



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2022-02-11

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2022-02-16 AT 10:00

TO The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr J Fasser

COUNCILLORS R Adams
FJ Badenhorst
Z Dalling (Ms)
R du Toit (Ms)
P Johnson
J Joon
L Nkamisa
C van Wyk (Ms)
J Williams

Notice is hereby given that a Mayoral Committee Meeting will be held via **MS Teams** on **Monday, 2022-02-16 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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2022-02-16
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STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2022-01-21

MINUTES

MAYORAL COMMITTEE MEETING:

2022-01-21 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2022-01-21
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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)

Councillors: FJ Badenhorst
 Z Dalling (Ms)
 R du Toit (Ms)
 P Johnson
 L Nkamisa
 J Williams

Also Present: Councillor P Crawley (Chief Whip)
 Councillor WF Pietersen (MPAC Chairperson)
 Speaker Q Smit

Officials: Municipal Manager (G Mettler (Ms))
 Director: Corporate Services (A de Beer (Ms))
 Director: Community & Protection Services (G Boshoff)
 Director: Planning and Economic Development (A Barnes)
 Acting Director: Infrastructure Services (N Zwane (Ms))
 Chief Financial Officer (K Carolus)
 Senior Manager: Waste Management (C Hendricks)
 Senior Administration Officer (B Mgcushe (Ms))

1.	OPENING AND WELCOME
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The Chairperson, Executive Mayor, welcomed everyone present to the first Mayoral Committee Meeting for this year and a new term.

2.	COMMUNICATION BY THE CHAIRPERSON
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The Chairperson, Executive Mayor, extended a warm welcome to everyone present and to the public that has joined the first mayoral committee meeting.

(-)

The Executive Mayor congratulated the matriculants of 2021 those that passed well done to them and those that didn't make it, its not the end of the road they must dust themselves up and try again because it has been a very difficult period for them with the pandemic that disrupted their schooling.

3.	DISCLOSURE OF INTERESTS
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NONE

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

Councillor R Adams	– 21 January 2022
Deputy Mayor, Cllr J Fasser	– 21 January 2022
Councillor J Joon	– 21 January 2022
Councillor C van Wyk (Ms)	– 21 January 2022

5.	CONFIRMATION OF PREVIOUS MINUTES
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NONE

6.	STATUTORY MATTERS
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6.1	TABLING OF THE DRAFT ANNUAL REPORT 2020/21
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Collaborator No:	722009
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	21 January 2022

1. SUBJECT: TABLING OF THE DRAFT ANNUAL REPORT 2020/21

2. PURPOSE

- a) To table to Council the Draft Annual Report 2020/21 for consideration and to be released for public comment.
- b) Furthermore, it is also the purpose of this submission to, after adoption of the Draft Annual Report 2020/21 by Council, to refer the Draft Annual Report 2020/21 to the Municipal Public Accounts Committee (MPAC) to fulfil the role of an Oversight Committee and to make a recommendation to Council as contemplated in terms of Section 129(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Annual Report must be tabled, by the Executive Mayor, within 7 months after the end of the financial year. The Draft Annual Report must be made public and the Municipal Manager must invite the public to provide input into the draft report. It has become practise that the Oversight Committee also invites the public to make verbal representations at meetings where the report is being discussed.

A schedule with proposed dates for the meetings is also included hereto as **ANNEXURE A**. Council resolved in 2017 that MPAC has, as part of its terms of reference, the role to sit as the Oversight Committee to consider the Draft Annual Report.

The external audit process is delayed. Council should therefore also take notice that the Auditor General of South Africa (AGSA) has not concluded, at the time of this submission to Council, its audit on the Annual Financial Statements 2020/21 and on the Annual Performance Report 2020/21.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2022-01-21: ITEM 6.1

- (a) that Council takes note of the Draft Annual Report 2020/21;
- (b) that Council takes note that the Municipal Manager will make the Draft Annual Report 2020/21 public for comment on the official website of the Stellenbosch Municipality and at the offices of the municipality for a period of 21 days; the public will be invited through the local print media to provide written inputs;
- (c) that Council refer the Draft Annual Report 2020/21 (**ANNEXURE B**) to the MPAC to consider the Draft Annual Report 2020/21 and to make recommendations to Council as contemplated in terms of Section 129(1) of the MFMA;
- (d) that Council takes note of the proposed dates for the MPAC / Oversight meetings, where the Draft Annual Report 2020/21 will be discussed, as detailed in Annexure A hereto. These dates are subject to change. Final dates will be published on the municipality's website and in the local media;
- (e) that Council approves the MPAC's mandate to co-opt two members of the public with expertise in specific fields to assist and advise the Committee;
Rates for additional nominated community members as per Treasury Regulation 20.2.2. The once-off preparation tariff was used as a guide since the national Treasury does not have guidance in that regard. Consultation must take place to decide if the rate will remain the same.

Tariff	Number of co-opted Members	Not exceeding no. of hours	Remuneration
Per hour tariff for attendance of meeting as a member	2	45 hours	R 327.00 per hour
Once-off Tariff for duties performed in preparation	2	6 hours	R 1 500 (for six hours)

- (f) that Council approve that the co-opted members can be remunerated in line with the recommendations of National Treasury Regulation in this regard;
- (g) that Council take notice that the AGSA has not yet concluded its audit on the Annual Financial Statements 2020/21 and the Annual Performance Report 2020/21; and
- (h) that Council takes notice that the AGSA audit outcome will be made available to Council as soon as it is available.

6.2	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2020/2021
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Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 January 2022

1. SUBJECT: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2020/2021

2. PURPOSE

To submit the Section 72 report (Mid-year Budget and Performance Assessment Report) to Council.

3. DELEGATED AUTHORITY

FOR NOTICE BY MUNICIPAL COUNCIL

In terms of Section 54 of the Municipal Finance Management Act (MFMA), 56 of 2003.

4. EXECUTIVE SUMMARY

This report provides the progress made by the Municipality in terms of the Service Delivery Budget and Implementation Plan (SDBIP) for the period 1 July 2021 to 31 December 2021.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2022-01-21: ITEM 6.2

- (a) that Council take note of the report and more specifically the assessment and forecasts contained in the report,
- (b) that Council take note that an Adjustments Budget will be tabled to Council as a result of the following:
 - the appropriation of additional allocations received and increased realistically anticipated revenue during the financial year;
 - the reprioritization of projects in line with being completed by the communicated cut-off dates to facilitate year- end preparation;
- (c) that Council note the performance of the Municipality against the set objectives contained in Section 2; and
- (d) that the Accounting Officer attend to ensuring that Directors put the necessary corrective measures in place to ensure that projects are managed proactively in a bid to ensure that Council meet its strategic objectives contained in the Service Delivery and Budget Implementation Plan and to report on same at the end of quarter.

6.3	MFMA SECTION 52 REPORTING UP TO DECEMBER 2021
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Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 January 2022

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO DECEMBER 2021

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 2 of the 2021/22 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 2021 to 31 December 2021.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2022-01-21: ITEM 6.3

that Council notes Section 52 Report (including quarterly performance report) – Second Quarter

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 – 808 8516
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	January 2022

6.4	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2021 - 31 DECEMBER 2021)
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Collaborator No:
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 21 January 2022

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2021 - 31 DECEMBER 2021)

2. PURPOSE

To submit to Executive Management a report for the period 01 October 2021 - 31 December 2021 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (3) & 4 of the SCM Policy 2021/2022, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

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

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2022-01-21: ITEM 6.4

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

6.5	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2021
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Collaborator No:
 IDP KPA Ref No: **Good Governance and Compliance**
 Meeting Date: **21 January 2022**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2021

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2021/2022 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2021/2022) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during December 2021.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2022-01-21: ITEM 6.5

that Council notes the deviations as listed for the month of December 2021.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	November 2021

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)
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7.1.1	GRANT IN AID POLICY REVIEW
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Collaborator No: 722001
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 January 2022

1. SUBJECT: GRANT IN AID POLICY REVIEW

2. PURPOSE

To obtain Council approval for the Grant in Aid Policy Review.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Council approved the Grant in Aid 2021-2022 Policy in May 2021 as part of the policies with financial implications. To ensure that every effort is made to provide each child access to good quality education during the early childhood development phase, the municipality needs to ensure that all policies are aligned to this desired outcome.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2022-01-21: ITEM 7.1.1

that the review of the Grant in Aid Policy be approved.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	2021-11-30

7.2	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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7.2.1	PROPERTY MANAGEMENT STRATEGY: PROPERTY REGISTER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2022

1. SUBJECT: PROPERTY MANAGEMENT STRATEGY: PROPERTY REGISTER

2. PURPOSE

to brief MAYCO on the progress of the compilation of property register and the different categories properties that exists on the register. This will identify all council owned properties and include all such properties an asset register. This will enable council to develop a property management strategy to determine the future of these properties to ensure the optimal usage of such properties for the benefit of WC024 community at large.

3. DELEGATED AUTHORITY

Council must make decisions on properties except the lease contracts less than 10 years that has been delegated to the Executive Mayor in consultation with the Mayoral Committee and the delegation to the Municipal Manager in regard to servitudes and other matters relating to services.

4. EXECUTIVE SUMMARY

Council task the Municipal Manager on 31 March 2021 to compile a property register and present the register to Council for consideration. The Municipal Manager as the Accounting Officer constituted an inclusive committee of representatives from various departments and delegated such a committee with the task to investigate all the properties, compile a property register and submit a report which contains all the council properties for consideration as a reliable source on decision making processes in dealing with properties within the WCO24. This will identify all council owned properties and include all such properties an asset register. This will enable council to develop a property management strategy to determine the future of these properties to ensure the optimal usage of such properties for the benefit of WC024 community at large

EXECUTIVE MAYORAL COMMITTEE: 2022-01-21: ITEM 7.2.1

RESOLVED

that the item be referred to the Administration for further refinement, where after the same be resubmitted at the March 2022 Mayoral Committee Meeting.

FOR FURTHER DETAILS CONTACT:

NAME	Mandlenkosi Mgogoshe
POSITION	Property Management
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088073
E-MAIL ADDRESS	Mandlenkosi.Mgogoshe@stellenbosch.gov.za
REPORT DATE	2022-01-12

7.2.2	DUALLING OF LOWER DORP STREET: PROPOSED EXCHANGE OF LAND: REMGRO: PORTIONS OF ERVEN 705, 4080 AND 8719 FOR PORTIONS OF ERVEN 7592 AND 7596, STELLENBOSCH
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Collaborator No:
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 21 January 2022

1. SUBJECT: DUALLING OF LOWER DORP STREET: PROPOSED EXCHANGE OF LAND: REMGRO: PORTIONS OF ERVEN 705, 4080 AND 8719 FOR PORTIONS OF ERVEN 7592 AND 7596, STELLENBOSCH

2. PURPOSE

To inform Council of the need to dual lower Dorp street and to get council's approval of how the land that is needed will be obtained. One of the options is a possible land swap.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

During 2017 and 2018 Stellenbosch Municipality approved developments on erven 7586, 7588 and 7592, subject to certain conditions. One of the conditions was that lower Dorp street need to be dualling and for this purpose Stellenbosch Municipality need to acquire the land from the land owner, being Remgro.

Remgro is willing to exchange the land needed for other Council owned properties as an alternative to Council purchasing the land from them.

The Property Management Policy provide for exchange of Land Agreements to be concluded, subject thereto that reasons for justifying such a step is recorded in writing. Council must consider the proposal.

EXECUTIVE MAYORAL COMMITTEE: 2022-01-21: ITEM 7.2.2

RESOLVED

- (a) that the item be referred-back for refinement and request that the item be returned when the valuation is available; and
- (b) that two independent valuations be obtained to determine the value of the respective portions of land before council make an in-principle decision.

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	2022 – 01 - 18

7.2.3	RETURN ITEM MOUNTAIN BREEZE CARAVAN PARK: CONSIDERATION OF PUBLIC INPUTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2022

1. SUBJECT: RETURN ITEM MOUNTAIN BREEZE CARAVAN PARK: CONSIDERATION OF PUBLIC INPUTS

2. PURPOSE

The purpose of this report is two-fold:

- a) To inform Council in regard to the public inputs received after council requested the public to provide inputs as to the possible future use of Portions 528 and 529C, measuring 20.3ha in size and
- b) To consider the inputs.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and **Stellenbosch Caravan Park cc** (Malan) concluded a long term Lease Agreement during 1992 for a period of 30 years (1 April 1991-31 March 2021)

This Lease Agreement was later ceded to the **Mountain Breeze Caravan Park cc** (Visser). The lease Agreement expired on 31 March 2021 but was extended on a month to month basis until council was in a position to make an informed decision on the future use of the property. The lessee terminated the extension from 30 June 2021. Council then took over the day -to-day upkeep of the property, but closed it to the public.

The long term lessees that entered into lease agreements with the previous lessee has been given notice to vacate the property and break down their structures, but have not vacated the property yet and legal action will have to be instituted to remove them from the property.

At the Council meeting held on 28 July 2021, Council decided to provide an opportunity for the public to submit written inputs on the most possible future use of the facility, before deciding on a way forward.

The public notice requested inputs on/before 3 September 2021. Due to the Elections the return item is only servicing now. Various written submissions were received. In council's deliberation the inputs can be considered. Whatever future is decided on is subject to section 34 and 35 of the Asset Transfer Regulations published under the MFMA. It will entail a further public participation process indicating the specific intent for the land. The combined municipal valuation for the land is R16.77 Million and the current Zoning is business taking into account that it is situated in an area surrounded by agricultural use and the airfield.

EXECUTIVE MAYORAL COMMITTEE: 2022-01-21: ITEM 7.2.3**RESOLVED**

- (a) that this item be referred-back to Administration for further refinement; and
- (b) that two market related valuations be obtained of the property where after the item be resubmitted after the valuation is available.

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>2022 – 01 - 18</i>

7.3	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)
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NONE

7.4	HUMAN SETTLEMENTS: (PC: CLLR J FASSER)
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NONE

7.5	INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))
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7.5.1	THE ORGANIC WASTE DIVERSION PLAN FOR STELLENBOSCH MUNICIPALITY
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Collaborator No: 721413
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 January 2022

1. SUBJECT: THE ORGANIC WASTE DIVERSION PLAN FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

to obtain Council's approval to circulate the draft Organic Waste Diversion Plan (OWDP) for public comment (**APPENDIX 1**).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Department of Environmental Affairs and Development Planning (DEA&DP) took a policy decision to implement a 50% restriction on organic waste being disposed to landfill by 2022 and a full prohibition of organic waste disposed to landfill by 2027. The Western Cape Integrated Waste Management Plan (IWMP) (2017- 2022) puts an obligation on municipalities to divert 50% of organic waste streams away from landfill sites by 2022 and a complete ban on organic waste disposed at landfill sites by 2027.

DEA&DP subsequently amended the conditions of authorisations (Permits/Licences) for Waste Disposal Facilities (WDFs) in the Western Cape to include diversion of organic waste. To enable this diversion the Municipality has compiled an OWDP to reach these organic diversion targets. This OWDP will form part of the approved IWMP.

The OWDP has been internally reviewed and requires public comment to be finalised.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2022-01-21: ITEM 7.5.1

- (a) that Council accept the draft Organic Waste Diversion Plan (OWDP) and approve that the draft OWDP be circulated for public comment;
- (b) that the draft OWDP be submitted to Department of Environmental Affairs & Development Planning (D:EA&DP) for comment, and
- (c) that relevant comments be incorporated into the document for it to become final.

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)
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NONE

7.7	PLANNING :(PC: CLLR C VAN WYK (MS)
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7.7.1	PROPOSED RESTRUCTURING OF THE INTERNAL MEMBERSHIP OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL
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Collaborator No: 721983
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 January 2022

1. SUBJECT: PROPOSED RESTRUCTURING OF THE INTERNAL MEMBERSHIP OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL

2. PURPOSE

To provide Council with the pertinent facts to consider the Removal and Replacement of the internal (municipal employees) serving on the Stellenbosch Municipal Planning Tribunal ("MPT") in terms of Sections 38(5)(a) and 38(6) of the Spatial Planning and Land Use Management Act, Act No. 16 of 2013 ("SPLUMA") and Sections 73(2)(c), 73(7) and 74(5)(a) of the Stellenbosch Municipality Land Use Planning Bylaw, August 2015.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The report and proposed recommendations are aimed at ensuring that the Stellenbosch MPT and the Stellenbosch Municipality, as an organisation, is more efficient and effective. As such, it is proposed to reconstitute the internal municipal membership of the current MPT.

The internal membership of the current MPT includes the following post designations (and employees):

- Manager: Spatial Planning, Directorate Planning and Economic Development - Currently represented by Mr. B de la Bat
- Senior Manager: Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services - Currently vacant
- Senior Legal Advisor, Directorate Corporate Services - Currently represented by Mr. M Williams
- Senior Manager: Community Services, Directorate Community and Protection Services - Currently represented by Mr. A van der Merwe
- Senior Environmental Planner, Environmental Management, Directorate Community and Protection - Currently represented by Mr. S van der Merwe
- Manager: IDP and Performance Management, Department Governance, Office of the Municipal Manager - Currently represented by Mr. G Cain – Manager

- Manager Infrastructure Implementation Services, Directorate Infrastructure Services - Currently represented by Ms. M. Francis

The proposed new internal membership of the MPT includes the following post designations:

- Senior Manager: Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services - Incumbent to this position resigned during 2021, and the position is currently vacant.
- Senior Legal Advisor, Directorate Corporate Services - Currently represented by Mr. M Williams
- Senior Manager: Community Services, Directorate Community and Protection Services - Currently represented by Mr. A van der Merwe.
- Senior Manager: Development Planning – To be represented by Mr C Alexander.

The proposal will improve the efficiency of Stellenbosch Municipality in that the number of internal members (municipal employees) on the MPT is proposed to be decreased from seven (7) to four (4), thus releasing staff to perform their core functions. The proposal will also promote the effectiveness of Stellenbosch Municipality in that the proposed internal MPT membership will all be at senior manager level.

No changes are proposed to the external membership of the Stellenbosch MPT.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2022-01-21: ITEM 7.7.1

That the following amendment to the internal membership of the Stellenbosch MPT **BE APPROVED**:

- (a) The **Removal** in terms of Section 38(5)(a) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) and Sections 73(2)(c), 73(7) and 74(5)(a) of the Stellenbosch Municipality Land Use Planning Bylaw, August 2015, of the following post designations as municipal employee members from the current membership of the Stellenbosch Municipal Planning Tribunal:
- (i) Manager: Spatial Planning, Directorate Planning and Economic Development - Currently represented by Mr. B de la Bat
 - (i) Senior Environmental Planner, Environmental Management, Directorate Community and Protection - Currently represented by Mr. S van der Merwe
 - (ii) Manager: IDP and Performance Management, Department Governance, Office of the Municipal Manager - Currently represented by Mr. G Cain – Manager
 - (iii) Manager Infrastructure Implementation Services, Directorate Infrastructure Services - Currently represented by Ms. M. Francis
- (b) The **Retention** of the following post designations as municipal employee members of the Stellenbosch Municipal Planning Tribunal in terms of their appointment by the Acting Municipal Manager on 15 May 2019 in terms of an authorisation and delegation of a Council decision vide item 7.3.3 and dated 26 July 2017:
- (i) Senior Manager: Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services - Currently vacant

- (ii) Senior Legal Advisor, Directorate Corporate Services - Currently represented by Mr. M Williams
 - (iii) Senior Manager: Community Services, Directorate Community and Protection Services - Currently represented by Mr. A van der Merwe
- (c) The **Appointment** in terms of Section 38(5)(a) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) and Section 71(1) of the Stellenbosch Municipality Land Use Planning Bylaw, August 2015 of the following a post designation as a municipal employee member of the Stellenbosch Municipal Planning Tribunal:
- (i) Senior Manager: Development Planning, Directorate Planning and Economic Development – To be represented by Mr. Craig Alexander
- (d) That in terms of Section 72(11) of the Stellenbosch Municipality Land Use Planning Bylaw, August 2015 the Municipal Manager publish the Reconstituted MPT in the Provincial Gazette as stipulated in Section 72(11)(c) of the said Bylaw.

FOR FURTHER DETAILS CONTACT:

NAME	Anthony Barnes
POSITION	Director Planning and Economic Development
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 4006
E-MAIL ADDRESS	Anthony.Barnes@stellenbosch.gov.za
REPORT DATE	18 January 2022

7.8	LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT (MS)
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NONE

7.9	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)
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NONE

7.10	YOUTH, SPORT AND CULTURE: (PC: CLLR R ADAMS)
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NONE

7.11	MUNICIPAL MANAGER
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NONE

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE PINK ITEMS

The meeting adjourned at 11:15

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
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6.1	MID-YEAR ADJUSTMENTS BUDGET FOR 2021/2022
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Collaborator No: 723583
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 February 2022

1 SUBJECT: MID-YEAR ADJUSTMENTS BUDGET FOR 2021/2022

2. PURPOSE

To table the adjustments budget as envisaged by section 28 of the Municipal Finance Management Act (Act No.56 of 2003), for the 2021/2022 financial year, for approval. The adjustments budget emanates from the approval of roll-over of unspent conditional grants from the Western Cape Provincial Government, additional allocations from Western Cape Provincial Government and National Government and reallocation and reduction of existing grants.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Roll-over of unspent conditional grants

The Western Cape Provincial Minister of Finance and Economic Opportunities has granted approval, in terms of section 10(2) of the Western Cape Appropriation Act (WCAA) 2020 (ACT No. 2 of 2020) to roll-over the unspent amounts of R164 751 for the Western Cape Financial Management Capacity Building Grant, R238 000 for the Municipal Accreditation and Capacity Building Grant, R600 000 for Integrated Transport Planning Grant and R2 302 051 for Community Library Services Grant.

Approval is also granted to roll-over the 2019/20 unspent amount of R1 371 711 for Tittle-Deeds Restoration Grant with the condition that these funds are fully spent by 30 June 2022.

Additional allocations and amendments of provincial conditional grants

Minister David John Maynier tabled the 2021/22 Western Cape Provincial Adjustment Budget in the Provincial Parliament on 06 December 2021 in terms of the section 30 (2) (c) of the Division of Revenue Act (Act 4 of 2021), read with the Western Cape Adjustments Appropriation (COVID-19) (Act 3 of 2020) and arising from this, grant allocations were reduced, and additional funding added for Stellenbosch Municipality, for the 2021/22 financial year.

This adjustment budget addresses adjustments in terms of section 28 (2) a, b, d & f of the MFMA and is further explained as required by section 28. Regulation 23 (1) and 23 (3) of the Municipal Budget & Reporting Regulations (17 April 2009) also has reference.

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

5. RECOMMENDATIONS

- (a) that the Adjustments Budget as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 and 2** be approved;
- (b) that the list of capital projects be adjusted over the MTREF (2022/2023), as set out in **APPENDIX 1**; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

6. DISCUSSION / CONTENTS

6.1. Background

Roll-over of unspent conditional grants

The Western Cape Provincial Minister of Finance and Economic Opportunities has granted approval, in terms of section 10(2) of the Western Cape Appropriation Act (WCAA) 2020 (ACT No. 2 of 2020) to roll-over the unspent amounts of R164 751 for the Western Cape Financial Management Capacity Building Grant, R238 000 for the Municipal Accreditation and Capacity Building Grant, R600 000 for Integrated Transport Planning Grant and R2 302 051 for Community Library Services Grant.

Approval is also granted to roll-over the 2019/20 unspent amount of R1 371 711 for Tittle-Deeds Restoration Grant with the condition that these funds are fully spent by 30 June 2022.

The breakdown of the unspent conditional grants are as follows:

Provincial Grants	Type	Approved Budget	Adjustments	Adjustments Budget
Western Cape Financial Management Capacity Building Grant	Operational	250 000	164 751	414 751
Municipal Accreditation and Capacity Building Grant	Operational	252 000	238 000	490 000
Title Deeds Restoration Grant	Operational	-	1 371 711	1 371 711
Integrated Transport Planning Grant	Capital	-	600 000	600 000
Community Library Services Grant	Capital	100 000	2 302 051	2 402 051
		602 000	4 676 513	5 278 513

The breakdown of other unspent allocations (District and Other Grant Providers) are as follows:

Grants	Type	Approved Budget	Adjustments	Adjustments Budget
Cape Winelands	Operational	-	146 959	146 959
Khaya Lam Free Market Research Foundation	Operational	-	102 000	102 000
DBSA	Operational	-	18 472	18 472
LOTTO	Capital	-	307 361	307 361
		-	574 792	574 792

Additional allocations and amendments of provincial conditional grants

The Provincial Minister of Finance and Economic Opportunities in the Western Cape, in terms of section 29(3) of the Division of Revenue Act, 2021 (Act 9 of 2021) (DORA), publish on 15 December 2021-

- a) additional allocations and amendments to the indicative allocations made in terms of the 2021 Budget, which were published in terms of section 29(2)(a) of DORA under Provincial Notice 24/2021 in Provincial Gazette 8400 dated 16 March 2021;
- b) the envisaged division of the additional and amended allocations in respect of each municipality for the 2021/22 financial year; and
- c) the conditions and other information in respect of the additional and amended allocations to facilitate performance measurement and the use of the required inputs and outputs.

The breakdown of the additional allocations are as follows:

Grants	Type	Approved Budget	Adjustments	Adjustments Budget
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)	Capital	-	11 918 906	11 918 906
Western Cape Municipal Energy Resilience Grant (WC MER Grant)	Capital	-	710 000	710 000
WC Financial Management Support Grant	Operational	-	550 000	550 000
Local Government Public Employment Support Grant	Operational	-	1 800 000	1 800 000
LG SETA Discretionary Grant	Operational	-	237 440	237 440
Municipal Library Support Grant	Operational	-	3 252 000	3 252 000
Municipal Accreditation and Capacity Building Grant	Operational	252 000	200 000	452 000
WC Financial Management Support Grant	Operational	-	550 000	550 000
		252 000	19 218 346	19 470 346

Grants	Type	Approved Budget	Adjustments	Adjustments Budget
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)	Capital	-	11 918 906	11 918 906
Western Cape Municipal Energy Resilience Grant (WC MER Grant)	Capital	-	710 000	710 000
WC Financial Management Support Grant	Operational	-	550 000	550 000
Local Government Public Employment Support Grant	Operational	-	1 800 000	1 800 000
LG SETA Discretionary Grant	Operational	-	237 440	10 000 000

Municipal Library Support Grant	Operational	-	3 252 000	3 252 000
Municipal Accreditation and Capacity Building Grant	Operational	252 000	200 000	452 000
WC Financial Management Support Grant	Operational	-	550 000	550 000
		252 000	19 218 346	29 232 906

The breakdown of other allocations (District and Other Grant Providers) are as follows:

Grants	Type	Approved Budget	Adjustments	Adjustments Budget
Cape Winelands	Operational	-	146 959	146 959
LG SETA Discretionary Grant	Operational	-	237 440	237 440
Khaya Lam Free Market Research Foundation	Operational	-	102 000	102 000
DBSA	Operational	-	18 472	18 472
LOTTO	Capital	-	307 361	307 361
		-	812 232	812 232

The breakdown of the reduction in current allocations are as follows:

Grants	Type	Approved Budget	Adjustments	Adjustments Budget
Human Settlements Development Grant	Operational	17 940 000	-7 940 000	10 000 000
Human Settlements Development Grant	Capital	34 170 673	-14 241 980	19 928 693
		52 110 673	-22 181 980	29 928 693

In terms of section 28 of the Municipal Finance Management Act (Act no. 56 of 2003), a municipality may revise an approved budget through an adjustments budget process. Only the mayor may table an adjustments budget in the Municipal Council (within the prescribed framework). The latter is regulated by means of the Municipal Budget and Reporting Regulations that came into effect on 1 July 2009.

In terms of section 28(2) of the Municipal Finance Management Act, an adjustments budget:

a) must adjust the revenue and expenditure estimates downwards if there is material under collection of revenue during the current year;

b) may appropriate additional revenue that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;

d) may authorize the utilization of projected savings in one vote towards spending in another vote; and

f) may correct any errors in the annual budget.

In terms of section 23(1) of the Municipal Budget and Reporting Regulations, the above-mentioned adjustments can only be done after the mid-year budget and performance assessment has been tabled to Council, but not later than 28 February.

6.2 Discussion

Capital Adjustments Budget

During the mid-year budget and performance assessment process, inclusive of taking into account actual spending as at 31 December 2021, it was identified that the approved capital budget had to be adjusted to make necessary amendments to various projects in order to accelerate progress on the priorities identified. Refer to **APPENDIX 1** for detail.

Operational Adjustment Budget

With the process followed during the mid-year budget and performance assessment, taking into consideration projected spending or projected billed revenue versus what was actually processed, it was identified that the approved operational budget should be adjusted accordingly. Refer to **APPENDIX 1** for detail.

Material changes to the operating budget:

Operational Income Budget

There are line items where we anticipate underperformance. The income line items that will have to be adjusted downwards are:

- **Property Rates:** The municipality has billed R35 956 065 more property rates than initially anticipated. The over performance is due to the annual applications which did not form part of the monthly budgeted revenue projections. The municipality has re-assessed the property rates revenue budget and anticipates that a downward adjustment of R7 964 892 will be necessitated during the Mid-year adjustment budget process.
- **Sanitation revenue:** An under performance is noted for sanitation revenue due to the noticeable decline in billed revenue. The municipality has re-assessed the sanitation revenue budget as the decline in the industrial wastewater charges has negatively affected the revenue stream. The budget will be reduced with R11 528 774 during the Mid-year adjustment budget process.
- **Interest earned - external investments:** An under performance was noted for interest earned – external investments to the amount of R2 605 340. The variance is mainly due to the Covid- 19 pandemic which resulted in the prime interest rate being reduced. This reduction has resulted in a significant decrease in our call accounts and primary bank account interest rates. Furthermore, we have received lower rates on offer from investing institutions than the previous financial years and a decline in the availability of capital investment further negatively impacts this line item.

The municipality has re-assessed the interest earned –external investments revenue budget and anticipates that a upward adjustment of R6 412 812 will be necessitated during the Mid-year adjustment budget process.

- **Fines, penalties and forfeits:** An underperformance was noted to the amount of R23 871 261. The recognition of traffic fines in terms of iGRAP 1 will be done monthly, including the journal processed on the financial system. It should be noted that no journal was processed during December 2021 and will reflect in the next reporting period. Furthermore, cognisance should be taken of the budget projections which need to be re-assessed during the Mid-year adjustment budget process. The past three financial years yielded an average income of R100 294 857 per year which renders the adjustment budget of R147 425 010 as unattainable. The municipality has re-assessed the fines, penalties and forfeits revenue budget and anticipates that a downward

adjustment of R29 864 252 will be necessitated during the Mid-year adjustment budget process.

- **Transfers and subsidies** : The transfers and subsidies will be increased with R1 430 310 during the Mid-year Adjustment budget process. A decrease of R566 897 relates to operating grants and an increase of R1 997 207 relates to capital grants.
 - An increase in the budget due to the unspent grant balances as at 30 June 2021 in respect of the following;
 - Development Bank of South Africa Grant : R18 472
 - Cape Winelands Disaster Grant : R146 959
 - Community Library Services Grant : R2 302 051
 - Title Deeds Restoration Grant : R1 371 711
 - Municipal Accreditation and Capacity Building Grant : R238 000
 - Financial Management Capacity Building Grant : R164 751
 - Khaya Lam Free Market Foundation : R102 000
 - Integrated Transport Planning Grant : R600 000
 - National Lottery : R307 361
 - An increase in the budget due to additional as well as new grant allocations in respect of the following;
 - LGSETA Funding : R237 440
 - Municipal Library Support Grant : R3 252 000
 - Municipal Accreditation and Capacity Building Grant : R200 000
 - Western Cape Financial Management Support Grant : R550 000
 - Western Cape Municipal Energy Resilience Grant (WC MER Grant) : R710 000
 - Local Government Public Employment Support Grant : R1 800 000
 - Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries) : R11 918 906
 - Households - Cash - Other (National Housing Programme) : R4 929 738
 - A decrease in the grant funding in respect of the following;
 - Human Settlements Development Grant due to the funding being gazetted under a new grant (Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)) and a R23 000 reduction in the roll over approval granted during August 2021 as a result of a debtor which had been cleared subsequent to the application.
- A revised funding allocation letter has been approved by the transferring department indicating that an amount of R708 230 will be moved from operating to capital in order to expedite the spending of the Urban Infrastructure Development grant.
- **Other Revenue:** The municipality has re-assessed the Other revenue budget and anticipates that a upward adjustment of R 3 520 000 will be necessitated during the Mid-year adjustment budget process.
- **Sales of Goods and Rendering of Services: Cemetery and Burial.** An underperformance of R933 062 has been noted. The past three financial years yielded an average income of R940 817 per year. Considering the average increase of 9% per year based on actual collections it is probable that R1 118 089 will be collected during the 2021/22 financial year. This renders the adjustment budget of R3 302 015 as unattainable. The municipality has re-assessed the cemetery and burial revenue budget and anticipates

that a downward adjustment of R2 200 000 will be necessitated during the Mid-year adjustment budget process.

- The sales of goods and rendering of services: Development Charges
The municipality has generated an average of R12 324 314 over the past 4 financial years and has generated R12 360 208 to date. The revenue budget will be increased to R16 047 353 to include a budget for the development charges levied by the municipality.

Operational Expenditure Budget

Various line items were adjusted (detail included in **APPENDIX 1**) due to requests received from user departments and operational pressure to increase efficiencies.

There are line items where we noted an overspending when compared to the year-to-date budget and we anticipate that additional funds will be required, over and above those already included and approved in the annual budget.

We have identified savings on the following expenditure categories:

- Employee related costs: An under performance of R12 496 679 is noted against the year to date budget projections. The underspending is due to vacancies which have not yet been filled. Various advertisements for vacancies have been issued during the last quarter. The expenditure budget for this line item will have to be adjusted downwards with R34 768 803 during the Mid-year adjustments budget process.

6.4 Legal Implications

The item is compliant with the relevant legislative framework.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

August Roll-over Adjustments Budget 2021/2022 - 24 August 2021

6.7 Risk Implications

None

6.8 Comments from Senior Management:

Inputs from all Directorates were incorporated into the adjustments budget.

Attachments

Appendix 1 - Budget documentation
Appendix 2 - Adjustments budget 21/22 (B-schedule)
Appendix 3 - Quality certificate

(APPENDICES WILL BE DISTRIBUTED UNDER SEPARATE COVER)

6.2	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2021/22
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Collaborator No: 723668
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 February 2022

1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2021/22

2. PURPOSE

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The TL SDBIP 2021/22 was approved by the Executive Mayor on 23 June 2021. It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), to review its performance indicators and targets after approving the adjustments budget. All the changes, which must be deleted and or amended, are indicated with a strikethrough and an underline respectively (for ease of reference). It should be noted that the TL SDBIP 2021/22 is the in-year plan of the municipality, and amendments made to the TL SDBIP 2021/22 must be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made to the Revised TL SDBIP 2021/22 are considered to be made in the IDP as well.

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

- a) KPI018- Target adjusted from 80% to 70%. The target was revised in line with available resources to realistically achieve the planned target.
- b) KPI085- Indicator removed due to the difficulty experienced to consult all relevant stakeholders due to the COVID-19 pandemic.
- c) KPI075- Target was adjusted from 24 000 to 25 500 to bring it in line with KPI074, KPI076 and KPI077.
- d) KPI071- Indicator removed due to the Energy Master Plan which must first be completed before the Electricity Master Plan can be completed.
- e) To bring KPIs inline with the adjustments budget.

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

5. RECOMMENDATIONS

- (a) that the Revised TL SDBIP 2021/22 be approved;
- (b) that the Revised TL SDBIP 2021/22 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2021/22 be submitted to:

- i. Internal Audit Unit (for notification);
- ii. Department of Local Government: Western Cape;
- iii. Provincial Treasury: Western Cape;
- iv. Auditor General of South Africa; and
- v. National Treasury.

6. DISCUSSION

6.1 Background

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

The Draft Top Layer SDBIP 2021/22 was made public for public participation during April 2021 as part of the Integrated Development Plan (IDP) and Budget consultative process.

The Municipal Manager, CFO and Directors as well as all the managers participated in the setting of key performance indicators KPIs and targets.

The TL SDBIP was approved by the Executive Mayor on 23 June 2021, after the approval of the IDP and Budget in May 2021. The Council should note that the provisions of the MFMA allow the Executive Mayor to approve the TL SDBIP within 28 days after the approval of the Budget.

6.2 Financial Implications

There are no financial implications beyond that which was approved in the 2021/22 MTRF Budget and Adjustments Budget.

6.3 Legal Implications

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

6.4 Staff Implications

This report has no staff implications to the municipality.

6.5 Risk Implication

None

6.6 Previous Council Decisions

None

6.7 Comments from Senior Management

6.7.1 Director: Community and Protection Services

Supported.

6.7.2 Chief Financial Officer

Supported.

- 6.7.3 **Director: Infrastructure Services**
Supported.
- 6.7.4 **Director: Corporate Services**
Supported.
- 6.7.5 **Director: Planning and Economic Development**
Supported.
- 6.7.6 **Comments from the Municipal Manager**
Supported.

ANNEXURES

Annexure A: Revised Top Layer Service Delivery and Budget Implementation Plan 2021/22

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Geraldine Mettler
<i>POSITION</i>	Municipal Manager
<i>DIRECTORATE</i>	Office of the Municipal Manager
<i>CONTACT NUMBERS</i>	021 – 808 8025
<i>E-MAIL ADDRESS</i>	mm@stellenbosch.gov.za
<i>REPORT DATE</i>	03 February 2022

ANNEXURE A



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



**REVISED TOP LAYER SERVICE
DELIVERY AND BUDGET
IMPLEMENTATION PLAN 2021/22**

(February 2022)

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1. MUNICIPAL MANAGER'S QUALITY CERTIFICATE

I, Geraldine Mettler, the Municipal Manager of the Stellenbosch Municipality, submits the Draft Revised Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) for the 2021/22 financial year for consideration by the Executive Mayor. This Draft Revised TL SDBIP 2021/22 has been prepared in terms of the stipulated requirements as documented in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and regulations made under this Act.

GERALDINE METTLER
MUNICIPAL MANAGER

Date: _____

2. EXECUTIVE MAYOR'S CERTIFICATE OF APPROVAL

I, Gesie Van Deventer, in my capacity as the Executive Mayor of the Stellenbosch Municipality, hereby submits the Final Revised Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) for the 2021/22 financial year to Council for approval, as required in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and regulations made under this Act.

**CLLR ADV GESIE VAN DEVENTER
EXECUTIVE MAYOR**

Date: _____

3. IMPLEMENTATION, MONITORING AND REVIEW – ONE YEAR

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

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

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

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

The five necessary components are:

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

4. REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2021/22: PER STRATEGIC FOCUS AREA (SFA)

4.1 SFA 1 - VALLEY OF POSSIBILITY

SFA 1 – Valley of Possibility														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI007	TL88	Planning and Economic Development	The number of jobs created through the municipality's local economic development initiatives including capital projects (NKPI Proxy - MSA, Reg. S10(d))	Number of job opportunities created through the municipality's local economic development initiatives including capital projects by 30 June	Programme	All	1 300 per annum	1 656	1 300 job opportunities created through the municipality's local economic development initiatives including capital projects by 30 June	400	900	1 100	1 300	Outcome
KPI008	TL89	Planning and Economic Development	Land-use applications considered by the Municipal Planning Tribunal (MPT) within 120 from days <u>from the date of</u> a complete land-use application	Percentage of land-use applications considered by the MPT within 120 days <u>from the date of</u> a complete land-use application	Programme	All	75% per annum	0%	75% of land-use applications considered by the MPT within 120 days from <u>the date of</u> a complete land-use application	75%	75%	75%	75%	Outcome
KPI009	TL90	Planning and Economic Development	Training opportunities provided for entrepreneurs and Small, Medium and Micro Enterprises (SMMEs)	Number of quarterly training opportunities provided for entrepreneurs and SMMEs	Programme	All	4 per annum	4	4 quarterly training opportunities provided for entrepreneurs and SMMEs	1 (1)	1 (2)	1 (3)	1 (4)	Output
KPI010	TL91	Planning and Economic Development	Revised Spatial Development Framework (SDF) submitted to Council	Number of Revised SDFs submitted to Council by 30 June	Programme	All	1 per annum	New KPI	1 Revised SDF submitted to Council by 30 June	N/A	N/A	N/A	1	Output
KPI012	TL92	Planning and Economic Development	Revised Housing Pipeline (document) submitted to the Mayoral Committee (MayCo)	Number of Revised Housing Pipelines (documents) submitted to the MayCo by 31 May	Programme	All	1 per annum	1	1 Revised Housing Pipeline (document) submitted to the MayCo by 31 May	N/A	N/A	N/A	1	Output

SFA 1 – Valley of Possibility														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI080	TL93	Planning and Economic Development	Submission of the Tourism Strategic Plan to the Municipal Manager	Number of Tourism Strategic Plans submitted to the Municipal Manager by 30 June	Key Initiative	All	1 per annum	New KPI	1 Tourism Strategic Plan submitted to the Municipal Manager by 30 June	N/A	N/A	N/A	1	Output

4.2 SFA 2 - GREEN AND SUSTAINABLE VALLEY

SFA 2 - Green and Sustainable Valley														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI016	TL94	Infrastructure Services	Conduct an external audit of the Stellenbosch Municipality Waste Disposal Facilities	Number of external audits of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	Programme	All	1 per annum	1	1 external audit of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	N/A	N/A	N/A	1	Output
KPI073	TL95	Infrastructure Services	Implementation of identified waste minimisation projects	Number of identified waste minimisation projects implemented by 30 June	Key Initiative	All	2 per annum	1	2 identified waste minimisation projects implemented by 30 June	N/A	N/A	1 (1)	1 (2)	Output
KPI018	TL96	Planning and Economic Development	Building plan applications of <500sqm decided on within 30 days	Percentage of building plan applications of <500sqm decided on within 30 days after date of receipt	Programme	All	<u>70%</u> 80% per annum	72.92%	<u>70%</u> 80% of building plan applications of <500sqm decided on within 30 days after date of receipt	<u>70%</u> 80%	<u>70%</u> 80%	<u>70%</u> 80%	<u>70%</u> 80%	Outcome
KPI019	TL97	Infrastructure Services	Waste water quality managed and measured into the Department of Water and Sanitation's License Conditions for physical and micro parameters	Percentage waste water quality compliance as per analysis certificate, measured quarterly	Programme	All	70% per annum	60.70%	70% waste water quality compliance as per analysis certificate, measured quarterly	70%	70%	70%	70%	Outcome
KPI078	TL98	Corporate Services	Submission of the Revised Facility Management Plan to the MayCo	Number of Revised Facility Management Plans submitted to the MayCo by 31 May	Programme	All	1 per annum	1	1 Revised Facility Management Plan submitted to the MayCo by 31 May	N/A	N/A	N/A	1	Output
KPI081	TL99	Infrastructure Services	Reduce organic waste	Percentage of organic waste reduced by 30 June	Programme	All	20%	New KPI	20% of organic waste reduced by 30 June	N/A	N/A	N/A	20%	Outcome

SFA 2 - Green and Sustainable Valley														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI085	TL100	Community and Protection Services	Submission of a Friends Group Framework for the management of nature areas to the Municipal Manager	Number of Friends Group Frameworks for the management of nature areas submitted to the Municipal Manager by 31 March	Key Initiative	All	1 per annum	New KPI	1 Friends Group Framework for the management of nature areas submitted to the Municipal Manager by 31 March	N/A	N/A	1	N/A	Output

4.3 SFA 3 - SAFE VALLEY

SFA 3 - Safe Valley														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI025	TL101	Community and Protection Services	Revised Disaster Management Plan submitted to the Municipal Manager	Number of Revised Disaster Management Plans submitted to the Municipal Manager by 31 March	Programme	All	1 per annum	1	1 Revised Disaster Management Plan submitted to the Municipal Manager by 31 March	N/A	N/A	1	N/A	Output
KPI026	TL102	Community and Protection Services	Revised Safety and Security Strategy submitted to the Municipal Manager	Number of Revised Safety and Security Strategies submitted to the Municipal Manager by 30 April	Programme	All	1 per annum	1	1 Revised Safety and Security Strategy submitted to the Municipal Manager by 30 April	N/A	N/A	N/A	1	Output
KPI027	TL103	Community and Protection Services	Revised Traffic Management Plan submitted to the Municipal Manager	Number of Revised Traffic Management Plans submitted to the Municipal Manager by 31 March	Programme	All	1 per annum	1	1 Revised Traffic Management Plan submitted to the Municipal Manager by 31 March	N/A	N/A	1	N/A	Output

4.4 SFA 4 - DIGNIFIED LIVING

SFA 4 - Dignified Living														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI037	TL104	Infrastructure Services	Provision of waterborne toilet facilities in informal settlements as identified by the Department: Integrated Human Settlements	Number of waterborne toilet facilities provided in informal settlements as identified by the Department: Integrated Human Settlements by 30 June	Programme	All	50 per annum	51	50 waterborne toilet facilities provided in informal settlements as identified by the Department: Integrated Human Settlements by 30 June	N/A	20 (20)	N/A	50 (50)	Output
KPI039	TL105	Financial Services	Registered indigent formal households with access to free basic water (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic water, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic water, measured quarterly	100%	100%	100%	100%	Outcome
KPI040	TL106	Infrastructure Services	Limit unaccounted electricity to less than 9% annually {(Number of Electricity Units Purchased and / or Generated - Number of Electricity Units Sold (incl. Free basic electricity)) / Number of Electricity Units Purchased and/or Generated} x 100}	Percentage average electricity losses measured by 30 June	Programme	All	<9% per annum	9.36%	<9% average electricity losses measured by 30 June	N/A	N/A	N/A	<9%	Outcome
KPI041	TL107	Infrastructure Services	Water quality managed and measured quarterly to the SANS 241 physical and micro parameters	Percentage water quality level as per analysis certificate, measured quarterly	Programme	All	90% per annum	90.96%	90% water quality level as per analysis certificate, measured quarterly	90%	90%	90%	90%	Outcome
KPI042	TL108	Infrastructure Services	Limit unaccounted water to less than 25%	Average percentage water losses measured quarterly	Programme	All	<25% per annum	20.50%	<25% average percentage water losses measured quarterly	<25%	<25%	<25%	<25%	Outcome

SFA 4 - Dignified Living														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI043	TL109	Financial Services	Registered indigent formal households with access to free basic electricity provided by the municipality (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic electricity provided by the municipality, measured quarterly	Programme	All	65% per annum	73.99%	65% of registered indigent formal households with access to free basic electricity provided by the municipality, measured quarterly	65%	65%	65%	65%	Output
KPI044	TL110	Financial Services	Registered indigent formal households with access to free basic refuse removal (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic refuse removal, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic refuse removal, measured quarterly	100%	100%	100%	100%	Output
KPI045	TL111	Financial Services	Registered indigent formal households with access to free basic sanitation (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent formal households with access to free basic sanitation, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic sanitation, measured quarterly	100%	100%	100%	100%	Output
KPI074	TL112	Financial Services	Formal households with access to water (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to water, measured quarterly	Programme	All	25 500 per annum	26 397	25 500 formal households with access to water, measured quarterly	25 500	25 500	25 500	25 500	Output
KPI075	TL113	Financial Services	Formal households with access to electricity (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to electricity, measured quarterly	Programme	All	25 500 24 000 per annum	26 397	25 500 24 000 formal households with access to electricity, measured quarterly	25 500 24 000	25 500 24 000	25 500 24 000	25 500 24 000	Output
KPI076	TL114	Financial Services	Formal households with access to refuse removal (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to refuse removal, measured quarterly	Programme	All	25 500 per annum	26 397	25 500 formal households with access to refuse removal, measured quarterly	25 500	25 500	25 500	25 500	Output

SFA 4 - Dignified Living														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI077	TL115	Financial Services	Formal households with access to sanitation (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to sanitation, measured quarterly	Programme	All	25 500 per annum	26 397	25 500 formal households with access to sanitation, measured quarterly	25 500	25 500	25 500	25 500	Output

4.5 SFA 5 - GOOD GOVERNANCE AND COMPLIANCE

SFA 5 - Good Governance and Compliance														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI055	TL116	Financial Services	Financial viability measured in terms of the available cash to cover fixed operating expenditure (NKPI Proxy - MSA, Reg. S10(g)(iii))	Cost coverage as at 30 June annually [(Cash and Cash Equivalents - Unspent Conditional Grants - Overdraft) + Short Term Investment] / Monthly Fixed Operational Expenditure excluding (Depreciation)	Programme	All	4 per annum	2.43	4 (months)	N/A	N/A	N/A	4 (months)	Outcome
KPI056	TL117	Financial Services	Achieve an average payment percentage of 96% by 30 June (Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	(Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	Programme	All	96% per annum	89.17%	96%	N/A	N/A	N/A	96%	Outcome
KPI057	TL118	Financial Services	Actual expenditure on the approved Capital Budget for the Municipality by 30 June (NKPI - MSA, Reg. S10(c))	Percentage of the approved Capital Budget for the municipality actually spent by 30 June	Programme	All	90% per annum	70.25%	90% of the approved Capital Budget for the municipality actually spent by 30 June	10%	30%	60%	90%	Input
KPI058	TL119	Office of the Municipal Manager	Employment equity appointments made within the financial year in the three highest levels of management	Percentage of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	Programme	All	60% per annum	66.67%	60% of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	N/A	N/A	N/A	60%	Outcome
KPI059	TL120	Corporate Services	The percentage of the actual payroll budget spent on implementing the Municipal Workplace Skills Plan (NKPI Proxy- MSA, Reg. S10(f))	Percentage of the municipality's payroll budget actually spent on implementing its Workplace Skills Plan ((Total Actual Training Expenditure / Total Annual	Programme	All	0.20% per annum	0.13%	0.20% of the municipality's payroll budget actually spent on implementing its Workplace Skills Plan, measured by 30 June	N/A	N/A	N/A	0.20%	Input

SFA 5 - Good Governance and Compliance														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
				payroll Budget) x100), measured by 30 June										
KPI060	TL121	Financial Services	Financial viability measured in terms of the municipality's ability to meet its service debt obligations (NKPI Proxy - MSA, Reg. S10(g)(i))	Debt coverage ratio ((Total operating revenue - operating grants received) / (Debt service payments due within the year)) measured by 30 June	Programme	All	15% per annum	59.13%	15%	N/A	N/A	N/A	15%	Outcome
KPI061	TL122	Financial Services	Financial viability measured in terms of the outstanding service debtors (NKPI Proxy - MSA, Reg. S10(g)(ii))	Service debtors to revenue ratio – (Total outstanding service debtors / revenue received for services) measured by 30 June	Programme	All	27% per annum	12.38%	27%	N/A	N/A	N/A	27%	Outcome
KPI062	TL123	Office of the Municipal Manager	Revised Risk-Based Audit Plan (RBAP) submitted to the Audit Committee	Number of Revised RBAPs submitted to the Audit Committee by 30 June	Programme	All	1 per annum	1	1 Revised RBAP submitted to the Audit Committee by 30 June	N/A	N/A	N/A	1	Output
KPI063	TL124	Office of the Municipal Manager	AGSA Audit Action Plan (AAP) submitted to the Audit Committee	Number of AGSA Audit Action Plans submitted to the Audit Committee by 28 February	Programme	All	1 per annum	1	1 AGSA Audit Action Plan submitted to the Audit Committee by 28 February	N/A	N/A	1	N/A	Output
KPI064	TL125	Office of the Municipal Manager	Revised Strategic Risk Register (SRR) submitted to the Risk Management Committee	Number of Revised Strategic Risk Registers submitted to the Risk Management Committee by 30 June	Programme	All	1 per annum	1	1 Revised Strategic Risk Register submitted to the Risk Management Committee by 30 June	N/A	N/A	N/A	1	Output
KPI065	TL126	Corporate Services	Revised Information and Communication Technology (ICT) Backup Disaster Recovery Plan submitted to the ICT Steering Committee	Number of Revised ICT Backup Disaster Recovery Plans submitted to the ICT Steering Committee by 31 March	Programme	All	1 per annum	1	1 Revised ICT Backup Disaster Recovery Plan submitted to the ICT Steering Committee by 31 March	N/A	N/A	1	N/A	Output

SFA 5 - Good Governance and Compliance														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI066	TL127	Corporate Services	Revised Strategic ICT Plan submitted to the ICT Steering Committee	Number of Revised Strategic ICT Plans submitted to the ICT Steering Committee by 31 March	Programme	All	1 per annum	1	1 Revised Strategic ICT Plan submitted to the ICT Steering Committee by 31 March	N/A	N/A	1	N/A	Output
KPI067	TL128	Office of the Municipal Manager	Draft Integrated Development Plan (IDP) submitted to Council	Number of Draft IDPs submitted to Council by 31 March	Programme	All	1 per annum	1	1 Draft IDP submitted to Council by 31 March	N/A	N/A	1	N/A	Output
KPI070	TL129	Office of the Municipal Manager	IDP / Budget / SDF time schedule (process plan) submitted to Council	Number of IDP / Budget / SDF time schedules (process plan) submitted to Council by 31 August	Programme	All	1 per annum	1	1 IDP / Budget / SDF time schedule (process plan) submitted to Council by 31 August	1	N/A	N/A	N/A	Output
KPI071	TL130	Infrastructure Services	Revised Electrical Master Plan submitted to Council	Number of Revised Electrical Master Plans submitted to Council by 30 June	Programme	All	1 per annum	1	1 Revised Electrical Master Plan submitted to Council by 30 June	N/A	N/A	N/A	1	Output
KPI072	TL131	Corporate Services	Submission of a Draft Smart City Framework to the MayCo	Number of Draft Smart City Frameworks submitted to the MayCo by 31 May	Key Initiative	All	1 per annum	0	1 Draft Smart City Framework submitted to the MayCo by 31 May	N/A	N/A	N/A	1	Output
KPI084	TL132	Infrastructure Services	Submission of a new Comprehensive Integrated Transport Plan (CITP) to the MayCo	Number of new Comprehensive Integrated Transport Plans (CITPs) submitted to the MayCo by 30 June	Programme		1 per annum	New KPI	1 New Comprehensive Integrated Transport Plan (CITPs) submitted to the MayCo by 30 June	N/A	N/A	N/A	1	Output

6.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2022
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Collaborator No: 723736
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 February 2022

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2022

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2021/2022 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2021/2022) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during January 2022.

5. RECOMMENDATION

that Council notes there were no deviations listed for the month of January 2022.

6. DISCUSSION / CONTENTS

6.1. Background/Legislative Framework

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

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

(i) in an emergency;

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

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

(iv) acquisition of animals for zoos; or

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

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

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

6.2. Discussion

Reporting the deviations as approved by the Accounting Officer for January 2022:

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

None

6.3 Financial Implications

None

6.4 Legal Implications

The regulation applicable is:

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

6.5 Staff Implications:

No staff implications

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

That the market may not be tested.

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

6.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.8.1 Municipal Manager

Supports the recommendations.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	January 2022

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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NONE

7.2	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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NONE

7.3	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)
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NONE

7.4	HUMAN SETTLEMENTS: (PC: CLLR J FASSER)
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NONE

7.5	INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))
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7.5.1	APPROVAL OF THE STELLENBOSCH MUNICIPALITY ROADS & STREETS BY-LAW DELEGATIONS AND ADMISSION OF GUILT FINES
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Collaborator No: 723770
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 February 2022

1. SUBJECT: APPROVAL OF THE STELLENBOSCH MUNICIPALITY ROADS & STREETS BY-LAW DELEGATIONS AND ADMISSION OF GUILT FINES

2. PURPOSE

To request approval from Council to finally approve the Roads & Streets By-Law Delegations and Admission of Guilt Fines.

3. DELEGATED AUTHORITY

The Stellenbosch Municipality By-Law relating to Roads & Streets was approved by Council on the 24 August 2021.

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality Roads & Streets By-Law (2020) regulates activities and functions on roadways, walkways and other spaces within road reserves.

Under Section 59: Delegations of the Municipal Systems Act, Council is to approve the proposed delegations of powers in terms of this By-Law to various key officials and incorporate these into the System of Delegations. A proposed set of delegations is shown under **ANNEXURE B**.

Under the provisions of Section 43 of the By-Law, a person convicted of an offence is liable to a fine. A set of proposed Admission of Guilt Fines (AGF) has been attached as **ANNEXURE C**.

5. RECOMMENDATIONS

- (a) that the content of this report be noted,
- (b) that the set of delegations as proposed in Annexure B be accepted and attached to the System of Delegations, and
- (c) that the proposed set of Admission of Guilt Fines (Attached as **ANNEXURE C**) be accepted as the fines to be sought from the Chief Magistrate for this By-Law

6. DISCUSSION / CONTENTS

6.1 Background

Council had approved the Municipality's By-Law on Roads and Streets, following a public participation process and all relevant processes, on the 24th August 2021 (Annexure A).

In order to manage this By Law and in terms of Section 59 of the Municipal Systems Act, various functions are to be assigned to various officials. These delegations are taken up in the proposed set of Delegations within Annexure B.

In order to give effect to Section 43 of the By-Law a set fines is proposed for consideration by Council. The proposed set of Admission of Guilt Fines (AGF) fines are attached as **ANNEXURE C**.

6.2 **Financial Implications**

There are no financial implications, other than an income generated through the issuing of fines, should the recommendations as set out in the report be accepted.

6.4 **Legal Implications**

None

6.5 **Staff Implications**

6.6 **Previous / Relevant Council Resolutions:**

COUNCIL MEETING: 2021-08-24: ITEM RESOLVED (majority vote)

- (a) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as the Final By-Law as per Section 12(2) to 12(4) & 13; and
- (b) that Council notes that a public participation process was followed and considered the discussion on comments received.

6.7 **Risk Implications**

This report has no risk implications for the Municipality.

ANNEXURES

Annexure A: BY-LAW RELATING TO ROADS & STREETS

Annexure B: PROPOSED SET OF DELEGATIONS

Annexure C: PROPOSED ADMISSION OF GUILT FINES

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Report Date	February 2022

ANNEXURE A

[LOCAL AUTHORITY NOTICE OF XXX.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

was published by *Provincial Gazette* No. XXX dated XXX.

STELLENBOSCH MUNICIPALITY

ROADS AND STREETS BY-LAW

APPROVED BY COUNCIL ON 24 AUGUST 2021

AND

PROMULGATED IN TERMS OF SECTION 11 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

STELLENBOSCH MUNICIPALITY STREETS BY-LAW
(20XX)

To give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to—

- promote the realisation of a safe environment for the benefit of residents within the area of jurisdiction of the Municipality;
- promote universal accessibility to streets; and
- provide for procedures, methods and practices to manage the use and utilisation of streets in the area of jurisdiction of the Stellenbosch Municipality.

Under the provisions of sections 152 and 156 of the Constitution of the Republic of South Africa, 1996, and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), Stellenbosch Municipality enacts as follows:

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1. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates –

“**animals**” mean any means any tame or wild mammal, reptile, amphibia, fish or bird, and includes domesticated animals;

“**caravan**” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“**Council**” means the municipal Council of Stellenbosch;

“**encroachment**” includes any source of annoyance, damage, danger, intrusion or inconvenience to persons using a street, sidewalk, walkway, road reserve forming part thereof, or public place;

“**firearm**” means a firearm, as contemplated in the Firearms Control, 2000 (Act 60 of 2000);

“**heavy motor vehicle**” includes a truck, light truck, bus, horse-and-trailer, caravan, or any other like vehicle wherein it is possible to have persons residing, sleeping or committing any unlawful act or conduct;

“**informal parking attendant**” means a person who is in possession of a permit issued by the Municipality and who assists with the pointing out of parking or supervising over vehicles in a street, parking area or public place;

“**kerb line**” means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;

“**motor vehicle**” means any self-propelled vehicle and includes –

- (a) a trailer, and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or electric motor, or both such pedals, engine or electric motor, but does not include –
 - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian;
 - (ii) any vehicle with a mass not exceeding 230 kg and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person; or
 - (iii) a pedal cycle having pedals and an engine or an electrical motor as an integral part thereof with a maximum design speed not exceeding 45 km/h;

“**municipal area**” means the area of jurisdiction of Stellenbosch Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

“municipal manager” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Municipality” means the Stellenbosch Municipality established by Provincial Notice No. 489 of 2000 in *Provincial Gazette* 5590 of 22 September 2000 as amended from time to time, or its successors in title; and includes any –

- (a) political structure;
- (b) political office bearer;
- (c) Councillor;
- (d) duly authorised agent, service provider or any employee thereof, acting in connection with this By-law by virtue of a power vested in the Municipality and so authorised, delegated or sub-delegated to such –
 - (i) political structure;
 - (ii) political office bearer;
 - (iii) councillor;
 - (iv) agent;
 - (v) service provider; or
 - (vi) employee;

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods from such vehicle, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

“parking area” means any area provided by the Municipality for the parking of vehicles and pedal cycles;

“parking meter” means a device for registering and visibly recording of a parking period in accordance with the insertion of a coin or other prescribed object therein and includes a post or fixture to which it is attached;

“parking period” means that period of parking in a demarcated space which is permitted by the insertion into the parking meter allocated to such space of a coin or other object as prescribed;

“pedal cycle” means –

- (a) any bicycle or tricycle designed for propulsion solely by means of human power; or
- (b) any bicycle or tricycle with operable pedals and an electric motor with a total weight that does not exceed 30kg: Provided that the electric motor may not be capable of propelling the bicycle or tricycle unassisted at a speed not exceeding 25km/h; and

“pedal cyclist” has a corresponding meaning;

“prescribed” means determined by resolution of the Council from time to time, and in relation to a fee, means as set out in the tariff policy of the Municipality;

“prior written permission of the Municipality” means permission granted by the Municipality

-
- (a) in writing and in the prescribed format; and

(b) upon receipt of a written application in accordance with the applicable process prescribed by the Municipality for that matter, from time to time;
and such permission may be made subject to conditions determined by the Municipality after due consideration of the application;

“Provincial Gazette” means the official gazette of the Western Cape Province contemplated in section 33(1) of the Constitution of the Western Cape, 1998 (Act 1 of 1998);

“public place” includes any of the following, located in the area of jurisdiction of the Municipality, which has either been declared as such in terms of applicable legislation, or to which the public or any section thereof has free access, or which is commonly used by the public or any section thereof:

- (a) thoroughfare;
- (b) bridge;
- (c) trail;
- (d) pavement;
- (e) alley square;
- (f) garden;
- (g) parking area;
- (h) square;
- (j) park;
- (k) recreation ground;
- (l) sports ground;
- (m) sanitary lane;
- (n) open space;
- (o) shopping centre on municipal land;
- (p) unused or vacant municipal land; or
- (q) cemetery, and includes
- (r) any place contemplated in subsections (a) – (q) which has –
 - (i) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
 - (ii) at any time been dedicated to the public;
 - (iii) been used by the public without interruption for a period of at least thirty years; or
 - (iv) at any time been declared or rendered such by the Municipality or other competent authority;

“semi-trailer” means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

“sidewalk” means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians, pedal cyclists and any other category of vehicles as may be determined by the Municipality in accordance with section 42(1);

“street” means

- (a) any path, road, cycle path, thoroughfare or any other place, and includes –
 - (i) the verge of any such road, street or thoroughfare;

- (ii) any footpath, sidewalk or similar portion of a road reserve;
- (iii) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (b) any other object belonging to an area contemplated in subsection (a) which was –
 - (i) declared or rendered such by the Municipality or other competent authority, or
 - (ii) constructed by a local authority, and
- (c) any land, with or without buildings or structures thereon, which is shown as an area contemplated in subsection (a) on –
 - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon, or
 - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office;
 unless such land is on such plan or diagram described as a private street;

“trailer” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a sidecar fitted to a motorcycle;

“trolley” means a push trolley, pushcart or any table, stand or basket on wheels;

“vehicle” –

- (a) means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and
- (b) includes –
 - (i) a motor vehicle;
 - (ii) a pedal cycle; and
 - (iii) any other subcategory of vehicles as may be determined by the Municipality in accordance with section 42(1)(a).

“verge” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“walkway” means a structure built for exclusive use by pedestrians, pedal cyclists and other subcategories of vehicles as may be determined by the Municipality in accordance with section 42(1);

“work” means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Municipality and, without in any way limiting the ordinary meaning of the word, includes the –

- (a) erection of a new building;
- (b) alterations or additions to any existing building;
- (c) laying of cables and pipes;
- (d) dumping of building or other material anywhere in a street, on a sidewalk or walkway, or in a public place; or
- (e) delivery to, or removal from, any site of any soil or material of any nature whatsoever.

2. Application of this By-law, exemptions and conditions. –(1) This By-law does not derogate from the provisions of any other legislation and also binds an organ of state.

(2)(a) Notwithstanding the provisions in subsection (1), any person may, by means of a prior written application stating the reasons in full, apply to the Municipality for exemption from any provision of this By-law.

(b) The Municipality may –

- (i) approve such exemption in full or subject to reasonable conditions; or
- (ii) refuse such exemption on reasonable grounds.

(c) The Municipality may, on reasonable grounds, revise or cancel such exemption or condition of an exemption.

(d) Where applicable, an exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2)(b)(i).

(e) In the event that –

- (i) an activity for which exemption has been applied, commences before receipt of the undertaking contemplated in subsection (2)(d) by the Municipality, or
- (ii) any condition of an exemption granted by the Municipality is not fully complied with, the exemption granted, lapses with immediate effect.

3. Construction and maintenance of streets, sidewalks and walkways. –(1) The Municipality may construct and maintain streets, sidewalks and walkways as required and with due consideration of any legal process, to accommodate the necessary pedestrian, pedal cyclist and other vehicle traffic flow.

(2) The Municipality may –

- (a) exercise its duty to construct or maintain such streets, sidewalks or walkways irrespective of the existence of a structure in the area where the sidewalk or walkway will be built; and
- (b) issue a written notice to the owner of said structure to remove it within a specific period.

(3) The owner of a structure contemplated in section 4(2) must remove the structure at own cost and within the period stipulated in a written notice issued by the Municipality to do so.

(4) If the owner does not comply with the written notice, the Municipality may remove the structure at the cost of the Owner.

4. Regulating encroachments on streets, sidewalks, walkways and road reserves. –(1) No person may, without prior written permission of the Municipality, cause an encroachment on a street, sidewalk, walkway or road reserve forming part thereof by –

- (a) making, constructing, reconstructing, or altering;
- (b) constructing a veranda, stoep, steps or other protrusion within;
- (c) erecting a post or any other structure on;
- (d) planting or cause to be planted, any tree, shrub or other plant on or allowing any such tree, shrub or plant to remain on; or
- (e) placing or cause to be placed any other impediment or obstruction on, such a street, sidewalk, walkway or road reserve forming part thereof, other than in accordance with conditions prescribed by the Municipality.

- (2) If an encroachment is caused in contravention with subsection (1), the Municipality may, –
- (a) by written notice, order the person responsible for causing such encroachment, to remove said encroachment within the period specified in the notice; and
 - (b) in the event of non-compliance with such written notice, remove said encroachment.
- (3) The Municipality must immediately thereafter notify the person concerned in writing of their liability to pay the costs of the carrying out of the removal as contemplated in subsection (2)(b).
- (4) Any person failing to comply with a notice issued in terms of subsection (2) is guilty of an offence.

5. Regulating goods or building materials causing obstruction. –(1) No person may, except in accordance with prior written permission of the Municipality, deposit, place, pack, unpack or leave any goods in a street, on a sidewalk or walkway, in a public place, or in an area specifically designated therefore, other than for a reasonable period during the loading, off-loading or removal thereof.

- (2) No person may bore or cut stone, slake or sift lime, or mix building materials in a street, on a sidewalk or walkway, in a public place.

6. Prohibitions on objects and animals causing an obstruction. –(1) No person may –

- (a) in any way obstruct the pedestrians, pedal cyclists and other vehicle traffic on a sidewalk, walkway or in a public place by bringing, or allowing to be brought thereon, any animal, object or vehicle;
- (b) allow their animals to roam freely on sidewalks or in public roads without the necessary control mechanisms; or
- (c) allow, permit or cause any animal to graze or stray in or about any street or public space.

- (2) A person contemplated in subsection (1) must at all times keep such animal in a manner that does not pose a danger or annoyance to the traffic or public.

- (3) The prohibition in subsection (1)(a) does not apply to a perambulator or wheel-chair used for the conveyance of children or the disabled.

7. Rules on advertising. –(1) Subject to the applicable By-laws of the Municipality, no person may, except in accordance with prior written permission of the Municipality, display any –

- (a) advertisement;
- (b) placard;
- (c) poster; or
- (d) bill,

in a street, on a sidewalk or walkway, in a public place.

(2) A written application for the erection of advertising signs contemplated in subsection (1) must be submitted to the Municipality as prescribed, or as determined by the By-laws on Outdoor Advertising/Advertising Signs of the Municipality.

8. Regulating planting of trees, shrubs or plants. –(1) No person may, except in accordance with prior written permission of the Municipality, in a street, on a sidewalk or walkway, or in a public place –

- (a) plant a tree, shrub or plant;
- (b) in any way cut down, remove, climb, break or damage a tree, shrub or plant growing there;
- (c) mark or paint any tree, shrub or plant growing there; or
- (d) attach any advertisement thereto.

(2) Any tree, shrub or plant planted in a street, on a sidewalk or walkway, or in a public place become the property of the Municipality.

9. Regulating trees or growth causing an interference or obstruction. –(1) The Municipality may, by written notice, order the owner or occupier of any property upon which any tree or other growth interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street, sidewalk, walkway or public place, to prune or remove such tree or growth to the extent and within the period specified in such notice.

(2) Any person failing to comply with a notice issued in terms of subsection (1) is guilty of an offence.

(3) If any person fails to comply with a notice in terms of this section, the Municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

10. Regulating conduct regarding refuse, motor vehicle wrecks, waste material, etc. – No person may, except in accordance with prior written permission of the Municipality, and subject to the applicable By-laws of the Municipality on waste management –

- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street, sidewalk, walkway or public place; or
- (b) allow, or permit any of, the prohibitions contemplated in paragraph (a).

11. Regulating activities related to vehicles. –(1) No person may, in a street, sidewalk, walkway or public place, –

- (a) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident;
- (b) clean or wash a vehicle;
- (c) wash, clean, dry, paint or bleach any other article or thing;
- (d) park or leave a heavy motor vehicle parked overnight in a public place in a residential area.

(2) The Municipality may issue a written notice to the owner or person in control of the said vehicle, to remove it within a specific period, failing which it may itself remove the vehicle at the expense of the person on whom the notice was served.

(3) Any person failing to comply with the notice contemplated in subsection (2), is guilty of an offence.

(4) No driver, person in control of a motor vehicle or passenger in the motor vehicle shall permit any amplified noise to emanate from the motor vehicle such that it is audible at more than 50 meters.

12. Regulating specific acts regarding games, sports and events. –(1) No person may–

(a) play games, roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or a missile, or throw a stone, stick or other projectile in, onto or across a street, sidewalk, walkway or public place; or

(b) do anything in a street, sidewalk, walkway or public place which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public,

unless that place is provided with clear signs, identifiable paving or equipment which distinguishes it as “street park”.

(2) No person may play cricket, football or any game, or indulge in any pastime whatsoever in a street, sidewalk, walkway or public place, except on such places as the municipality may set apart for the purposes of a particular game, sport or pastime.

(3) No person may erect a tent or place chairs or any article in, onto or across a street, sidewalk, walkway or public place for the purpose of a funeral, party or any other event, except in accordance with prior written permission of the Municipality/Council.

13. Regulating use of explosives and firearms. –(1) No person may use explosives or undertake blasting operations in a street, sidewalk, walkway or public place, except in accordance with –

(a) prior written permission of the Municipality; and

(b) any other applicable By-law.

(2) No person may, except for a lawful purpose, discharge any firearm or air, gas or alarm gun or pistol, unless discharged –

(a) in any shooting range which complies with the provisions of any law applicable thereto;

(b) for signalling the start of a race at an organised and controlled sports meeting, provided that blank cartridges only are fired thereby; or

(c) in accordance with prior written permission of the Municipality.

14. Regulating conveyance of animal carcasses or other waste. –No person may carry or convey through a street, sidewalk, walkway or public place the carcass, parts or offal of an animal or fish, polluted liquid, or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand, unless –

- (a) properly covered; and
- (b) conveyed in such type of container or in such a manner as will not allow any of the items contemplated, or parts thereof, to be spilt in a street, sidewalk, walkway or public place, and

subject to the applicable By-laws of the Municipality.

15. Regulating erection of fences, etc. –(1)(a) No person may, except in accordance with prior written permission of the Municipality, erect, cause or permit to be erected, a barbed wire, razor wire, electrified or other dangerous fence, railing, paling or other barrier which is, or may become, a danger to a member of the public by reason of –

- (i) spikes or other sharp or pointed protrusions; or
- (ii) the nature of its construction or design,

on the boundary of a street, sidewalk, walkway or public place.

- (b) The full technical details of the proposed electrified fence, railing, wall or other barrier must accompany any written application for permission submitted to the Municipality.

(2) The safety of pedestrian, pedal cyclist and other vehicle traffic may not be compromised by the height of any tree, bush, vegetation, wall, hedge or fence at the junction of a street.

(3) No person may dry or spread washing, bedding or other items on or from a fence on the boundary of a street or public place.

16. Regulating building materials, dangerous objects and cleanliness.– (1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) bore or cut stone or bricks, slake or sift lime;
- (b) mix building materials; or
- (c) store, deposit, leave or cause to be stored, deposited or left –
 - (i) sand, stone, earth, bricks, timber, corrugated iron sheets, lime, cement; or
 - (ii) other building or excavated material of whatever nature, in a street, sidewalk, walkway, or public place or on municipal property.

(2) No person may leave, accumulate or cause to be left or accumulated from premises owned or occupied by him or her, any broken glass or other potentially dangerous object in a street, sidewalk, walkway or public place.

(3) No person may drop or place or permit to be spilled, dropped or placed, any matter or substance in a street, on a sidewalk or walkway, or in a public place that may interfere with the cleanliness of such area, without removing it or causing it to be removed within a reasonable time in the circumstances.

(4) The Municipality may remove any materials, objects, matter and substance contemplated in this section and recover the cost of removal and/or storage from the person in breach thereof.

17. Prohibition on placing article in or on a building. –No person may place any article in or on a building facing a street, on a sidewalk or walkway, or a public place, where it is likely to cause injury or damage to any person or property if it were to fall on that street, a sidewalk, walkway, or public place, without taking all reasonable steps to prevent the article from falling onto such area.

18. Regulating races and sports events. –(1) No person may, except in accordance with prior written permission of the Municipality, hold a race or sporting event in a street, on a sidewalk or walkway, or a public place.

(2) An applicant for permission to hold such a race or sporting event must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the race or sports event, at least xx days prior to commencement of the race or event: Provided that, if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.

19. Prohibitions regarding balconies and verandas. –No person may use a balcony or veranda erected beyond the boundary line of a street, sidewalk, walkway or public place for purposes of–

- (a) trading or the storage of goods, or
- (b) washing or drying of clothes thereon, or enclose or partition a balcony or veranda erected beyond the boundary line of such a street, sidewalk, walkway or public place thereof as a living or bedroom.

20. Prohibition of parking of heavy motor vehicles, trailers and caravans. –(1) No person may park a –

- (a) heavy motor vehicle;
- (b) trailer;
- (c) semi-trailer; or
- (d) caravan,

on a street within the Municipal area for an uninterrupted period exceeding two hours, except on places reserved for parking of heavy motor vehicles: Provided further that the above provisions do not apply to the actual loading or unloading of such vehicle.

(2) Unless the contrary is proved, any vehicle parked in contravention of subsection (1) is deemed to have been parked by the owner thereof.

21. Regulating the protection of surfaces. –(1) No person may, except in accordance with prior written permission of the Municipality, make, or cause to be made, an excavation or dig, or cause to be dug, a pit, trench or hole in any street, on any sidewalk or walkway, or in any public place.

(2) No person may –

- (a) use a vehicle or allow it to be used in any street, on any sidewalk or walkway, or in any public place, if such vehicle is in such a defective condition that it will or may cause damage to such area;
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street, sidewalk, walkway or public place, –
 - (i) in such a way, or
 - (ii) while such object, machine or material is in such a condition, as may damage, break or destroy the surface of such area in any way; or
 - (c) without prior written permission of the Municipality, except a necessary excavation, pit, trench or hole, undertake any work which may cause the surface of any street, sidewalk, walkway or public place to be altered, damaged or broken: Provided that such permission may be subject to payment of an amount sufficient to cover the cost of repairing any damages resulting from such actions, as a deposit before commencement of the work.
- (3) If the Municipality identifies a person who, as a result of any action referred to in subsection (1), has damaged, broken or destroyed the surface of any street, sidewalk, walkway or public place, the cost of repairing any damages, as determined by the Municipality, may be recovered from the offender.
- (4) Any person who is the owner of land on which any work is done is liable to the Municipality for any damage to any portion of any street, sidewalk, walkway or public place caused by or in connection with the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.
- (5) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks, walkways or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the Municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such area as a result of, or in connection with, the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.
- (6) After completion of the work contemplated in subsection (5), the Municipality may itself undertake the repair of any portion of the damaged area to the account of the owner and may set off the cost of such repairs against such deposit: Provided that if the cost is less than the amount of the deposit, the Municipality must refund the balance to the depositor and if the amount deposited does not cover such cost, the owner is liable for the difference, which becomes payable on receipt of an invoice from the Municipality specifying the additional amount due.
- (7) No person other than an authorised official of the Municipality in the performance of his duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street, sidewalk, walkway or public place .

22. Prohibition of damaging specific property. –No person may deface, damage, tamper or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any advertisement which has been erected in a street, on a sidewalk or walkway, or in public place by, or with the permission of, the Municipality.

23. Regulating street and door-to-door collections and distribution of handbills. –(1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) collect, or attempt to collect, money, organise, or in any way assist in the organisation of such collection;
- (b) from door-to-door collect, beg, solicit or accept donations;
- (c) distribute any handbill or similar advertising material, or cause it to be distributed; or
- (d) place any handbill or similar advertising material, or cause it to be placed on or in any vehicle,

in any street, on any sidewalk or walkway, or in any public place.

(2) The Municipality may levy an application fee, as determined from time to time by the Municipality, in respect of any application in terms this section: Provided that this subsection does not apply to any registered welfare of benevolent organisation.

24. Prohibition on administering poison. –No person other than an official of the Municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any street, on any sidewalk or walkway, or in any public place.

25. Regulating processions. –(1) Subject to the provisions of subsection (7), no person may, except in accordance with prior written permission of the Municipality, –

- (a) hold, organise, initiate, control or actively participate in a procession or gathering;
- (b) dance or sing or play a musical instrument;
- (c) do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic; or
- (d) use any loudspeaker or other device for the reproduction or amplification of sound,

in any street, on any sidewalk or walkway, or in any public place

(2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street, on any sidewalk or walkway, or in any public place must submit a written application for permission thereto, to reach the Municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out.

(3) An application contemplated in subsection (2) must contain the following –

- (a) full details of the name, address and occupation of the applicant;
- (b) full details of the –
 - (i) street or public place where or route along which any one or more of the actions is or are intended to be performed or carried out; and
 - (ii) proposed starting and finishing times or any one or more of the aforesaid actions;
- (c) in the case of processions and gatherings, the number of persons expected to attend;
- (d) request for assistance by traffic officers, if required; and
- (e) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.

(4) Any application submitted in accordance with subsection (3) must be considered by the Municipality, and if, in the opinion of the Municipality any one or more of the actions to be performed or carried out as proposed in such application –

- (a) is, or are not likely to be, in conflict with the interests of public peace, good order or safety, the Municipality must issue a certificate granting permission and authorisation for the performance or carrying out of any one, or more, of such actions: Provided that the Municipality may determine such conditions as it deem necessary to uphold public peace, good order or safety; or
- (b) will, or is likely to, be in conflict with the interests of public peace, good order or safety may be refused by the Municipality.

(5) The Municipality may withdraw any permission granted in terms of subsection (4), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.

(6) Persons who intend participating actively in a procession, or gathering in any street need not apply to the Municipality for permission thereto and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the Municipality.

(7) The provisions of this section do not apply to a –

- (a) wedding or funeral processions; and
- (b) gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993), in which case the provisions of the said Act apply.

26. Prohibition on public indecency. –No person may, in any street, sidewalk, walkway or public place–

- (a) appear without being clothed in such a manner as decency demands;
- (b) or in view of such a place, urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act;
- (c) sing any obscene or profane song;
- (d) use any profane, foul, indecent or obscene language;
- (e) in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging; or
- (f) use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be caused.

27. Prohibition regarding overflow water. –With the exception of rainwater, no person may cause or allow any dirty, waste, swimming pool, infected or otherwise polluted water to flow from his premises into a street, sidewalk, walkway or public place.

28. Control of stormwater and watercourses on public road. –(1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) lead or discharge any water on, over or across; or

(b) by any means whatever, raise the level of water in any river, dam or watercourse to cause interference with or endanger,
a street, sidewalk, walkway or public place.

(2) The Municipality may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned –

- (a) deviate any watercourse, stream or river: Provided that the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a street, sidewalk, walkway or public place;
- (b) divert stormwater from, or under, a street, sidewalk, walkway or public place onto private property other than land occupied by buildings, other structures or improvements; and
- (c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken in terms of this subsection, or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act 42 of 1965 or an alternative dispute resolution process.

29. Prohibitions regarding behaviour in public. –(1) No person may–

- (a) cause a nuisance to other persons by loitering, standing, sitting, lying, congregating or begging;
- (b) sleep, overnight or erect any shelter;
- (c) wash or dry clothes, blankets or any other domestic articles;
- (d) use abusive, insulting, obscene, threatening or blasphemous language;
- (e) fight or act in a riotous manner;
- (f) discharge a firearm, airgun or air-pistol;
- (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
- (h) defecate, urinate or wash himself;
- (i) solicit or importune any person for the purpose of prostitution or immorality;
- (j) engage or participate in gambling;
- (k) use intoxicating liquor or drugs;
- (l) spit;
- (m) be drunk;
- (n) obstruct traffic in any manner; or
- (o) litter or leave behind, or allow, permit or cause littering, by means of cigarette butts, matches, beer- or cold drink cans or bottles, any glass or plastic bottles, disposable nappies or any other container, rubbish or refuse,
in any street, sidewalk, walkway or public place.

(2) Any person contravening subsection (1) must, upon instruction by an authorised official, discontinue doing so.

30. Prohibitions regarding handling of animals. –No owner or person in charge of, or responsible to supervise, any wild or ferocious animal, monkey, livestock, or trek- or horned cattle may –

- (a) turn such animal loose;
- (b) leave such animal at any time insufficiently attended in;

- (c) keep such animal –
 - (i) at large; or
 - (ii) in such a manner as to be a danger or annoyance to the traffic or public, or
 - (d) allow, permit or cause the animal to graze or stray, in, or about a street, sidewalk, walkway or public place.
- (2) No person may walk a dog a street, sidewalk, walkway or public place unless it is on a leash and under control of that person.
- (3) No person may leave any injured, feeble, emaciated, diseased or dying animal on a street, sidewalk, walkway or public place except for the purpose of seeking assistance for the removal of such animal from that area.

31. Regulating display of street number of places. –(1) The Municipality may prescribe, by written notice to the owner of any premises, that a number allocated to such premises by the Municipality shall be displayed and the owner of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises.

- (2) A number contemplated in subsection (1) must be–
 - (a) displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
 - (b) replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.
- (3) If the owner contemplated in subsection (1) fails to comply with such notice, the Municipality may execute the notice and the owner is liable for the reasonable cost incurred by the Municipality in so doing.

32 Regulating bridges and crossings. –No person may, except in accordance with prior written permission of the Municipality, make, or built to or in front of, –

- (a) any dwelling; or
- (b) other premises in any street or public place, a private crossing, walkway, bridge or culvert.

33. Regulating amusement shows and devices. –(1) No person may, except in accordance with prior written permission of the Municipality, set up or use in any street, sidewalk, walkway or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –

- (a) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
 - (b) if it is in any way dangerous or unsafe for public use.
- (2) Assistance by traffic officers will be provided by the municipality on application.
- (3) An applicant for permission to hold such a show or set up such a device must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the event, at least seven working days prior to commencement of the race or event: Provided that,

if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.

(4) An authorised official of the Municipality must, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

34. Prohibitions regarding animal-drawn vehicles and push or pull carts. –(1) No person may drive, or cause to be driven, an animal-drawn vehicle along or through streets, –

(a) during the hours when it would be required of motor vehicles to have their lights switched on; or
 (b) with a gradient of 20° or more.

(2) No person may push or pull any cart along or through streets –

(a) during the hours when it would be required of motor vehicles to have their lights switched on; or
 (b) with a gradient of 20° or more.

(3) No person may –

(a) simultaneously drive, or be in control of, more than one animal-drawn vehicle in a street or public place;
 (b) drive, or be in control of, an animal-drawn vehicle in a street or public place if he is under 16 years of age;
 (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle; or
 (d) outspan, or allowed to be outspanned, any vehicle drawn by animals in a street or public place.

35. Regulating sleeping in vehicles. –No person may sleep in a vehicle in a street or public place, other than a motor vehicle parked at stands duly so allocated by the Municipality.

36. Regulating informal parking attendants. –(1) No person may act as an informal parking attendant in a street, parking area or public place, except in accordance with prior written permission of the Municipality.

(2) The Municipality may levy a registration tariff, the amount of which is determined by Municipality and fixed in the registration, as a requirement for the registration of parking attendants, provided that where a Memorandum of Agreement exists between the municipality and a service provider for the provision of a parking management system, such a tariff will not be levied.

37. Regulating costs and tariffs. –(1) The Municipality may charge fees and monies for the permission granted in terms of this By-law and may require the deposit of an amount of money as security for damages, repair, mopping up, losses and other costs.

- (2) Notwithstanding any other provisions of this By-law, the Municipality may, –
- (a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention, within the period stated in such notice.

(3) Any person who fails to comply with a notice in terms of subsection (1) is guilty of an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

- (4) The payment of deposits and tariffs to the Municipality are subject to the following:
- (a) the Municipality may determine the estimated tariffs, and a deposit equal to these tariffs in respect, must be paid in cash or by bank-guaranteed cheque at the date of application;
 - (b) any mutual adjustment must be made after conclusion of the sporting event, procession or gathering, or the setting up of the circus, whirligig, roundabout or other side-show or device, as the case may be, as soon as the actual costs have been determined by the Municipality;
 - (c) the Municipality may, at its sole discretion, exempt an applicant from the payment of the tariffs and the deposit upon written reasons being provided to the Municipality prior to the commencement of the escorting, race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout or other side-show or device: Provided that, in the event that the municipality is unable to grant exemption for whatever reason prior to the commencement of the event, the applicant must pay the tariffs, which must, if exemption is granted thereafter, be refunded to the applicant;
 - (d) the Municipality may approve the appointment of marshals and prescribe their responsibilities and attire to perform functions on a street, sidewalk, walkway or in a public place; and
 - (e) the Municipality must prescribe the minimum number of marshals required to assist at a race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout or other side-show, or device, racing event, sporting event, procession and a gathering in general.

(5) Subsection (1) does not apply to a funeral procession.

38. Regulating limitation on access to certain areas. –No person may, except in accordance with prior written permission of the Municipality, close or barricade any street, sidewalk, walkway or a public place, or part thereof, or restrict access to any such place.

39. Regulating closure or diversion of certain areas. –(1) The Municipality may permanently close or divert any street, sidewalk, walkway or a public place, or part thereof, or restrict access to any such place.

(2) When the Municipality decides to act in terms of subsection (1), it must –
 (a) give written notice of such intention in terms of its communication policy; or
 (b) in the absence of such policy, give notice of its intention in a local newspaper in at least two official languages.

(3) Any objection against the decision to act as contemplated in subsection (2) must be delivered in writing to the Municipal manager within 30 days from the date of the notification contemplated in subsection (2) for consideration by the Council, a committee or person who has delegated powers to decide upon it.

(4) Notwithstanding the provisions of subsection (2), the Municipality may temporarily close or restrict access to any street, sidewalk, walkway or a public place, or part thereof –

- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such place;
- (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such place;
 - (i) if such street or public place is, in the opinion of the Municipality, in a state dangerous to traffic;
 - (ii) by reason of any emergency or public event which, in the opinion of the Municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds; or
 - (iii) for any other reason which, in the opinion of the Municipality, renders the temporary closing of such street necessary,
- (c) and temporarily divert such access.

(2) The municipal manager may in his discretion, for general information, place a notice of such temporary closure, restriction or diversion in a local newspaper.

40. Certain functions of Municipality regarding streets, sidewalks, walkways and public places. –The Municipality may, in its area,

- (a) make, construct, reconstruct, alter and maintain;
- (b) name and re-name; and
- (c) allocate and re-allocate numbers to properties abutting on, streets, sidewalks, walkways and public places.

41. Declaration of streets and public places. –(1) The Municipality may –

- (a) declare any land, or portion of land, under its control to be a street, sidewalk or walkway, or any street, sidewalk or walkway, or portion thereof to be a public place; and

- (b) declare any private street or portion thereof to be a public street, or any place or portion thereof to be a public place.
- (2) When the Municipality decides to act in terms of subsection (1), it must –
 - (a) give written notice of such intention in terms of its communication policy; or
 - (b) in the absence of such policy, give notice of its intention in a local newspaper in at least two official languages
- (3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2) for submission to Council, a committee or person who has delegated powers to decide upon it.

42. Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories. –(1) The Municipality may –

- (a) by Notice in the *Provincial Gazette* determine any other subcategory of vehicles and regulate such subcategory as contemplated in paragraph (b); and
 - (b) regulate the use by pedestrians, pedal cyclists and other subcategories of vehicles of a specific street, sidewalk, walkway or public place, or a section or part thereof, where the use thereof is not suitable for pedestrians, pedal cyclists or such subcategory of vehicles, as the case may be.
- (2) When exercising its powers as contemplated in subsection (1)(b), the Municipality must erect a road traffic sign which clearly indicates the regulated use and area of application.

43. Offences and penalties. –Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and liable upon conviction to –

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

44. Repeal of By-laws. –The By-laws listed in the Schedule hereto are hereby repealed to the extent indicated in the third column thereof.

45. Short title and commencement. –This By-law shall be known as the By-law relating to Streets and comes into operation on the date of publication thereof in the *Provincial Gazette*.

REPEAL SCHEDULE
By-Laws to be Repealed

No.	Title, number and year of law	Extent of repeal
1	Stellenbosch Municipality By-Law on Streets; Province of Western Cape: Provincial Gazette 6756; 4 June 2010	The whole
2	Stellenbosch Municipality By-Law on Roads and Streets; Province of Western Cape: Provincial Gazette 8436; 28 May 2021	The whole

ANNEXURE B

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
ROADS AND STREETS BY-LAW DATED August 2021						
RSB1	Roads and Streets By-Law S3	Decision to construct and maintain roads, sidewalks and walkways	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	
RSB2	Roads and Streets By-Law S4	Conclude encroachment agreements	Municipal Manager	Director Corporate Services	Manager: Property Management	In consultation with Senior Manager: Roads, Transport, Stormwater
RSB3	Roads and Streets By-Law S7	Authorization to advertise	Municipal Manager	Director: Infrastructure Services		
RSB4	Roads and Streets By-Law S9	Instruct owner or occupier to cut tree branches away from overhead lines	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	In consultation with Community Services
RSB5	Roads and Streets By-Law S11(2)	Instruct Person to remove Vehicles	Municipal Manager	Director: Community Services	Senior Manager: Protection Services	
RSB6	Roads and Streets By-Law S16	Regulating building materials, dangerous objects and cleanliness	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	
RSB7	Roads and Streets By-Law S18	Issuing permits for races and sport events	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB8	Roads and Streets By-Law S21(5)	Issuing permits to travel over curbs, sidewalks, walkways or road verges	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	
RSB9	Roads and Streets By-Law S23	Regulating street and door-to-door collections and distribution of handbills	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB10	Roads and Streets By-Law S24	Regulating administration of poison for weed killing	Municipal manager	Director: Community & Protection Services	Senior Manager: Community Services	
RSB11	Roads and Streets By-Law S25	Regulating Processions	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB12	Roads and Streets By-Law S28	Allow a deviation to allow stormwater or watercourse water to run onto a street	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	
RSB13	Roads and Streets By-Law S31	Regulating display of street numbers	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
RSB14	Roads and Streets By-Law S32	Regulating bridges and crossings	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	
RSB15	Roads and Streets By-Law S33	Regulating Amusement Shows and Devices	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB16	Roads and Streets By-Law S35	Regulating Informal Parking Attendants	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB17	Roads and Streets By-Law S37	Regulating costs and tariffs	Council			
RSB18	Roads and Streets By-Law S38	Regulating Limited Access	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	Manager: Traffic Engineering	
RSB19	Roads and Streets By-Law S39	Regulating Closure or diversions	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	Manager: Traffic Engineering	
RSB20	Roads and Streets By-Law S40(a)	Make, reconstruct, alter and maintain roads	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	
RSB21	Roads and Streets By-Law S40(b)	Name and rename roads and streets	Council			
RSB22	Roads and Streets By-Law S40(c)	Allocate and reallocate numbers to properties	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning	
RSB23	Roads and Streets By-Law S41	Declaration of Streets and public places	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning	
RSB24	Roads and Streets By-Law S42	Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport, Stormwater	

ANNEXURE C

**STELLENBOSCH MUNICIPALITY
PROPOSED ADMISSION OF GUILT FINES
BY-LAW ON ROADS & STREETS**

Section Contravened	Description of Offence	Proposed Fine (1)	Approved Fine (2)
Reg 4 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021	<p>Regulating encroachments on streets, sidewalks, walkways and road reserves-</p> <p>(1) No person may, without prior written permission of the Municipality, cause an encroachment on a street, sidewalk, walkway or road reserve forming part thereof by –</p> <p>(a) making, constructing, reconstructing, or altering;</p> <p>(b) constructing a veranda, stoep, steps or other protrusion within;</p> <p>(c) erecting a post or any other structure on;</p> <p>(d) planting or cause to be planted, any tree, shrub or other plant on or allowing any such tree, shrub or plant to remain on; or</p> <p>(e) placing or cause to be placed any other impediment or obstruction on, such a street, sidewalk, walkway or road reserve forming part thereof.</p>	R1000	
Reg 5 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021	<p>Regulating goods or building materials causing obstruction –</p> <p>(1) No person may, deposit, place, pack, unpack or leave any goods in a street, on a sidewalk or walkway, in a public place without prior written permission of the Municipality.</p>	R1000	
Reg 6 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021	<p>Prohibitions on objects and animals causing an obstruction –</p> <p>(1) No person may</p> <p>(a) obstruct the pedestrians, pedal cyclists and other vehicle traffic on a sidewalk, walkway or in a public place by bringing, or allowing to be brought thereon, any animal, object or vehicle;</p> <p>(b) allow their animals to roam freely on sidewalks or in public roads without the necessary control mechanisms; or</p> <p>(c) allow, permit or cause any animal to graze or stray in or about any street or public space.</p>	R1000	

<p>Ref 7 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Rules on advertising –</p> <p>No person may, except in accordance with prior written permission of the Municipality, display any –</p> <p>(a) advertisement; (b) placard; (c) poster; or (d) bill, in a street, on a sidewalk or walkway, in a public place.</p>	<p>R500</p>	
<p>Ref 8 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating planting of trees, shrubs or plants –</p> <p>(1) No person may, except in accordance with prior written permission of the Municipality, in a street, sidewalk or walkway, or in a public place –</p> <p>(a) plant a tree, shrub or plant; (b) in any way cut down, remove, climb, break or damage a tree, shrub or plant growing there; (c) mark or paint any tree, shrub or plant growing there; or (d) attach any advertisement thereto.</p>	<p>R500</p>	
<p>Reg 10 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating conduct regarding refuse, motor vehicle wrecks, waste material, etc. –</p> <p>No person may,</p> <p>(a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street, sidewalk, walkway, public place; or (b) allow, or permit any of, the prohibitions contemplated in paragraph (a) without written permission of the Municipality.</p>	<p>R1000</p>	
<p>Reg 11 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating activities related to vehicles –</p> <p>(1) No person may, in a street, sidewalk, walkway or public place, –</p> <p>(a) effect any repairs or service to a vehicle, (c) wash, clean, dry, paint or bleach any other article or thing; (d) park or leave a heavy motor vehicle parked overnight in a public place in a residential area.</p>	<p>R1000</p>	

<p>Reg 12 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating specific acts regarding games, sports and events –</p> <p>(1) No person may – (a) play games, roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or a missile, or throw a stone, stick or other projectile in, onto or across a street, sidewalk, walkway or public place; or (b) do anything in a street, sidewalk, walkway or public place which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public. (3) No person may erect a tent or place chairs or any article in, onto or across a street, sidewalk, walkway or public place for the purpose of a funeral, party or any other event, except in accordance with prior written permission of the Municipality/Council.</p>	R1000	
<p>Reg 13 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating use of explosives and firearms –</p> <p>(1) No person may use explosives or undertake blasting operations in a street, sidewalk, walkway or public place, except in accordance with – (a) prior written permission of the Municipality.</p>	R2500	
<p>Reg 14 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating conveyance of animal carcasses or other waste –</p> <p>No person may carry or convey through a street, sidewalk, walkway or public place the carcass, parts or offal of an animal or fish, polluted liquid, or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand, unless – (a) properly covered; and (b) conveyed in such type of container or in such a manner as will not allow any of the items contemplated, or parts thereof, to be spilt in a street, sidewalk, walkway or public place.</p>	R1000	
<p>Reg 15 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating erection of fences, etc. –</p> <p>(1)(a) No person may, except in accordance with prior written permission of the Municipality, erect, cause or permit to be erected, a barbed wire, razor wire, electrified or other dangerous fence, railing, paling or other barrier which is, or may become, a danger to a member of the public by reason of – (i) spikes or other sharp or pointed protrusions; or (ii) the nature of its construction or design, on the boundary of a street, sidewalk, walkway or public place.</p>	R1500	

<p>Reg 16 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating building materials, dangerous objects and cleanliness –</p> <p>(1) No person may, except in accordance with prior written permission of the Municipality, –</p> <ul style="list-style-type: none"> (a) bore or cut stone or bricks, slake or sift lime; (b) mix building materials; or (c) store, deposit, leave or cause to be stored, deposited or left – <ul style="list-style-type: none"> (i) sand, stone, earth, bricks, timber, corrugated iron sheets, lime, cement; or (ii) other building or excavated material of whatever nature, in a street, sidewalk, walkway, or public place or on municipal property. 	<p>R1000</p>	
<p>Reg 18 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating races and sports events –</p> <p>(1) No person may, except in accordance with prior written permission of the Municipality, hold a race or sporting event in a street, on a sidewalk or walkway, or a public place.</p>	<p>R1500</p>	
<p>Reg 19 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Prohibitions regarding balconies and verandas –</p> <p>No person may use a balcony or veranda erected beyond the boundary line of a street, sidewalk, walkway or public place for purposes of–</p> <ul style="list-style-type: none"> (a) trading or the storage of goods, or (b) washing or drying of clothes thereon, or <p>enclose or partition a balcony or veranda erected beyond the boundary line of such a street, sidewalk, walkway or public place thereof as a living or bedroom.</p>	<p>R1000</p>	
<p>Reg 20 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Prohibition of parking of heavy motor vehicles, trailers and caravans –</p> <p>(1) No person may park a –</p> <ul style="list-style-type: none"> (a) heavy motor vehicle; (b) trailer; (c) semi-trailer; or (d) caravan, on a street within the Municipal area for an uninterrupted period exceeding two hours, except on places reserved for parking of heavy motor vehicles: <p>NB provisions do not apply to the actual loading or unloading of such vehicle.</p>	<p>R500</p>	

<p>Reg 21 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating the protection of surfaces –</p> <p>(1) No person may, except in accordance with prior written permission of the Municipality, make, or cause to be made, an excavation or dig, or cause to be dug, a pit, trench or hole in any street, on any sidewalk or walkway, or in any public place.</p> <p>(2) No person may –</p> <p>(a) use a vehicle or allow it to be used in any street, on any sidewalk or walkway, or in any public place, if such vehicle is in such a defective condition that it will or may cause damage to such area;</p> <p>(b) drive, push, roll, pull or propel any object, machine or other material through or along a street, sidewalk, walkway or public place, –</p> <p>(i) in such a way, or</p> <p>(ii) while such object, machine or material is in such a condition, as may damage, break or destroy the surface of such area in any way.</p>	<p>R2500</p>	
<p>Reg 22 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Prohibition of damaging specific property –</p> <p>No person may deface, damage, tamper or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any advertisement which has been erected in a street, on a sidewalk or walkway, or in public place by, or with the permission of, the Municipality.</p>	<p>R2500</p>	
<p>Reg 23 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Regulating street and door-to-door collections and distribution of handbills –</p> <p>(1) No person may, except in accordance with prior written permission of the Municipality, –</p> <p>(a) collect, or attempt to collect, money, organise, or in any way assist in the organisation of such collection;</p> <p>(b) from door-to-door collect, beg, solicit or accept donations;</p> <p>(c) distribute any handbill or similar advertising material, or cause it to be distributed; or</p> <p>(d) place any handbill or similar advertising material, or cause it to be placed on or in any vehicle, in any street, on any sidewalk or walkway, or in any public place.</p>	<p>R500</p>	

Reg 24 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021	<p>Prohibition on administering poison –</p> <p>No person other than an official of the Municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any street, on any sidewalk or walkway, or in any public place.</p>	R1000	
Reg 25 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021	<p>Regulating any processions –</p> <p>(7), No person may, except in accordance with prior written permission of the Municipality, –</p> <p>(a) hold, organise, initiate, control or actively participate in a procession or gathering;</p> <p>(b) dance or sing or play a musical instrument;</p> <p>(c) do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic; or</p> <p>(d) use any loudspeaker or other device for the reproduction or amplification of sound, in any street, on any sidewalk or walkway, or in any public place.</p>	R2500	
Reg 26 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021	<p>Prohibition on public indecency</p> <p>No person may, in any street, sidewalk, walkway or public place–</p> <p>(a) appear without being clothed in such a manner as decency demands;</p> <p>(b) or in view of such a place, urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act;</p> <p>(c) sing any obscene or profane song;</p> <p>(d) use any profane, foul, indecent or obscene language;</p> <p>(e) in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging; or</p> <p>(f) use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be caused.</p>	R1000	
Reg 27 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021	<p>Prohibition regarding overflow water</p> <p>With the exception of rainwater, no person may cause or allow any dirty, waste, swimming pool, infected or otherwise polluted water to flow from his premises into a street, sidewalk, walkway or public place.</p>	R500	

<p>Reg 28 R/W Reg 43 (a), (b) and (c) P.N. 8436 dated 28 May 2021</p>	<p>Control of stormwater and watercourses on public road</p> <p>(1) No person may, except in accordance with prior written permission of the Municipality, –</p> <p>(a) lead or discharge any water on, over or across; or</p> <p>(b) by any means whatever, raise the level of water in any river, dam or watercourse to cause interference with or endanger, a street, sidewalk, walkway or public place.</p>	<p>R2500</p>	
<p>Reg 29 R/W Reg 43 (a), (b) and (C) P.N. 8436 dated 28 May 2021</p>	<p>Prohibitions regarding behaviour in public</p> <p>(1) No person may–</p> <p>(a) cause a nuisance to other persons by loitering, standing, sitting, lying, congregating or begging;</p> <p>(b) sleep, overnight or erect any shelter;</p> <p>(c) wash or dry clothes, blankets or any other domestic articles;</p> <p>(d) use abusive, insulting, obscene, threatening or blasphemous language;</p> <p>(e) fight or act in a riotous manner;</p> <p>(f) discharge a firearm, airgun or air-pistol;</p> <p>(g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;</p> <p>(h) defecate, urinate or wash himself;</p> <p>(i) solicit or importune any person for the purpose of prostitution or immorality;</p> <p>(j) engage or participate in gambling;</p> <p>(k) use intoxicating liquor or drugs;</p> <p>(l) spit;</p> <p>(m) be drunk;</p> <p>(n) obstruct traffic in any manner; or</p> <p>(o) litter or leave behind, or allow, permit or cause littering, by means of cigarette butts, matches, beer- or cold drink cans or bottles, any glass or plastic bottles, disposable nappies or any other container, rubbish or refuse, in any street, sidewalk, walkway or public place.</p> <p>(2) Any person contravening subsection (1) must, unailing upon instruction by an authorised official, discontinue a behaviour as per subsection (1) (a) – (o).</p>	<p>R500</p>	

<p>Reg 30 R/W Reg 43 (a), (b) and (C) P.N. 8436 dated 28 May 2021</p>	<p>Prohibitions regarding handling of animals</p> <p>No owner or person in charge of, or responsible to supervise, any wild or ferocious animal, monkey, livestock, or trek- or horned cattle may –</p> <p>(a) turn such animal loose;</p> <p>(b) leave such animal at any time insufficiently attended in;</p> <p>(c) keep such animal –</p> <p>(i) at large; or</p> <p>(ii) in such a manner as to be a danger or annoyance to the traffic or public, or</p> <p>(d) allow, permit or cause the animal to graze or stray, in, or about a street, sidewalk, walkway or public place.</p> <p>(2) No person may walk a dog in a street, sidewalk, walkway or public place unless it is on a leash and under control of that person.</p> <p>(3) No person may leave any injured, feeble, emaciated, diseased or dying animal on a street, sidewalk, walkway or public place except for the purpose of seeking assistance for the</p>	<p>R500</p>	
<p>Reg 32 R/W Reg 43 (a), (b) and (C) P.N. 8436 dated 28 May 2021</p>	<p>Regulating bridges and crossings</p> <p>No person may, except in accordance with prior written permission of the Municipality, make, or built to or in front of, –</p> <p>(a) any dwelling; or</p> <p>(b) other premises in any street or public place, a private crossing, walkway, bridge or culvert.</p>	<p>R1000</p>	
<p>Reg 33 R/W Reg 43 (a), (b) and (C) P.N. 8436 dated 28 May 2021</p>	<p>Regulating amusement shows and devices</p> <p>(1) No person may, except in accordance with prior written permission of the Municipality, set up or use in any street, sidewalk, walkway or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –</p> <p>(a) unless suitable sanitary conveniences for both sexes of the staff have been provided; and</p> <p>(b) if it is in any way dangerous or unsafe for public use.</p>	<p>R1000</p>	

<p>Reg 34 R/W Reg 43 (a), (b) and (C) P.N. 8436 dated 28 May 2021</p>	<p>Prohibitions regarding animal-drawn vehicles and push or pull carts –</p> <p>(1) No person may drive, or cause to be driven, an animal-drawn vehicle along or through streets, – (a) during the hours when it would be required of motor vehicles to have their lights switched on; or (b) with a gradient of 20° or more.</p> <p>(2) No person may push or pull any cart along or through streets – (a) during the hours when it would be required of motor vehicles to have their lights switched on; or (b) with a gradient of 20° or more.</p> <p>(3) No person may – (a) simultaneously drive, or be in control of, more than one animal-drawn vehicle in a street or public place; (b) drive, or be in control of, an animal-drawn vehicle in a street or public place if he is under 16 years of age; (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle; or (d) outspan, or allowed to be outspanned, any vehicle drawn by animals in a street or public place.</p>	R500	
<p>Reg 35 R/W Reg 43 (a), (b) and (C) P.N. 8436 dated 28 May 2021</p>	<p>Regulating sleeping in vehicles No person may sleep in any vehicle in or on a public street or public place without the prior written permission of the Municipality.</p>	R250	
<p>Reg 36 R/W Reg 43 (a), (b) and (C) P.N. 8436 dated 28 May 2021</p>	<p>Regulating informal parking attendants –</p> <p>(1) No person may act as an informal parking attendant in a street, parking area or public place, except in accordance with prior written permission of the Municipality.</p>	R250	
<p>Reg 38 R/W Reg 43 (a), (b) and (C) P.N. 8436 dated 28 May 2021</p>	<p>Regulating limitation on access to certain areas. No person may, except in accordance with prior written permission of the Municipality, close or barricade any street, sidewalk, walkway or a public place, or part thereof, or restrict access to any such place.</p>	R1 000	

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)
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NONE

7.7	PLANNING :(PC: CLLR C VAN WYK (MS)
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NONE

7.8	LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT (MS)
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NONE

7.9	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)
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NONE

7.10	YOUTH, SPORT AND CULTURE: (PC: CLLR R ADAMS)
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NONE

7.11	MUNICIPAL MANAGER
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7.11.1	ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 February 2022

1. SUBJECT: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

2. PURPOSES

Council must approve the established the section 80 committee and must appoint the members on these committees.

3. DELEGATED AUTHORITY

Council establishes the committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons.

4. EXECUTIVE SUMMARY

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee (10, including the Deputy Executive Mayor).

The Executive Mayor, *inter alia*:-

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Mayor to the Committee.

Such Committee(s) must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in section 80.

The members are appointed by council in accordance with the principle of representation amongst the number of members allocated to each committee.

The previous council accepted terms of references for each committee which are now outdated and needs to be revised.

5. RECOMMENDATIONS

(a) that it be noted that Council approved the following Section 80 portfolio committees on 23 November 2021:

- Corporate Services;
- Planning

- Financial Services;
- Human Settlements;
- Infrastructure Services;
- Protection Services
- Local Economic Development and Tourism
- Rural Management
- Youth, Sport and Culture
- Parks, Open Spaces and Environment

(b) that the following members be appointed to the section 80 Committees

1. **Corporate Services**, total 4 members:

DA – 3
Opposition – 1

L Nkamisa (DA) - Chairperson
J C Anthony (DA)
J Serdyn (DA)
M Rataza (ANC)

2. **Planning** total 5 members:

DA – 3
Opposition – 2

C van Wyk (DA) – Chairperson
A Hanekom (DA)
J C Anthony (DA)
M Danana (ANC)
R Hendrickse (GOOD)

3. **Financial Services**, total 5 members:

DA – 3
Opposition – 2

P Johnson (DA) – Chairperson
W Petersen (DA)
E Groenewald (DA)
A Tomose (ANC)
R Hendrickse (GOOD)

4. **Human Settlements**, total 5 members:

DA – 3
Opposition – 2

J Fasser (DA) – Deputy Executive Mayor – Chairperson
E Vermeulen (DA)
J Serdyn (DA)
N Ntsunguzi (ANC)
M van Stade (GOOD)

5. **Infrastructure Services**, total 5 members:
 DA – 3
 Opposition – 2
- Z Dalling (DA) – Chairperson
 R van Rooyen (DA)
 N Mcobring (DA)
 R Nalumangu (ANC)
 Z Ndalasi (EFF)
6. **Protection Services**, total 5 members:
 DA – 3
 Opposition – 2
- R Badenhorst (DA) – chairperson
 C Manuel (DA)
 A Hanekom (DA)
 M Nkopane (ANC)
 N Nkhontwana (EFF)
7. **Local Economic Development and Tourism**, total 4 members:
- DA - 3 members
 Opposition – 2 members
 R Du Toit (DA) – Chairperson
 N Mcombring (DA)
 R Pheiffer (DA)
 I De Taillerfer (VF)
8. **Rural Management**, total 4 members:
 DA - 3
 Opposition - 1
- J Williams (DA) – Chairperson
 X Mdemka (DA)
 C Manuel (DA)
 E Masimini (ANC)
9. **Youth, Sport and Culture** , total 5 members of which:
 DA – 3
 Opposition – 2
- R Adams (DA) – Chairperson
 R Pheiffer (DA)
 R van Rooyen (DA)
 C Noble (Good)
 J Andrews (PA)
10. **Parks, Open Spaces and Environment** total 4 members –
 DA –3
 Opposition –1
- J Joon (DA) – Chairperson
 E Vermeueln (DA)
 A Hanekom (DA)
 M Nkopane (ANC)

- (c) that it be noted that the Executive Mayor have appointed the chairpersons to the committees on 23 November 2021;
- (d) that the current terms of reference for all section 80 committees be adopted; and
- (e) that the various terms of references be referred to the relevant section 80 committees for revision after which said items must be re-submitted to Mayco and subsequent to Council for final adoption.

6. DISCUSSION / CONTENTS

6.1. Background

Composition of Committees

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia*:-

- (a) allows parties and interests reflected within the Council to be fairly represented; and
- (b) is consistent with democracy.

The chairpersons of the section 80 Committees are appointed by the Executive Mayor and makes up the Mayoral Committee.

6.2 Discussion

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee (10, including the Deputy Executive Mayor).

The Executive Mayor, *inter alia*:-

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Mayor to the Committee.

Such Committee(s) must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in section 80. Council approved the following committees on 23 November 2021.

- Corporate Services;
- Planning
- Financial Services;
- Human Settlements;
- Infrastructure Services;
- Protection Services

- Local Economic Development and Tourism
- Rural Management
- Youth, Sport and Culture
- Parks, Open Spaces and Environment

The members must be appointed by council in accordance with the principle of representation amongst the amount of members allocated to each committee.

The previous council accepted terms of references for each committee which are now outdated and needs to be revised.

6.3. Financial Implications

Councillors are not remunerated additionally for attending the section 80 committee meetings. The intention is that the meetings mostly be on the electronic Teams platform. Councillors will only be allowed to claim for out-of-pocket expenses not already covered in their all-inclusive remuneration package.

6.4 Legal Implications

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

6.5 Staff Implications

3 support staff will be appointed to support the Mayco Councillors and Chief Whip

6.6 Previous / Relevant Council Resolutions:

ADJOURNED 1ST COUNCIL MEETING: 2021-11-23: ITEM 6.7

RESOLVED

- (a) that the establishment of the following Section 80 Portfolio Committees be approved:
 - Community Services (Parks, Open Spaces and Environment)
 - Corporate Services
 - Financial Services
 - Human Settlements
 - Infrastructure Services
 - Local Economic Development and Tourism
 - Planning
 - Protection Services
 - Rural Management
 - Youth, Sport and Culture
- (b) that the representation on the committees be finalised at the first council meeting in 2022; and
- (c) that the Executive Mayor, in terms of Section 80(3) of the Municipal Structures Act, appoints the following Chairpersons for each of the Section 80 committees:
 - Community Services (Parks, Open Spaces and Environment)

- Cllr J Joon
Corporate Services
Cllr L Nkamisa
- Financial Services
Cllr P Johnson
- Human Settlements
Cllr JS Fasser
- Infrastructure Services
Cllr ZJ Dalling (Ms)
- Local Economic Development and Tourism
Cllr R du Toit (Ms)
- Planning
Cllr C Van Wyk (Ms)
- Protection Services
Cllr FJ Badenhorst
- Rural Management
Cllr J Williams
- Youth, Sport and Culture
Cllr RA Adams

6.7 **Risk Implications**

Risks has been addressed through the item.

6.8 **Comments from Senior Management:**

The Senior managers takes note of the appointments

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	8/2/2022

7.11.2	AMENDMENT OF DECISION IN REGARD TO SECTION 78(4) ON THE PROVISION OF A PARKING SERVICE TO THE PUBLIC
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 February 2022

1. SUBJECT: AMENDMENT OF DECISION IN REGARD TO SECTION 78(4) ON THE PROVISION OF A PARKING SERVICE TO THE PUBLIC

2. PURPOSE

To request approval from Council to review, rescind and amend the decision of a Council resolution taken on 26 February 2020 in regard to the management of single level parking internally to allow the outsourcing of the management of off-street parking to a third party(ies) on a short-term basis as a pilot.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council has launched and completed a Section 78 process to determine methods of providing parking as required by the Constitution Schedule 5B. Council inter alia resolved as follows on 26 February 2020 when considering Section 78(4):

“That Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:

- a. Provision of open one level parking space needs, be performed on **an internal mechanism***
- b. Provision of multi storied parking space needs, be performed on an external mechanism.”*

Council also indicated that Eikestad Mall and Techno Park should be the areas where multi story parking should be used.

The administration implemented this decision after the previous service provider’s tender came to an end and started to manage the on street and off-street parking internally as a pilot project. It has however become clear over the last more than nine months that the internal option to manage the parking is not viable as an long term solution. We have investigated other options and we have received requests from the retailers situated at the mayor retail areas Pick-and-Pay, Checkers and Eikestad Mall Council that they will be willing to manage these areas whilst renting the properties. It is therefore proposed that council review, rescind and amend the decision on 26 February 2020 to allow for the management of off-street parking at the three (3) single level areas adjacent to the retail outlets of Pick and Pay, Checkers and the Eikestad Mall to be outsourced to Checkers, Pick and Pay and the Eikestad Mall on an interim basis as a pilot and after the advertising of council’s intention to lease the areas and the management thereof to them for public

for comment. The comments will be brought back to council before a final decision on the leasing and management of these areas by the proposed companies.

Council is also requested to allow an interim short-term solution of an external management of a Service Delivery Mechanism of off-street parking while a proper long term external service delivery option is investigated and implemented.

5. RECOMMENDATIONS

- (a) that the content of this report be noted;
- (b) that it be noted that a MSA Section 78(3) investigation was done to which Council took a Section 78(4) decision on 26 February 2020.
- (c) that Council now review, rescind and replace 4.5 of the 26 February 2020 decision to read as follows:

“ 4.5 That Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:

- a. Provision of open one level **off-street** parking space needs, be performed on **an external Service Delivery Mechanism except where the internal mechanism is clearly more viable and effective;** “

- (d) that the three requests of the management of the following parking spaces:

- a. Checkers Complex Parking, **ANNEXURE A**
- b. Stelmark Centre Parking, **ANNEXURE B**
- c. Eikestad Mall Parking, **ANNEXURE C**

be approved in principle as interim pilot projects for a period of not more than three years.

- (e) that the intention to outsource the management of these areas on an interim basis be advertised for public comment; and
- (f) that after the public participation process the comments be considered by Council before a final decision is taken.

6. DISCUSSION / CONTENTS

6.1 Background

In terms of the Constitution, the service provision of Parking is listed as a matter listed under Part B of Schedule 5 and as such the provision of parking is a service that the Municipality has to provide to the public.

Section 73 of the Municipal Systems Act (MSA), therefore requires that a Municipality must render such as service.

Section 77 of the MSA requires the Municipality to follow certain requirements in planning the service to be rendered and requires the Municipality to follow a Section 78 process when: “77(a)(i) when an existing municipal service is to be significantly upgraded, extended or improved”

Currently it is determined that Stellenbosch has a current provision of parking for approximately 11000 parking space, but a shortage of some 9000 parking spaces. The provision of about 4000 parking spaces is envisaged which would in effect be a “significant extension” of the parking spaces.

The Municipality has therefore commenced with a Section 78 process which basically have the following requirements:

- 78(1) Investigate whether such a service extension can be done internally.
- 78(2) Before deciding to render a service internally the Municipality may also commence with an exercise to render a service externally
- 78(3) Investigate the provision of such a service through an external service provider
- 78(4) Council to decide on the best outcome provide by the best method, whether internal or external.

The Municipality has conducted the Section 78(1) process and at the presentation of the Section 78(1) report Council decided to also investigate an external provided method by way of the MSA Section 78(3) requirements. This method has been investigated and Council resolved on 26 February 2020 as follows in regard to MSA Section 78(4) requirements:

- “4.1 *That this report be noted.*
- 4.2 *That Council accepts that all the requirements of Section 78(3) in terms of investigating the feasibility of the provision of sufficient parking, has been complied with.*
- 4.3 *That Council accepts that parking forms an integral part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT).*
- 4.4 *That Council notes that in order to alleviate the parking process as a whole, matters such as PT, NMT, TOD must also be addressed in synchronization, as this will directly affect the quantity and positioning of parking,*
- 4.5 *That Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:*
 - a. *Provision of open one level parking space needs, be performed on an internal mechanism*

- b. *Provision of multi storied parking space needs, be performed on an external mechanism.*
- 4.6 *That Council approves the provision of parking as a first phase as mentioned hereunder, which must be in line with future mobility developments, as the final mobility status can by nature not be resolved at this time.*
- 4.7 *That Council proceed with the initial provision and upgrade of parking spaces as follows:*
- 4.7.1 *That the legislative process be commenced with to provide multiple level parking, and management thereof, utilising an External Mechanism of parking in the following areas:*
- a. *Eikestad Mall Parking area bounded by Andringa -, Victoria, and Ryneveld Streets. Portion of erf 1692, erven, 1969, 1972, 1973, 1974, 1975, 1976, 6402 and 6636.*
- b. *Techno Park area, considering the area bounded by Tegno Road, Termo Avenue and Proton Road. Portion of erf 13171*
- 4.7.2 *That the following areas, as a first phase, be upgraded and/or developed as a single layer open space parking area, utilising an internal service delivery mechanism:*
- a. *Dennisig Existing Parking Area, entrance in Hoffman Road, Part of Erf 235*
- b. *Municipal Court Existing Parking Area, entrance from Pappegaai Road, **Erf 528***
- c. *Aandklas Existing Parking Area, entrance from Du Toit Road Part of Erf 235*
- d. *New Parking Area Bounded by Borcherd Road and Andringa Street to be considered as an extension of the public parking on erf 2529*
- e. *New Parking Area Bounded by Jan Cilliers Road, Ds Botha Road and Muller Road to be considered as new parking area. Part of erf 175/0*
- f. *Parking area to be upgraded at the old tennis courts, Franschoek, Erf 1538*
- 4.8 *That Council proceeds with the setting up of a Service Delivery Agreements for the provision of Bulk Parking, as required by Section 80(1) & (2), of the MSA and in particular section 80(1)(b) (which prescribes an SDA with a Private Company) for the areas mentioned under 4.7.1*
- 4.9 *That the Service Delivery Agreement be approved by Council as a draft SDA prior to Community Participation takes place.*
- 4.10 *That the matter of providing a synchronised total mobility network be urgently pursued with all the role-players participating in the mobility arena which includes Public Transport, Non-Motorised Transport, Transit Oriented Development, Parking and Universal Access”*

From this resolution the following are highlighted for the use of this report:

- “4.5 That Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:

- a. Provision of open one level parking space needs, be performed on an internal mechanism
- b. Provision of multi storied parking space needs, be performed on an external mechanism

6.2 Discussion

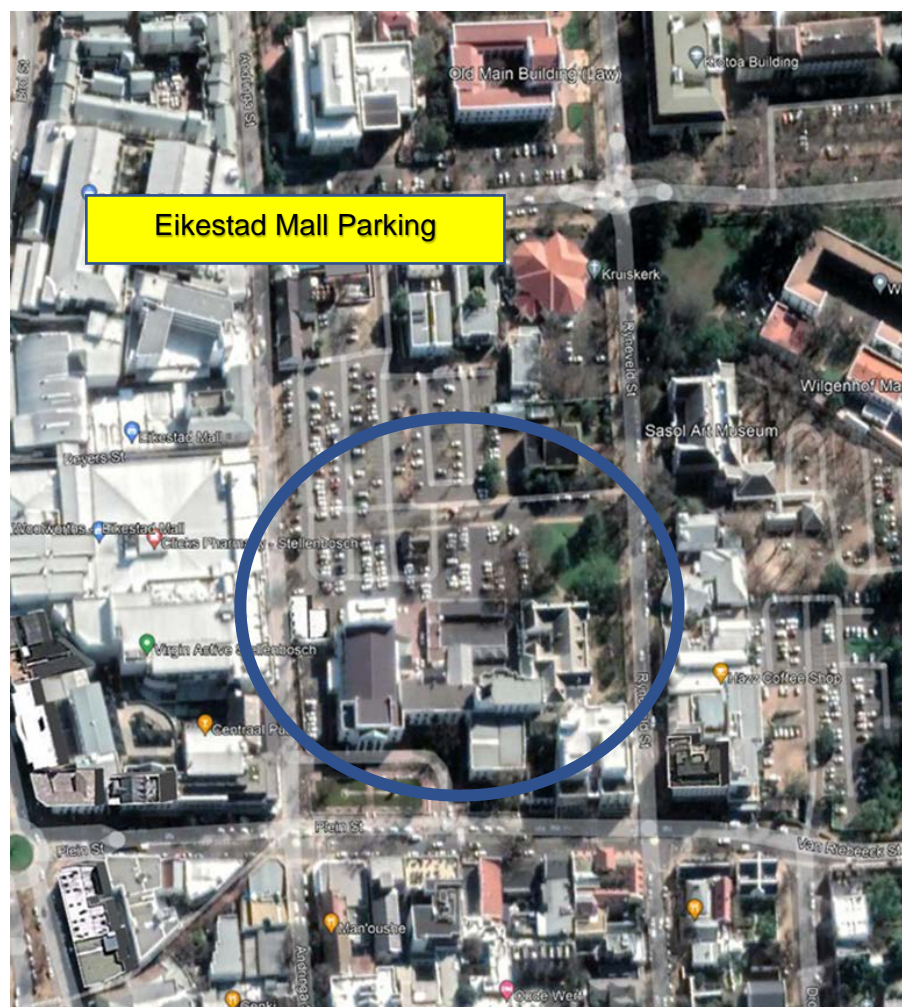
The municipality proceeded to employ staff under supervision of existing staff to manage all on-street and off-street parking. It was found that on-street parking was managed effectively, but that the management of off-street parking was not viable and effective without the use of proper automatic parking tokens

It was further found that the complete provision of a safe and secure parking area was not effective with the way of managing and the number of staff available

The Municipality has recently employed the operation of Off-Street parking on an Internal basis as per resolution 4.5(a) mentioned above. Upon performing this service for a few months a report was produced as to the effectiveness of this approach and it was found that the Municipality could not provide this service at a viable cost and do not have the internal capacity to operate the management internally.

The Retailers adjacent to three parking areas requested to provide a parking management service. These are:

- a. **ANNEXURE A:** Letter of request from Eikestad Mall Management



- b. **ANNEXURE B:** Letter of request from the Checkers Complex Management



- c. **ANNEXURE C:** Letter of request from the StelMar Centre Management



In order to achieve the provision of parking through more effective means, it is therefore proposed that the previous Council Resolution of 26 February 2020 be reviewed, rescinded and amended to allow the outsourcing of the parking management in these areas as appose to Council providing it internally.

It is proposed that the three requests received through **ANNEXURE A to C** be considered to provide an interim external parking management solution for a period not exceeding three years.

It is further proposed that the intention to outsource the parking management of these areas to the three companies be advertised for public comment.

6.3 Financial Implications

The current provision of parking management by the municipality internally is operated at a loss. Council will not have to employ people for the management and will receive a standard fee from the companies for the management of the parking areas.

6.4 Legal Implications

MSA Section 78

6.5 Staff Implications

There are no full time staff that will be affected. There are no posts on our structure. Sixteen people are currently deployed to the three parking areas and they will be used at on street parking pilot for as long as it still runs.

6.6 Previous / Relevant Council Resolutions:

35TH COUNCIL MEETING: 2020-02-26: ITEM 13.3

RESOLVED

- (a) that this report be noted;
- (b) that Council accepts that all the requirements of Section 78(3) (Annexure A) in terms of investigating the feasibility of the provision of sufficient parking, has been complied with;
- (c) that Council accepts that parking forms an integral part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT);
- (d) that Council notes that in order to alleviate the parking process as a whole, matters such as PT, NMT, TOD must also be addressed in synchronisation, as this will directly affect the quantity and positioning of parking;
- (e) that Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:
 - (i) Provision of open one level parking space needs, be performed on an internal mechanism;

- (ii) Provision of multi storied parking space needs, be performed on an external mechanism.
- (f) that Council approves the provision of parking as a first phase as mentioned hereunder, which must be in line with future mobility developments, as the final mobility status can by nature not be resolved at this time;
- (g) that Council proceed with the initial provision and upgrade of parking spaces as follows:
 - (i) that the legislative process be commenced with to provide multiple level parking, and management thereof, utilising an External Mechanism of parking in the following areas:
 - (1) Eikestad Mall Parking area bounded by Andringa -, Victoria, and Ryneveld Streets. Portion of erf 1692, erven, 1969, 1972, 1973, 1974, 1975, 1976, 6402 and 6636; and
 - (2) Techno Park area, considering the area bounded by Tegno Road, Termo Avenue and Proton Road. Portion of erf 13171
 - (ii) that the following areas, as a first phase, be upgraded and/or developed as a single layer open space parking area, utilising an internal service delivery mechanism:
 - (1) Dennesig Existing Parking Area, entrance in Hoffman Road, Part of Erf 235;
 - (2) Municipal Court Existing Parking Area, entrance from Papegaai Road, **Erf 528**;
 - (3) Aandklas Existing Parking Area, entrance from Du Toit Road Part of Erf 235;
 - (4) New Parking Area Bounded by Borcherd Road and Andringa Street to be considered as an extension of the public parking on erf 2529;
 - (5) New Parking Area Bounded by Jan Cilliers Road, Ds Botha Road and Muller Road to be considered as new parking area. Part of Erf 175/0; and
 - (6) Parking area to be upgraded at the old tennis courts, Franschhoek, Erf 1538.
- (h) that Council proceeds with the setting up of a Service Delivery Agreements for the provision of Bulk Parking, as required by Section 80(1) & (2), of the MSA and in particular section 80(1)(b) (which prescribes an SDA with a Private Company) for the areas mentioned under 4.7.1;
- (i) that the Service Delivery Agreement be approved by Council as a draft SDA prior to Community Participation takes place; and
- (j) that the matter of providing a synchronised total mobility network be urgently pursued with all the role-players participating in the mobility arena which includes Public Transport, Non-Motorised Transport, Transit Oriented Development, Parking and Universal Access.

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

Cllrs F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

6.7 **Risk Implications**

This report addresses the risk implications for the Municipality.

6.8 **Comments from Senior Management:**

Matter discussed at the Directors Meeting and supported

ANNEXURES

Annexure A: Parking Management Request of Eikestad Mall Management

Annexure B: Parking Management Request of Checkers Complex Management

Annexure C: Parking Management Request for Stelmark Centre Management

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	<i>10 February 2022</i>

ANNEXURE A



Ms Geraldine Mettler
Municipal Manager
Stellenbosch Municipality

CENTRE MANAGEMENT OFFICES:

Office AW 202 B | 2nd floor | 43 Andringa Street | Stellenbosch | 7600
TEL: +27 (0)21 865 6267 FAX: +27 (0)21 883 9760



www.eikestadmall.co.za



EikestadMall



eikestadmall

08 February 2022

Dear Ms Mettler

Proposal of solutions to the parking and security related problems at the Andringa Street, municipal parking area.

As we have often stated in our phone calls and email correspondence with the Municipality representatives over the past 18 months, the parking situation in Andringa Street, and specifically the municipal parking area across the street from Eikestad Mall, is getting worse – to the detriment of the image of the Municipality, Town and that of Eikestad Mall.

In the accompanying document below, you will see numerous examples from social media, documenting incidents of citizens being harassed, robbed, assaulted, verbally abused and their vehicles being damaged. Many of the complaints are about inefficiencies, poor management, and traffic delays at the municipal parking area.

Clearly, the current parking setup and the way the public service is managed by Law Enforcement need to be reviewed and replaced by an efficient, cost-effective professional parking solution – such as the parking systems that Attacq, the majority owners of Eikestad Mall operate very successfully at Eikestad Mall and elsewhere in South Africa.

We would like to reach out and support the Municipality in this process, to find a solution that is smart, sustainable, and mutually beneficial.

Possible parking management solutions include a joint venture agreement, a revenue-split model, a leasing option or some other form of facilities management that will save the Municipality money, increase its revenue and improve the experience of citizens parking in Ward 9. We are open to any suggestions which you may already have considered as part of your Integrated Transport Plan, or other spatial planning.

With our track record of managing large parking services (up to 27 500 bays in a similar precinct at Waterfall City, Gauteng) and the expertise of our parking partner, Servest, we can offer solutions such as:

Eikestad Joint Venture
P.O. Box 1513 | Stellenbosch | 7509

021 883 9760 | 021 865 6267

On behalf of Attacq (Pty) Ltd and Key Capital Property Holdings (Pty) Ltd

ATTACQ
PROPERTY SOLUTIONS

KEYCAPITAL
PROPERTY HOLDINGS

**CENTRE MANAGEMENT OFFICES:**

Office AW 202 B | 2nd floor | 43 Andringa Street | Stellenbosch | 7600

TEL: +27 (0)21 886 6267

FAX: +27 (0)21 883 9760

www.eikestadmall.co.za

EikestadMall



eikestadmall

- Advisory services (including feasibility studies, revenue projections, parking tariff recommendations, parking layout and design)
- Management services (including technology and staff deployment)
- Revenue management
- Banking
- Equipment maintenance
- A complete turnkey parking solution, and
- Technology integration strategies.

We understand that any proposal would need to be processed, and that it will take time to implement. This is why I would like to request your urgent attention to this matter to get the process going before much further damage is done to the reputation of the Municipality and of Eikestad Mall.

Broadly, our proposal is to fully assume the duties of performing the parking facility management services and associate security functions that ratepayers expect of a municipal administration. The proposal has at its core the safety and comfort of every citizen making use of the precinct and of the entire Ward 9; not only Eikestad Mall customers, but also day-parkers such as office workers, students and visitors who need access to central parking to explore the town.

Parking management is integral to managing a successful shopping mall. It is an essential part of our capabilities.

- Eikestad Mall has decades of experience in effectively managing approximately 500 bays in Stellenbosch central.
- We have the infrastructure and technology to support the management of the Andringa street municipal parking area, overseeing the facility to international standards.
- We are geared up to support the Municipality with our staff compliment of a highly trained ground team, including parking managers and security personnel.
- Our proposal includes national and international reports showing trends, effective new technology and proven skillsets to efficiently support the management of the parking area.
- The track records of Eikestad Mall, Attacq and partners such as Servest, Fidelity Security and the like during the past years speak of experience and effectiveness in the management of parking areas in Stellenbosch, elsewhere in the Western Cape and nationally.

Eikestad Joint Venture
P.O. Box 1513 | Stellenbosch | 7590

VAT Registration Number: 438016670

On behalf of Attacq Retail Fund (Pty) Ltd and Key Capital Property Holdings (Pty) Ltd

The logo for ATTACQ, featuring the word "ATTACQ" in a bold, sans-serif font with a stylized "A".

The logo for KEY CAPITAL, featuring a stylized "K" icon followed by the words "KEY CAPITAL" in a bold, sans-serif font.

**CENTRE MANAGEMENT OFFICES:**

Office AW 202 B | 2nd floor | 43 Andringa Street | Stellenbosch | 7600
 TEL: +27 (0)21 886 6267 FAX: +27 (0)21 883 9760

 www.eikestadmall.co.za
 EikestadMall
  eikestadmall

New technology will enable Eikestad Mall/Attacq and its parking partner, Servest, to optimise the parkers' experience. For instance, streamlined access was one of the important outcomes when Attacq introduced ticketless parking at Mall of Africa via number plate recognition technology. Cashless parking will result in a greater, more predictable income stream for the Municipality with reduced security risks. Smooth-flowing ingress and egress will ease traffic congestion and waiting times, as well as enhancing the impression which ratepayers and visitors form of the ways in which Stellenbosch CBD is managed.

With Eikestad Mall's expert parking agency relieving the Municipality and Law Enforcement of this non-core function, security problems and the harassment of parkers will be curbed. The mall's security will patrol the area, and (with Municipal approval) a perimeter fence with pedestrian gates could be erected to control foot traffic into the parking area especially after dark. Again, we are open to discussions on this.


Here is an opportunity for the stated vision of the Municipality, which sees the Greater Stellenbosch as the Valley of Opportunity and Innovation, to manifest itself in a win-win-win scenario for the Municipality, its ratepayers and the town's central retail hub, Eikestad Mall.

Privatising or part-privatising the Andringa Street parking facility would furthermore be a major positive step towards aligning with the Municipality's planning process for smart city solutions, including social and technological innovation, entrepreneurship, and optimisation of existing infrastructure. I am sure you will agree that our proposals tick all the required boxes.

For the above reasons, I urge you to consider engaging with Eikestad Mall in finding mutually feasible solutions and to implement these solutions in the technical studies and municipal legislative procedures of your Integrated Transport Plan and parking development strategy/programme going forward.

I kindly request an opportunity to present our proposals of possible solutions to you in a person-to-person meeting at your convenience.

Yours sincerely,


 André Williams
 General Manager

Eikestad Joint Venture
 P.O. Box 1513 | Stellenbosch | 7599

VAT Registration Number: 408228706

On behalf of Attacq Retail Fund (Pty) Ltd and Key Capital Property Holdings (Pty) Ltd

ATTACQ

 **KEY CAPITAL**

ANNEXURE B



REG. NO. 1929/001817/07 (PTY) LTD

PROPERTY DIVISION
HOME OFFICE
 CNR WILLIAM DABBS STREET
 & OLD PAARL ROAD
 BRACKENFELL, 7560
 P O BOX 1160,
 BRACKENFELL, 7561
 SOUTH AFRICA
 TEL: +27 (0) 21 980 4400

19 January 2022

Stellenbosch Municipality
Town House Complex
Plein Street
Stellenbosch
7600

For attention: Mr Roscoe Bergstedt

Dear Sir,

Property used as a parking facility adjacent our Erf 6460, cnr of Meul and Dorp Streets, Stellenbosch

This letter serves as confirmation of our interest to enter into a Lease agreement on suitable terms agreed by both parties to manage and operate the parking facility located adjacent our property as described above.

We will be pleased if you could present our interest to the applicable department who will decide on this matter and we would welcome a decision to open discussions in this regard to ultimately enter into a Lease Agreement over this parking facility.

We thank you for your consideration in this regard and look forward to a favourable reply.

Yours truly,

B.S. Low
Senior Property Manager



REGISTERED OFFICE: CNR WILLIAM DABBS STREET & OLD PAARL ROAD, PO BOX 215, BRACKENFELL, 7561, SOUTH AFRICA
 TEL: +27 (0) 21 980-4000 FAX: +27 (0) 21 980-4050 www.shopriteholdings.co.za

ANNEXURE C

18 August 2021

BY EMAIL: roscoe.bergstedt@stellenbosch.gov.za

**Manager: Transport and Public Transport
 Infrastructure Services
 Stellenbosch Municipality**

Dear Mr. Bergstedt

STELMARK CENTRE – LEASING OF PARKING AREA

We refer to the above, previous correspondence as well as numerous meetings between the Municipality and ourselves regarding the possible leasing of the parking area at Stelmark Centre.

BACKGROUND

Stelmark Centre is a well-known and conveniently located shopping centre in Stellenbosch close to Stellenbosch University on Merriman and opposite high traffic public transport nodes in Bird Street. The centre is anchored by Pick 'n Pay, with various other line shops. FPG Holdings acquired the shopping centre in 2001. Adjoining the centre is a public parking area of which ownership vests with the Municipality.

The parking area performs the following functions:

- Shopping centre parking for Stelmark Centre customers;
- Parking for other retail shops adjacent to and across the road from Stelmark Centre;
- Informal Traders utilize the parking to carry out their trade.

PROPOSAL

Over the past few years, we have seen an increase in crime statistics in Stellenbosch, as in many towns in South Africa. Stelmark Centre has become increasingly popular for both petty and organized crime. We have witnessed armed robberies at our centre, as well as numerous smash and grab complaints from our customers. These security threats have resulted in decreased foot count to the centre, directly impacting the trade of the tenants. A recent survey undertaken with the tenants and customers cited security concerns in respect of the parking area and parking tariffs as some of their major issues/concerns. Despite the above, the Municipality has not implemented any security measures for the parking area, and we have seen numerous store closures at the centre. Given the current economic times and the exorbitantly high unemployment rates, we predict further security incidents occurring in this parking area. Therefore, in order to provide an effective and practical security system and promote community development, we are requesting that the Municipality enter into a lease with FPG Holdings (Pty) Ltd for the leasing of the parking area.

Should the Municipality enter into a lease agreement with ourselves, we would ensure the following:

- Address safety concerns mentioned above as we will contract security guards to secure the parking area and act as a deterrent to criminal elements;
- Erect a boundary fence to further secure the site;
- Manage parking tariffs to ensure appropriate free parking for customers of the centre with long-stay customers being appropriately charged;

- Deleverage risk to the Municipality. The Municipality would effectively receive a fixed income and would not carry the risk of managing the parking area;
- Increases tenant and customer experience;
- Prevents stores from closing down (thus retaining jobs and protecting livelihoods); and
- Promotes development of the shopping centre and surrounding areas

We understand that the Municipality currently earn parking income from the parking area and that this will play a role in how the rental will be determined. We would like to request the Municipality to provide us with the proposed terms and conditions upon which the Municipality will be willing to enter into a lease agreement with us.

We would also like to point out that we pay more than R600,000 per annum in municipal rates and taxes to the Municipality in respect of Stelmark Centre. We are thus invested in improving the area and working together with the Municipality to promote development. In addition to the above, the mayor and other government officials often refer to Private/Public partnerships to promote development and this is an easy example with a reputable property owner that has a vested interest in the Western Cape. A brief background of our company is as follows:

- We are a property fund and historically disadvantaged company with 22 retail convenience centres situated in the Western Cape. We manage all these properties internally and have strict procedures in relation to security, cleaning as well as repairs and maintenance. We regularly visit the centres and it would be in our best interest to ensure that the parking area is appropriately maintained and managed at all times.
- It is already the norm as we are notified daily of any security issues and repairs and maintenance that require attention at our properties including at Stelmark Centre.

CONCLUSION

Shopping centres play a vital role in how communities function. This community also includes employees of the shopping centre whose livelihoods depend on it. For the community to feel safe at Stelmark Centre, we ask for the Municipality's favorable consideration to our request.

We would welcome further discussions and negotiations in an effort to reach an amicable solution that will satisfy all parties concerned and look forward to engaging with the Municipality in this regard.

Yours faithfully

Per: FPG Holdings (Pty) Ltd

Pieter vd Westhuizen

General Manager

Unsigned, sent electronically

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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