risk management context. Each of the five lines plays a distinct role within the municipality's wider governance framework. When each performs its assigned role effectively, it is more likely the municipality will be successful in achieving its overall objectives. Everyone in a municipality has some responsibility for internal control, but to help assure that essential duties regarding risk management are performed as intended. Effective assurance mechanisms ultimately places Council in a position to increasingly receive unbiased information about the municipality's most significant risks and about how management is responding to those risks.

Illustration 1: The five lines of assurance:

8. ETHICS IN RISK MANAGEMENT

Risk management, even when software is used, is performed by humans. The effectiveness of risk management activities is directly influenced by the ethical behaviour of the people responsible for risk management, which includes their professionalism and commitment in executing their risk management responsibilities.

A lack of ethics is a contributing factor to a variety of risks, either being the cause of the risk itself or the cause of ineffective control measures.

Therefore, risk management initiatives can only be successful in an environment of ethical behaviour with adequate ethics risk management processes.

9. ROLE PLAYERS IN RISK MANAGEMENT PROCESS

Every person within Stellenbosch Municipality has a role to play in the risk management process. The primary responsibility for identifying and managing risks lies with management.

10. MUNICIPAL COUNCIL

The Municipal Council takes an interest in risk management to the extent necessary to obtain comfort that properly established and functioning systems of risk management are in place to protect Stellenbosch Municipality against significant risks.

10.1 Audit & Performance Audit Committee

The committee is independent and responsible for oversight of the municipality's control, governance and risk management. The committee's primary responsibility is providing an independent and objective view of the effectiveness of the Municipality's risk management process.

The chairperson of the Risk Management Committee takes responsibility for reporting risks management within Stellenbosch Municipality to the Audit & Performance Audit Committee on a quarterly basis.

10.2 Risk Management Committee (RMC)

The Risk Management Committee is headed up by the Accounting Officer of the Municipality. The members of the RMC is appointed by the Accounting Officer (chairperson) and consists of the Directors (members), Senior Manager Governance, Chief Risk Officer and the Chief Audit Executive (invitee).

The role of the Risk Management Committee (RMC) is to review the risk management progress and risk management maturity, the effectiveness of risk management activities, the key risks facing the municipality and the responses to address these key risks.

The role of the RMC is to:

- adopt a strategic risk register annually outlining the key risks the municipality is exposed to and collectively determine the risk exposure prevalent and recommend acceptable levels of risk;
- consider the operational risks of each department;
- consider risks identified on a quarterly basis and advise the committee on necessary changes to the identified risk, mitigation strategy to the strategic risks;

- recommend financial consideration to Finance in the identification of critical investment needs when managing identified risks;
- advise Council on the strategic and operational risks prevalent.

10.3 Risk Management Implementers

The risk implementers occupy key positions at all levels throughout the organisation, owning various processes in the realisation of the strategic goals of the municipality and providing different roles of assurance.

10.3.1 Accounting Officer (Municipal Manager)

The Accounting Officer is ultimately responsible for risk management within the Municipality. By setting the tone at the top, the Accounting Officer promotes accountability, integrity and other factors that will create a positive control environment.

10.3.2 Directors / Risk Owners

Directors support the Municipality's risk management philosophy, integrating it into operational routines of their directorates and manage and monitor risk within their areas of responsibility.

They play a critical role as risk owners as well as risk champions. They are ultimately accountable for the risk management at a strategic (corporate) level and of the risks in their directorates.

10.3.3 Senior Management / Risk Champions

Senior Management has the responsibility to integrate the risk management strategy and policy into their department's operational routines. To do this they must champion risk management in their respective departments.

The risk champion's primary responsibilities are to intervene when risk management efforts are being hampered and to provide guidance and support on the management of problematic risks and risks of a transversal nature that require the involvement of multiple people to address.

10.3.4 Middle Management / Senior Officials / Action Owners

Middle management and senior officials have the responsibility to implement the plans to mitigate the risks, known as risk action plans. They are therefore the action owners.

Action Owners implement the responses to the risks identified in the risk assessment.

10.4 Integrated Risk Management Unit

The Risk Management Unit resides within the office of the Municipal Manager, who is also the chairperson of the Risk Management Committee. The Senior Manager Governance and

the Chief Risk Officer has delegated authority for ensuring that risk management functions at all levels of the municipality, on behalf of the Municipal Manager.

The Risk Management Unit is therefore responsible for:

- Implementing a framework of risk management within the municipality;
- Supporting the Risk Management Committee to implement, review and provide effective oversight into the implementation of the risk management framework at all levels of the municipality;
- Providing coordination and facilitation support to all departments in the development and implementation of the risk management framework;
- Reporting on the implementation of the strategic and operational risk registers to the RMC on a quarterly basis.

10.4.1 Chief Risk Officer

The Chief Risk Officer is the custodian of the risk management strategy and coordinator of risk management activities throughout Stellenbosch Municipality. The Chief Risk Officer supports the municipality to structure and embed risk management and leverage its benefits to enhance performance.

The primary responsibilities of the Chief Risk Officer is to bring to bear his/her specialist expertise to assist Stellenbosch Municipality to embed risk management and leverage its benefits to enhance performance. With reference to the risk governance, this will more specifically include:

- a. Working with senior management to develop the vision for risk management and risk management philosophy;
- b. Developing, in consultation with management, the municipality's risk management framework incorporating:
 - i. Risk management strategy;
 - ii. Risk management policy;
 - iii. Risk identification and assessment methodology;
 - iv. Risk appetite and tolerance; and
 - v. Risk classification

10.5 Risk Management Assurance Providers

10.5.1 Internal Audit Services

The core role of Internal Audit Services in risk management is to provide an independent, objective assurance to the Accounting Officer, Municipal Council, Risk Management Committee and the Audit & Performance Audit Committee on the effectiveness of risk management. Internal Audit Services also assists in bringing about a systematic, disciplined approach to evaluate and improve the effectiveness of the entire system of risk management and provide recommendations for improvement where necessary. Internal

Audit Services must determine whether the risk management process is efficient and effective.

10.5.2 External Auditor / Auditor-General of South Africa (AGSA)

The Auditor-General provides an independent opinion on the effectiveness of risk management. In providing an opinion the Auditor-General focuses on:

- Determining whether the risk management strategy, policy and implementation plan are in place and appropriate;
- Assessing the implementation of the risk management strategy, policy and implementation plan;
- Reviewing the risk assessment process to determine if it is sufficiently robust to facilitate timely and accurate risk rating and prioritisation;
- Determining whether management action plans to mitigate the key risks are appropriate and being implemented effectively.

11. REPORTING, MONITORING & REVIEW

The IRM Department is responsible for the monitoring and revision of this policy.

The policy shall be revised and approved by Council when operational needs require this, but at least once during every term of Council.

Any queries or requests for amendments relating to this policy should be directed to the Chief Risk Officer, Tel No. 021 – 808 8157 or e-mail helena.priem@stellenbosch.gov.za .

12. DEFINITIONS AND ABBREVIATIONS

Definition	Explanation
Accounting Officer	Municipal Manager
AGSA	Auditor General of South Africa
Audit Committee	An independent committee constituted to review the control, governance and risk management within the Institution, established in terms of section 77 of the PFMA, or section 166 of the MFMA
Chief Risk Officer	Senior official who is the head of the risk management unit
Combined Assurance	Integrating and optimising all assurance services and functions, so that taken as a whole, these enable an effective control environment, support the integrity of the information used for decision-making by management, the municipal council and its committees to maximise risk and governance oversight and control efficiencies, and optimise overall assurance to the audit and risk committee, within the municipality's risk appetite.
Enterprise Risk Management	A process, effected by the municipality's accounting officer, management and other personnel, applied in strategy setting and across the enterprise. It is designed to identify potential events that may affect the municipality and manage risk to be within its risk appetite, to provide reasonable assurance regarding the achievement of municipal objectives.
Ethics	Ethics has to do with defining what is meant by right and wrong or good and bad, and with justifying according to some rational system.
Good Governance	The process whereby public institutions conduct public affairs, manage public resources, facilitate development and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law and principles of ethics.

Definition	Explanation
Internal Auditing	An independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
Integrated Risk Management	A continuous, pro-active and systematic process to understand, manage and communicate risk from a municipal-wide perspective in a cohesive and consistent manner. It requires an ongoing assessment at every level and in every sector of the municipality, aggregating these results at the executive level, communicating them and ensuring adequate monitoring and review.
King IV Report	King 4 report on corporate governance in South Africa, 2016, and specifically part 6.2: Supplement for municipalities.
MFMA	Municipal Finance Management Act (Act No. 56 of 2003)
Operational Risks	Operational risks could include the risk of loss resulting from inadequate or failed internal processes, people and systems, or from external events. This would typically include risks associated with business continuity; fraud; people; processes and systems.
Risk	Risk is about the uncertainty of events, including the likelihood of such events occurring and its effects, both positive and negative, on the achievement of the municipality's objectives. Risks include uncertain events with a potential positive effect on the municipality (i.e. value creation opportunity) not being captured or not materialising.
Risk Acceptance Level (RAF)	Risk appetite can be defined as the amount and type of risk that a municipality is willing to accept in order to meet their strategic objectives. Municipalities will have different risk appetites depending on their maturity, location, culture and objectives. A range of appetites exist for different risks and these may change over time.

Definition	Explanation
Risk Champion	A person who by virtue of his/her expertise or authority champions a particular aspect of the risk management process, but who is not the risk owner.
Risk Management	Risk management is a systematic process to identify, evaluate and address risks pro-actively and continuously before such risks can impact negatively on the municipality's service delivery.
Risk Management Unit	A business unit responsible for coordinating and supporting the overall Institutional risk management process, but which does not assume the responsibilities of Management for identifying, assessing and managing risk.
Risk Management Committee	A committee appointed by the Accounting Officer / Authority to review the Institution's system of risk management.
Risk Owner	The person accountable for managing a particular risk.
Residual Risk	The remaining exposure after the mitigating effects of deliberate management intervention(s) to control such exposure (the remaining risk after Management has put in place measures to control the inherent risk).
Risk Policy	The statement of the overall intentions and direction of a municipality related to risk management.
Risk Tolerance	The amount of risk the Institution is capable of bearing (as opposed to the amount of risk it is willing to take).
Strategic Risks	Strategic risks are those internal and external events and scenarios that can inhibit a municipality's ability to achieve its strategic objectives. This would typically include risks associated with governance, the business model and the industry/ economic environment.

9.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
----	--

NONE

10.	NOTICES OF QUESTIONS AND MOTIONS RECEIVED BY THE MUNICIPAL MANAGER
-----	--

NONE

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

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

NONE

ADDITIONAL ITEM

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

7.3.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2018
-------	---

Collaborator No:

File No:

8/1

BUDGET KPA Ref No:

Good Governance and Compliance

Meeting Date:

09 November 2018

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

2. **PURPOSE**

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

3. **DELEGATED AUTHORITY**

Noted by Municipal Council

4. **RECOMMENDATION**

that Council notes the deviations as listed for the month of October 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.

5.2 Discussion

Monthly reporting on the deviations as approved by the Accounting Officer for October 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 23/19	15/10/18	Transmission Gear Services, MAN Engineering Services and Gorman Rupp	Urgent repairs of inlet screen and floating aerator at Pniel Wastewater Treatment Plant	<ul style="list-style-type: none"> Exceptional case and it is impractical or impossible to follow the official procurement processes 	Due the impact of the pollution cause by the sub-standard effluent quality the equipment had to be repaired as an emergency. The extent of repairs was unknown and therefore not possible to request more than one service provider for a quotation	R 198 055.30
D/SM 26/19	16/10/2018	Kings Catering	Women's Event - High Tea - Catering	<ul style="list-style-type: none"> Exceptional case and it is impractical or impossible to follow the official procurement processes 	SCM requested quotations from service providers, but the lowest quotation was above R30 000.00. In terms of the SCM regulations, quotations above R30 000.00 must be placed on the website. In order to be complaint with the SCM Regulations SCM therefore requested that this item for reported as a deviation so that the deviation amount be recorded to ensure compliance.	R 97 300.00

D/SM 17/119	09/10/2018	Livewire Engineering and Consulting (Pty) Ltd	Appointment of a service provider to read meters remotely, via automated meter reading (AMR) system and manage metering services for large power users and small scale embedded generation consumers	<ul style="list-style-type: none"> Emergency 	The procurement process to appoint a new service provider to render the service of reading meters remotely and management of large power users has not yet been concluded. The Department is concerned that the tender process will not be concluded on the time to have a service provider operational by 01 October 2018; hence the department requested this deviation to be approved.	R 33 131.00 (Remote meter readings per month) R 4 600 (Meter audits per month)
D/SM 10/19	09/10/2018	Telkom SA SOC	Appointment Of Telkom SaSoc For The Provision Of Pure Pri & Sip Voice Services For A Period Starting 1 January 2019 – 30 June 2021	<ul style="list-style-type: none"> Goods or services are produced or available from a single provider. Exceptional case and it is impractical or impossible to follow the official procurement processes 	Due to the non-responsiveness of bidders on tender BSM 40/18, the Stellenbosch Municipality decided to follow a preferred bidder process. Telkom SA SOC is the sole provider that can offer a vendor owned copper based PRI services directly to the Stellenbosch Municipality. Other vendors (MTN, Vodacom, Liquid Telecom, and Private Telkom business partners) can offer a similar service, but via microwave/fibre. This is not what the Stellenbosch Municipality requires in terms of access speed, reliability and guaranteed uptime.	R 2 700 000 .00

5.3 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.

5.4 **Staff Implications**

Not staff implications

5.5 **Previous / Relevant Council Resolutions:**

None

5.6 **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. **Comments from Senior Management:**

6.1 **Municipal Manager**

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

The 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	November 2018