



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2019-09-06

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2019-09-11 AT 10:00

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

COUNCILLORS P Crawley (Ms)
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen
Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch on **Wednesday, 2019-09-11 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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2019-09-11
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STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2019-08-14

MINUTES

MAYORAL COMMITTEE MEETING:

2019-08-14 AT 14:00

MINUTES
MAYORAL COMMITTEE MEETING
2019-08-14
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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)
Deputy Executive Mayor, N Jindela

Councillors: PR Crawley (Ms)
A Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen

Also Present: Councillor FJ Badenhorst
Alderman PW Biscombe (Chief Whip)
Cllr WC Petersen (Ms) (Speaker)
Cllr WF Pietersen

Officials: Municipal Manager (G Mettler (Ms))
Director: Planning and Economic Development (T Mfeya)
Chief Financial Officer (K Carolus)
Director: Infrastructure Services (D Louw)
Director: Corporate Services (A de Beer (Ms))
Manager: Local Economic Development (W Moses)
Senior Administration Officer (B Mgcushe (Ms))

1.	OPENING AND WELCOME
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The Executive Mayor welcomed everyone present.

2.	COMMUNICATION BY THE CHAIRPERSON
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NONE

3.	DISCLOSURE OF INTERESTS
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NONE

4.	APPLICATIONS FOR LEAVE OF ABSENCE
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The following applications for leave were approved in terms of the Rules of Order of Council:-

Cllr Q Smit	–	2019-08-14
Director: Community and Protection Services (G Boshoff)	–	2019-08-14
Chief Audit Executive (F Hoosain)	–	2019-08-14
Senior Manager: Governance (S de Visser (Ms))	–	2019-08-14

5.	CONFIRMATION OF PREVIOUS MINUTES
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- 5.1 The minutes of the Mayoral Committee Meeting held on 2019-07-10 were confirmed as correct.

6.	STATUTORY MATTERS
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NONE

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 Q SMIT)
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NONE

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION
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Collaborator No: 656131
IDP KPA Ref No: *Good Governance*
Meeting Date: 14 August 2019

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION

2. PURPOSE

To obtain the necessary approval from Council to renew the Lease Agreement between Stellenbosch Municipality and the National Department of Public Works in relation to a portion of erf 62, Kayamandi (Police Station).

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and the National Department concluded a Lease Agreement in relation to a portion of erf 62, Kayamandi during the 1990's. The agreement has subsequently been renewed a number of times. The last renewal was concluded in February 2015. This agreement, however, has lapsed on 31 August 2017. SAPS are still using the property as a police station. Council must now consider their request for the renewal of the Lease Agreement for a period of 9 years and 11 months.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-08-14: ITEM 7.2.1

- (a) that the portion of erf 62, used as a police station, be identified as land not needed for municipal purposes during the proposed lease period;
- (b) that approval be granted for the renewal of the Lease Agreement for a period of 9 years and 11 months;
- (c) that it be noted that leasing property to another sphere of government/organ of state is exempted from following a public participation process;
- (d) that Council considers the request of the department to rent the property at an amount of R 6121.99 per month, escalating at 6% per annum, and
- (e) that the Municipal Manager be authorised to draft and sign an appropriate new lease agreement.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021-8088189

<i>E-MAIL ADDRESS</i>	Piet.smit@stellenbosch.gov.za
<i>REPORT DATE</i>	2019-07-05

7.2.2	APPLICATION BY PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO ACQUIRE ERF 718, KAYAMANDI FOR THE UPGRADE AND EXPANSION OF THE EXISTING KAYAMANDI CLINIC
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Collaborator No: 656125
IDP KPA Ref No: *Good Governance*
Meeting Date: 14 August 2019

1. SUBJECT: APPLICATION BY PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO ACQUIRE ERF 718, KAYAMANDI FOR THE UPGRADE AND EXPANSION OF THE EXISTING KAYAMANDI CLINIC

2. PURPOSE

To consider the application from the Provincial Government of the Western Cape to acquire erf 718, Kayamandi, to enable them to upgrade and extend the existing clinic in Kayamandi.

3. DELEGATED AUTHORITY

For decision by the Municipal Council.

4. EXECUTIVE SUMMARY

With the transfer of the clinic function to the Provincial Government of the Western Cape it became evident that the clinic in Kayamandi, which is situated on erven 719 and 720, was encroaching onto erf 718. Erf 718 was allocated to the Seventh Day Adventist Church during 1996, but the property was not yet transferred to them. (Following a recent Council resolution to allocate an alternative site for the church, Erf 1523, Kayamandi was offered to the church, in exchange for erf 718). A formal application to acquire erf 718, Kayamandi, has been received from the Provincial Government of the Western Cape to enable them to extend the clinic in Kayamandi.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-08-14: ITEM 7.2.2

- (a) that erf 718 Kayamandi be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that Council, in principle, approves the disposal of erf 718 Kayamandi to the Provincial Government of the Western Cape, free of charge, on condition:
 - i) that they be responsible for the rezoning and consolidation of erf 718;
 - ii) that all costs associated with the transfer; including the cost of obtaining vacant occupation, be for the account of the Provincial Government.
- (c) that Council considers whether the erf is donated or sold at a price below market value as it will be used for the benefit of the community;
- (d) that Council's intention to donate/sell erf 718 to the Provincial Government be advertised for public inputs/objections; and

- (e) that, following the public notice, the item be brought back to Council to consider any inputs/objections before making a final decision.

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>2019-08-02</i>

7.2.3	ADOPTION OF REVISED SYSTEM OF DELEGATIONS
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Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 14 August 2019

1. SUBJECT: ADOPTION OF REVISED SYSTEM OF DELEGATIONS

2. PURPOSE

To re-submit the proposed amended System of Delegations for adoption by Council which will replace the existing System of Delegations that was effective from 1 May 2015.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

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

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

Section 59(2)(f) provides, inter alia, that the system of delegations developed in terms of section 59(1) by Council must be reviewed when a new council is elected.

The current system of delegations was approved by the previously elected Council. The current Council did not adopt the System of delegations – the Speaker ruled on 15 August 2016 to “*Note the existing System of Delegations*”. Council has not fulfilled its obligation in terms of section 59(2)(f) to review the system of delegations after its election in 2016. A revised system of delegations has been tabled after the election but was not considered.

The administration and the then portfolio chairperson, Cllr Groenewald, met with representatives from Province to discuss the reservations they had. Their reservations centred mainly on two types of delegations – the delegations from the Executive Mayor to the Municipal Manager, as well as the matters on which the Executive Mayor should consult the Mayoral Committee. It was agreed that the Systems Act does not place an obligation on the Executive Mayor to consult.

The Delegations have now been revised and a new format was used in an attempt to link legislation and the different authorities to whom delegations are made. A workshop

with Councillors took place on 13 February 2018. The changes as discussed at the workshop are included in the attached document.

EXECUTIVE MAYORAL COMMITTEE: 2019-08-14: ITEM 7.2.3**RESOLVED**

that this item be deferred to a continuation meeting on 20th August 2019.

FOR FURTHER DETAILS CONTACT:

NAME	A M C de Beer
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 807 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@stellenbosch.org.za</i>
REPORT DATE	<i>6 August 2019</i>

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

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

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

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

7.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))
7.7.1	ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION

Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 14 August 2019

1. SUBJECT: ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION

2. PURPOSE

To request Council to approve the Draft Local Economic Development Strategy attached as **ANNEXURE 1**.

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa,

"a municipality may make and administer by-laws for the effective administration of matters which it has the right to administer".

Section 152- Objects of local Government- (1) The objects of local government are (c) to promote social and economic development;

and section 153-Developmental duties of municipalities.- A municipality must- (a) structure and manage its administrative and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; (b) participate in national and provincial development programmes.

It is clear that this pertains to the Local Economic Development Strategy with its objectives of a growing, inclusive and accessible economy that delivers opportunity to all its citizens.

4. EXECUTIVE SUMMARY

The Local Economic Development Strategy adopts a "whole organisation approach" towards economic development and provides a series of catalytic initiatives and programmes which have been identified by stakeholders over a number of years, and which now needs Council's approval for further public participation.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-08-14: ITEM 7.7.1

that the draft Economic Development Strategy be approved and published for further inputs from the public for a period of 30 days.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	<i>Manager: Economic Development & Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	<i>widmark.moses@ Stellenbosch.gov.za</i>
REPORT DATE	24-05-2019

7.7.2	ADOPTION OF THE DRAFT EXPANDED PUBLIC WORKS PROGRAMME POLICY
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Collaborator No:
File no: 9/2/2
IDP KPA Ref No: 046
Meeting Date: 14 August 2019

1. SUBJECT: ADOPTION OF THE DRAFT EXPANDED PUBLIC WORKS PROGRAMME POLICY

2. PURPOSE

To request Council to approve the Expanded Public Works Programme Policy attached as **ANNEXURE 1**.

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa,

"a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate". In this instance it refers to Draft Expanded Public Works Programme Policy which seeks to set out the strategic objectives, management and implementation management guidelines for the Expanded Public Works Programme in the Stellenbosch Municipal Area.

4. EXECUTIVE SUMMARY

The policy seeks to regulate the functioning of the Expanded Public Works Programme to continue with expanded public works projects within the municipal boundaries, the management thereof, smooth functioning of the programme in compliance with relevant legislation.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-08-14: ITEM 7.7.2

that the Draft Expanded Public Works Programme Policy be adopted.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	<i>Manager: Economic Development & Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	<i>widmark.moses@stellenbosch.gov.za</i>
REPORT DATE	06-06-2018

7.7.3	REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW FOR COUNCIL APPROVAL
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Collaborator No:

File no: 9/2/2

IDP KPA Ref No: 046

Meeting Date: 14 August 2019

1. SUBJECT: REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW FOR COUNCIL APPROVAL

2. PURPOSE

To submit the Reviewed Stellenbosch Liquor Trading By-law (**ANNEXURE 1**) to Council for consideration, where after it could be published for public participation as envisaged in section 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa, "a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate". In this instance it refers to Reviewed Liquor Trading By-law which seeks to regulate liquor trading hours in the Stellenbosch Municipal area.

4. EXECUTIVE SUMMARY

The Reviewed Stellenbosch Liquor Trading By-law sets to rectify various short comings in the current Liquor Trading Hours By-law. The shortcomings (indicated in italic and an asterisk amongst other things, relate to the jurisdiction of power and delegated powers to enforce the aforementioned by-law.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-08-14: ITEM 7.7.3

- (a) that Council approves the Reviewed Stellenbosch Liquor Trading By-law for public consultation purposes; and
- (b) that the Administration be mandated to advertise said Reviewed Stellenbosch Liquor Trading By-law for public comments (60 days), after which it will be submitted to Council for final consideration.

FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	<i>Manager: Economic Development & Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021 808 8179

<i>E-MAIL ADDRESS</i>	<i>widmark.moses@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>07-08-2019</i>

7.7.4	DRAFT STELLENBOSCH INFORMAL TRADING POLICY FOR COUNCIL APPROVAL
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Collaborator No:

File no:

9/2/2

IDP KPA Ref No:

046

Meeting Date:

14 August 2019

1. SUBJECT: DRAFT STELLENBOSCH INFORMAL TRADING POLICY FOR COUNCIL APPROVAL

2. PURPOSE

To submit the Draft Stellenbosch Informal Trading Policy to Council for consideration, where after it could be published for public participation as envisaged in section 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3. DELEGATED AUTHORITY

COUNCIL

In terms of Section 156 (2) of Constitution of the Republic of South Africa,

"a municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate". In this instance it refers to Draft Stellenbosch Informal Trading Policy which seeks to set out the strategic objectives, planning and management guidelines for informal trading in the Stellenbosch Municipal Area.

4. EXECUTIVE SUMMARY

The Draft Stellenbosch Informal Trading Policy (**ANNEXURE 1**) is one of two related documents; the Policy sets the strategic direction for the municipality's developmental response to the informal trading sector. The reasons for having an Informal Trading policy can be summarized as follow:

- It clarifies Council's policy to all relevant stakeholders;
- It forms the basis for the by-laws that regulates Informal trading in the Stellenbosch Municipal area;
- It provides a basis for resource allocation decisions;
- It establishes the basis for a monitoring and evaluation process, which clearly defined key objectives.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-08-14: ITEM 7.7.4

- (a) that Council approves the Draft Stellenbosch Informal Trading Policy for public consultation purposes; and
- (b) that the Administration be mandated to advertise said Draft Stellenbosch Informal Trading Policy for public comments after which it will be submitted to Council for final consideration.

FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	<i>Manager: Economic Development & Tourism</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	<i>widmark.moses@stellenbosch.gov.za</i>
REPORT DATE	03-05-2019

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

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

7.10	MUNICIPAL MANAGER
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7.10.1	SDF/IDP/BUDGET PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE THIRD REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022
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Collaborator No: 656152
IDP KPA Ref No: *Good Governance and Compliance*
Meeting Date: 14 August 2019

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

2. PURPOSE

To table to Council for consideration:

- (a) The Time Schedule of key deadlines for the Third Review of the Fourth Generation Integrated Development Plan (IDP), Budget and Spatial Development Framework (SDF).

3. DELEGATED AUTHORITY

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

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

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

4. EXECUTIVE SUMMARY

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

Section 28 specifies that:

- “(1) Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.

-
- (2) The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.
- (3) A municipality must give notice to the local community of particulars of the process it intends to follow.”

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-08-14: ITEM 7.10.1

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

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	06 August 2019

7.10.2	SIGNED PERFORMANCE AGREEMENTS 2019/20 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER
---------------	--

Collaborator No: 656150
IDP KPA Ref No: *Good Governance and Compliance*
Meeting Date: 14 August 2019

1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2019/20 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

2. PURPOSE

To submit to Council, for notification, the following:

- (a) Signed Performance Agreements 2019/20 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

3. DELEGATED AUTHORITY

In terms of Section 53(3)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) the Executive Mayor must ensure that the performance agreements "...be submitted to the council and the MEC for local government in the province."

4. EXECUTIVE SUMMARY

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

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

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-08-14: ITEM 7.10.2

that the signed Performance Agreements 2019/20 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager, be noted.

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	06 August 2019

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

NONE

9.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 15:05.

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
----	--------------------------

NONE

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 Q SMIT)
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7.1.1	STELLENBOSCH MUNICIPALITY INTEGRATED FIRE MANAGEMENT PLAN (JANUARY 2019)
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Collaborator No: 658594
 IDP KPA Ref No: Good Governance
 Meeting Date: 11 September 2019

1. SUBJECT:STELLENBOSCH MUNICIPALITY INTEGRATED FIRE MANAGEMENT PLAN (JANUARY 2019)

2. PURPOSE

Stellenbosch Municipality, like the rest of the Western Cape, continue to be threatened by veld fires. The Draft Stellenbosch Municipality Integrated Fire Management Plan (SFMP, January 2019) (Annexure A) has been prepared to provide the necessary information for sound veld fire management with an emphasis on Stellenbosch Municipality's legal obligations as landowner. Following a previous Council decision, to advertise the document for public input, the Stellenbosch Municipality Integrated Fire Management Plan is brought back to Council for adoption.

3. DELEGATED AUTHORITY

For decision by the Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality (the Municipality) continue to be threatened by veld fires. The dominant vegetation type within the region is both fire-prone and fire-dependent. This is exacerbated by the expansion of urban areas, infestations of alien vegetation and windy, hot and dry summer periods typical of the region.

The primary goal of the SFMP is to ensure that veld fires are able to serve greater good than harm. It aims to eliminate loss of life, human injury, economic and environmental losses as a result of veld fires. In order to fulfil these objectives the SFMP makes provision for the following three components in the approach to the occurrence of veld fires namely:

- Awareness
- Prevention & preparedness

- Reponse

5. RECOMMENDATION

that Council adopts the Stellenbosch Municipality Integrated Fire Management Plan (January 2019) to guide fire management within the WC024 area.

6. DISCUSSION / CONTENTS

6.1. Background

As stated above, Stellenbosch Municipality continue to be threatened by veld fires. The Municipality is also 'n landowner of quite a substantial portion of land within the municipal area.

The Municipality not only have to act in the interest of its communities by **protecting everyone's the right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures but, as landowner, have a number of direct responsibilities as prescribed by the legislation listed in #6.4 below.**

6.2 Discussion

The SFMP lists overarching fire management goals, namely:

- Protect life and property.
- Protect natural and cultural resources from undesirable effects of fire.
- Suppress unwanted fire.
- Allow fire to assume its natural role in ecosystems.
- Manage fire cooperatively with neighboring agencies and private land owners as well as other stakeholders.

In order to fulfil the objectives listed above the SFMP makes provision for the following three components in the approach to the occurrence of veld fires:

a) Awareness

The majority of unwanted fires are caused by human intervention. Proper training and education will promote awareness of risks and the ability to make the right decisions in situations that demand quick and efficient response. It is essential to know where danger areas are, which season present the biggest risks and understand the local conditions which are conducive to fire inception and spread.

b) Prevention and preparedness

Prevention is always better than the cure. After awareness, prevention and control are the secondary steps in fire management. The SFMP puts forward measures to achieve the objectives of fire prevention.

c) Response

All fires start small, thus, detection at the earliest possible stage is critical and is therefore also regarded as being as important a part of preparedness as it is for ensuring an appropriate response.

6.3. Financial Implications

Although not always sufficiently so, most of the functions covered in the SFMP is already provided for in the Municipality's annual budget. These functions include that of awareness (internal training), fire prevention and -reaction capabilities, alien clearing and the preparation of firebreaks on municipal owned land.

6.4. Legal Implications

Numerous pieces of legislation impact on fire management and set out mandates for different stakeholders. This legislation stipulates that various government departments, spheres of government and landowners are mandated to deal with various aspects of fire management responsibilities. The most relevant legislation are listed under Chapter 2 of the draft SFMP and include the Constitution of the Republic Of South Africa (Act 108 Of 1996), the National Environmental Management Act (Act 107 Of 1998), the Fire Brigade Services Act (Act 99 Of 1987) and the National Veld and Forest Fire Act (Act 101 Of 1998).

6.5. Staff Implications

This report has no staff implications to the Municipality.

6.6. Previous / Relevant Council Resolutions:**26TH Council Meeting: 2019-04-24: Item 7.1.2**

RESOLVED (majority vote with abstentions)

- (a) that Council approves the advertisement of the draft Stellenbosch Municipality Integrated Fire Management Plan (January 2019) for a period of 30 days for public input; and
- (b) that the inputs received during the above public participation process be worked into a final draft Stellenbosch Municipality Integrated Fire Management Plan to be presented to Council for approval.

The SFMP was advertised in the Eikestad News on 9 May 2019 (Annexure B) with a closing date for comment of 10 June 2019. Hardcopies was placed at all municipal libraries. No comment was received.

6.7. Risk Implications

Apart from non-compliance to the relevant legislation contained in the SFMP the document lists the following potential risk to Stellenbosch Municipality:

- Insufficient funding to administer effective alien clearing and prepare firebreaks on all municipal owned land.
- Council liability in terms of the National Veld and Forest Fire Act for the potential origin or spread of fire from municipal land under lease agreement.
- Lack of coordination between other agencies for the implementation and maintenance of fire prevention measures on land not owned by the Municipality but identified in the Disaster Hazard, Vulnerability and Risk Assessment. These

areas include vacant (municipal owned) areas, areas along transport routes, power lines, the urban fringe, open (recreational) areas and informal settlements.

- Old forestry areas with limited access control used for recreational purposes.
- Having in place the required insurance should the Municipality be found to be liable in terms of its responsibilities as prescribed by the National Veld and Forest Fire Act or any other legislation guiding the prevention and suppression of veld fires.

6.8 Comments from Senior Management:

This Item was circulated to all directorates on 22 January 2019 for comment by 6 February 2019.

6.8.1 Director: Infrastructure Services

No comment received.

6.8.2 Director: Planning and Economic Development

No comment received.

6.8.3 Director: Community and Protection Services:

No comment received.

6.8.4 Director: Strategic and Corporate Services:

No comment received.

6.8.5 Director Human Settlements and Property Management

No comment received.

6.8.6 Chief Financial Officer:

No comment received.

6.8.7 Municipal Manager:

No comment received.

ANNEXURES

Annexure A:

Stellenbosch Municipality Integrated Fire Management Plan (January 2019)

Annexure B:

Eikestad News Advert (9 May 2019)

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
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E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	05 August 2019

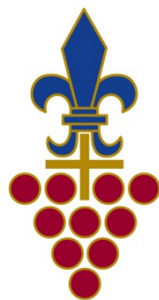
ANNEXURE A

CONSULTATIVE DRAFT

STELLENBOSCH MUNICIPALITY

INTEGRATED FIRE MANAGEMENT PLAN

January 2019



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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1. INTRODUCTION

Stellenbosch Municipality (the Municipality), like the rest of the Western Cape, continue to be threatened by veld fires. The dominant vegetation type within the region is both fire-prone and fire-dependent. This is exacerbated by expansion of urban areas, infestation of alien vegetation and windy, hot and dry summer periods typical of the region.

The Stellenbosch Municipality Integrated Fire Management Plan (from heron referred to as the Fire Management Plan or SFMP) serves to provide the necessary information for sound veld fire management with an emphasis on Stellenbosch Municipality’s legal obligations as landowner.

1.1 CONTEXT

Stellenbosch Municipality forms part of the Cape Winelands District Municipality of the Western Cape Province (refer to Figure 1). The Municipality adjoins the Cape Metropolitan Area to the west and the Breede Valley, Drakenstein and Theewaterskloof Municipalities to the east, south and north respectively.

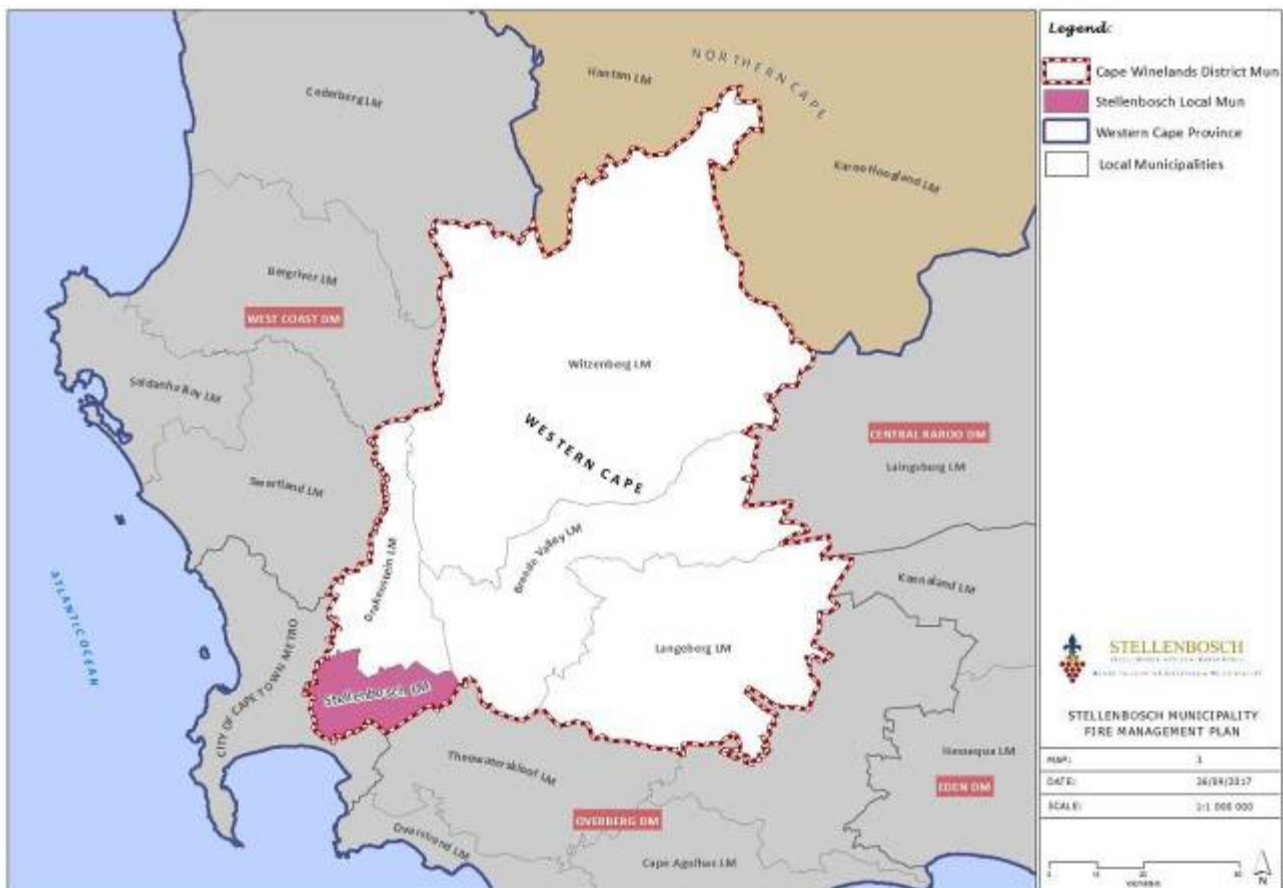


Figure 1: Location and context of Stellenbosch Municipality.

Various biophysical and biological characteristics of the Municipality, specifically related to the regions climate, topographical nature and vegetation, plays a major role in an increase risk of veld fires occurring in the area. These aspects are described in Section 3 below.

1.2 GOALS AND OBJECTIVES

The primary purpose of the SFMP is to ensure that veld fires are able to serve greater good than harm. It aims to eliminate loss of life, human injury, economic and environmental losses as a result of veld fires. Furthermore the overarching fire management goals (*italics*) and objectives (*bulleted*) as it pertains to Stellenbosch Municipality are the following:

Protect life and property.

- Minimise fire risks.
- Provide for the safety of residents, visitors, fire-fighters and staff.
- Directly protect real and personal property from the effects of fire.
- Achieve full compliance with the National Veld and Forest Fire Act. 101 of 1998.
- Reduce fuels with prescribed fire and thinning in places where wildfire is a threat to people and property.
- Implement programs to prevent unplanned human-caused ignitions and reduce human-caused wildfires.
- Ensure organized, professional and coordinated response to fires.
- Strive to meet health and safety standards that relate to fire, particularly for air quality and on-the-job safety.

Protect natural and cultural resources from undesirable effects of fire and suppression.

- Reduce fuels with prescribed fire and thinning in places where fire would adversely affect estate resources.
- Avoid negative effects to sensitive areas.
- Employ minimum impact suppression tactics, particularly in ecologically sensitive areas.

Suppress unwanted fire.

- Ensure Stellenbosch Municipality is adequately prepared to suppress unwanted wildfires.
- Suppress human-caused fire.
- Prevent unwanted fire from spreading onto neighbouring land.

Allow fire to assume its natural role in ecosystems.

- Determine fire-related data needs relative to natural resources.
- Attempt to determine range of natural variation related to fire (in time, space and intensity), role of fire and fire effects.
- Promote research relative to data needs.

Manage fire cooperatively with neighboring agencies and private land owners as well as other stakeholders.

- Maintain open lines of communication.
- Collaboratively plan and implement fire operations.
- Improve fire awareness.

The management approach as it relates to risk involved with veld fires is summarized in the table below. These aspects are addressed in the document.

Table 1: List of specific risk management options.

Management options	Descriptors
Avoid the risk	By deciding not to proceed with the activity likely to generate the veld fire risk. For example, prohibiting certain types of actions in areas prone to wildfires.
Reduce the hazard and the likelihood of exposure	Programs to reduce the level of fuel available to burn in a veld fire and improve the degree to which assets are protected. For example, the preparation of firebreaks or manual clearing of fire hazards as well as regular inspections.
Reduce ignitions	Programs to reduce the number of deliberate and accidental ignitions of human origin. For example, education and awareness programmes, fire bans and reduction in activities during high-risk season or periods.
Reduce consequences	This option includes various measures to reduce the consequence of wildfires, such as preparedness and contingency plans, wildfire recovery plans, community education programs for self-protection (lives and property), building restrictions and standards for areas prone to veld fires.

1.3 DOCUMENT STRUCTURE

In order to fulfil the objectives listed above the SFMP makes provision for the following three components in the approach to the occurrence of veld fires (Figure 2):

The structure of the SFMP responds to these components:



Figure 2: Document structure.

a) Awareness

The majority of unwanted fires are caused by human intervention. Proper training and education will promote awareness of risks and the ability to make the right decisions in situations that demand quick and efficient response. It is essential to know where danger areas are, which season present the biggest risks and understand the local conditions which are conducive to fire inception and spread. It is essential for residence to be aware of what is going on around their property and in their immediate vicinity.

b) Prevention and preparedness

Prevention is always better than the cure. After awareness, prevention and control are the secondary steps in wildfire management. The SFMP puts forward measures to achieve the objectives of fire prevention.

Nature is in a constant state of flux and is significantly influenced by fluctuating and variable rainfall cycles. Whilst proper prevention techniques will significantly reduce the likelihood of spreading veld fires it needs to be accepted that, despite any effort made, we will never be able to control natural forces to the extent we may wish to. It is therefore equally necessary to be prepared for the inevitable in this regard.

Stellenbosch Municipality is committed to complying with the provisions of the National Veld and Forest Fire Act, i.e. being sufficiently prepared to react to fire, creating and maintaining adequate fire breaks, clearing the property of excess plant material that might fuel a fire, removing invasive alien plants, etc.

d) Response

All fires start small, thus, detection at the earliest possible stage is critical and is therefore also regarded as being as important a part of preparedness as it is for ensuring an appropriate response.

2 APPLICABLE LEGISLATION

Various pieces of legislation impact on fire management and set out mandates for different stakeholders. This legislation stipulates that various government departments, spheres of government and the private sector are mandated to deal with aspects of fire management responsibilities. The most relevant are listed below.

2.1 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (ACT 108 OF 1996)

Section 24 of the Constitution provides that *everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.*

2.2 NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) (ACT 107 OF 1998)

Section 28 of NEMA creates a general duty of care on every person to *take reasonable measures to prevent significant pollution or degradation of the environment from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*

2.3 DISASTER MANAGEMENT ACT (ACT 57 OF 2002)

The Department of Cooperative Government and Traditional Affairs administers the Disaster Management Act. The Act provides for an integrated and coordinated disaster management policy that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters, and post-disaster recovery amongst others. Fires, including wildfires, are a major hazard to the country and are regarded as

one of the potential disaster areas. The Act requires each sphere of government to prepare a disaster management plan and mandates provinces and districts to respond to such disasters.

Section 42 of the Act states that the district municipality must establish a disaster management strategy. Section 32 states that a disaster management centre must promote an integrated and coordinated approach to disaster management in the municipal area, with special emphasis on prevention and mitigation, and coordinate other spheres of government and role-players. Section 30(1)(b) creates an obligation on the service to adopt proactive mitigation, which would include mitigation of wildfires. The Act gives the executive of the province the overarching control of a provincial disaster, with powers that override those of the Chief Fire Officer of a service within an affected municipality.

The executive of the province, in adopting proactive mitigation steps designed to minimise the likelihood or impact of severe wildfires, therefore may set certain requirements for district and local authorities and other stakeholders. The Disaster Management Act thus provides for the establishment of the framework within which Integrated Fire Management must take place.

2.4 FIRE BRIGADE SERVICES ACT (ACT 99 OF 1987)

The Department of Cooperative Government and Traditional Affairs administers the Fire Brigade Services Act. The Act is the primary piece of legislation regulating fire services and seeks to provide for the establishment, maintenance, employment, coordination, and standardisation of fire brigade services. In terms of the Act, district and local municipalities are required to establish a fire fighting service. The Act also provides for the Minister to designate fire fighting services. Further, it provides for the appointment of a Chief Fire Officer, the introduction of fees for the service, and the conclusion of agreements with other fire services so as to render a more efficient fire service. The Act is currently being reviewed, a process that is likely to result in a shift toward a greater emphasis on fire prevention and, given the pressures and demands resulting from global warming and climate change, more emphasis on the interface between the service and disaster management.

2.5 NATIONAL VELD AND FOREST FIRE ACT (ACT 101 OF 1998)

Veld fires in South Africa are dealt with under the National Veld and Forest Fire Act (Act 101 of 1998). The purpose of the National Veld and Forest Fire Act is *to prevent and combat veld, forest and mountain fires throughout the Republic.*

The Act places the duty on land owners to make provision for the management of veld fires on their own land. Failure to do so may result in penalties being enforced (refer to Section 24 and 25 of the above Act) and claims lodged against a landowner if the above Act's requirements were not met.

In terms of the National Veld and Forest Fire Act the following responsibilities apply to landowners:

- The landowner on whose land a fire may start, or from whose land it may spread across boundaries, must prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land. Owners of adjoining land may agree to position a common firebreak away from the boundary.

- The landowner on whose land a fire may start, or from whose land it may spread across boundaries, must have in place:
 - Such equipment, protective clothing and trained personnel required to extinguishing such fire as may occur as prescribed in the FPA (Fire Protection Association) regulations.
 - If there are no regulations applicable, then as reasonably required in the circumstances.
 - Take all reasonable steps to notify the Fire Protection Officer (FPO) of the local FPA should a fire break out.
 - Do everything in their reasonable power to stop the spread of the fire.
- The Act requires that should the owner be absent, a known and identified other person responsible needs to be present on or near this land to:
 - Extinguish a fire if one breaks out, or assist or instruct others to do so.
 - Take all reasonable steps to alert the neighbours and the FPO.
 - The owner may appoint an agent to act on his or her behalf to perform these duties.

Where a FPA has been registered in an area the municipality or designated service must become a member of the FPA.

SECTION A: AWARENESS

SECTION SYNOPSIS

This section describes the main characteristics of Stellenbosch Municipality that makes the area susceptible to the occurrence of veld fires and ways to increase awareness about the risk of fire as well as measures to increase general awareness of staff and the public in this regard.

3 STELLENBOSCH MUNICIPALITY AND FIRE

3.1 CLIMATE

Stellenbosch Municipality has a Mediterranean climate characterised by warm, dry summers and cold, wet winters. Summers are generally hot with temperatures averaging between 25° and 30°C. Heat waves lasting a few days occur reasonably frequently in summer. The *Status Quo report on the climate change in the Western Cape* (June 2005)¹ states that the future climate of the Western Cape is likely to be warmer and drier than at present, according to a number of current model projections. In support of these projections, recent temperatures trends reveal appreciable warming in the Western Cape over the past three decades. Rainfall trends are not as clearly identifiable. A future that is warmer, and possibly drier, will encompass increase an already high risk of wildfires occurring within the region.

Stellenbosch Municipality is located within the winter rainfall area. The Municipality receives approximately 80% of its annual rainfall in the winter months typically as cyclonic rain from cold fronts, and 20% during its summer months (Elsenburg, 1990). Most areas of the Municipality have moderate to low rainfall, except for the mountain areas, which have been known to receive some of the highest rainfalls in the country. These high rainfall areas, however, constitute only a very small part of the Municipality. Rainfall across the Municipality thus varies from 200 mm to 3 000 mm per year, in the higher peaks of the Groot Drakenstein mountain range, decreasing to the west away from the influence of the mountains.

3.2 TOPOGRAPHY

Stellenbosch Municipality² is characterised by a diversity of topographical features from gently rolling hills to wide open plains, high impressive mountains and secluded valleys (see Figure 3). As stated above, the most defining feature of the Municipality is its mountain ranges, which give shape and a magnificent backdrop to its fertile agricultural valleys. The central part of the Municipality is characterised by steep valleys and high peaks, i.e. Simonsberg, Jonkershoek Mountains and Groot Drakenstein Mountains. The topography of the area makes access and the management of a large part of the region challenging.

¹ Department of Environmental Affairs and Development Planning (DEA&DP) 2005: *A Status Quo, vulnerability and adaptation assessment of the physical and socio-economic effects of climate change in the Western Cape*. CSIR Environmentek: Stellenbosch. Report No. ENV-S-C 2005-073

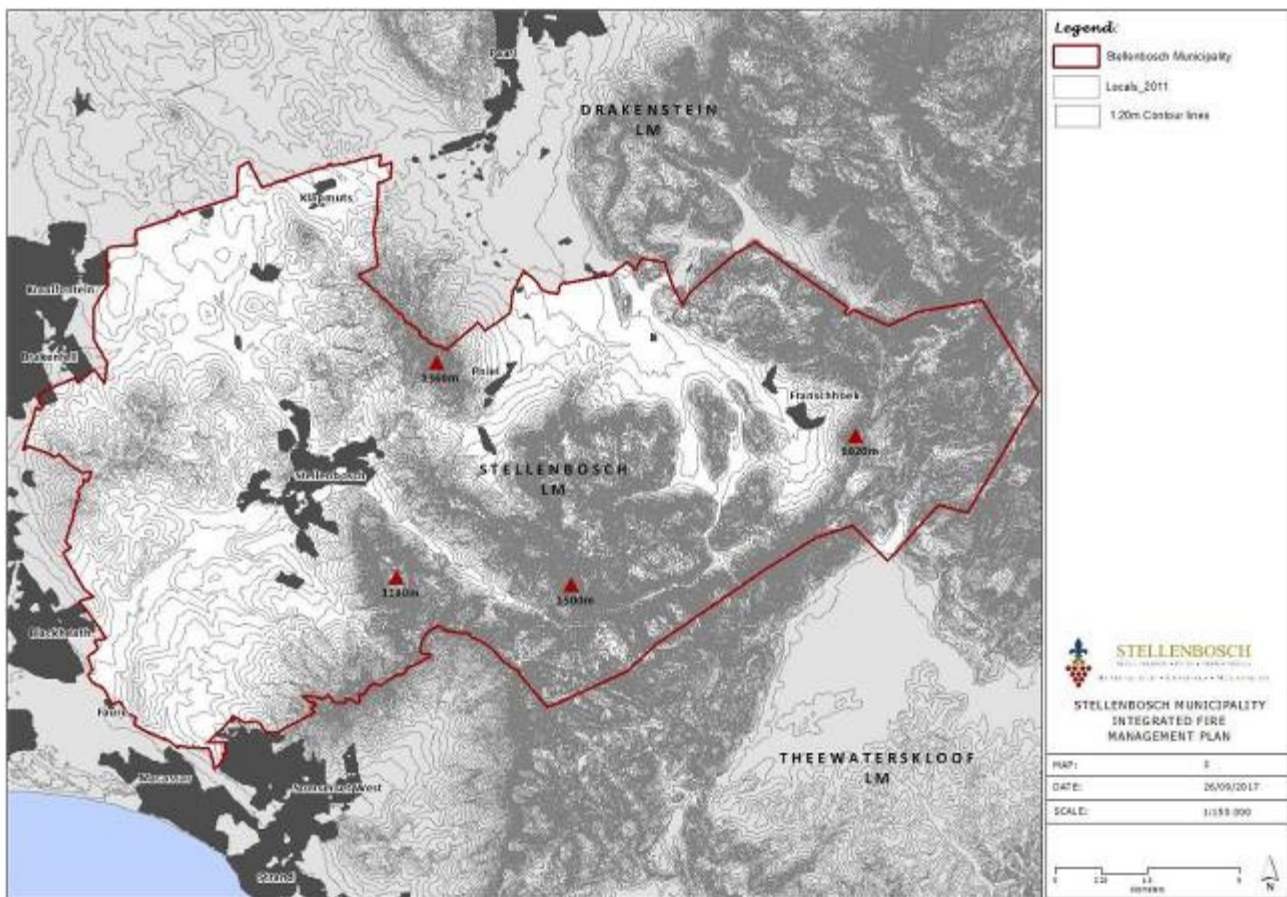


Figure 3: Topography of Stellenbosch Municipality.

3.3 ECOLOGY

Stellenbosch Municipality are wholly located within the fynbos biome (see Figure 4). When planning for fire management within the fynbos biome it is important to understand the relationship between fire and fynbos.

Fynbos is fire-adapted vegetation that requires regular burning for its persistence. In the absence of fire, fynbos is gradually replaced by thicket species. It thrives on infertile soils and fire is the mechanism that recycles precious nutrients from old moribund growth into the soil. Fire in fynbos is far from a disaster, but rather a crucial trigger that resets the fynbos 'successional clock'. It provides the stimulus for dormant seeds to germinate and the opportunity for many annuals, short-lived perennials and bulbs to grow, flower and seed during times of abundant nutrients and sunlight. They complete their short life cycles, returning to the soil as the larger shrubs overwhelm them, and remain dormant until the next fire. The optimal fire cycle for fynbos is between 10-14 years. Shorter fire cycles can wipe out slow maturing species, while species start dying when intervals become too long³.

Fire season is predominately during the months of November to April when the fire risk is at its highest.

³ <http://www.fynboshub.co.za/fynbos-and-fire/>

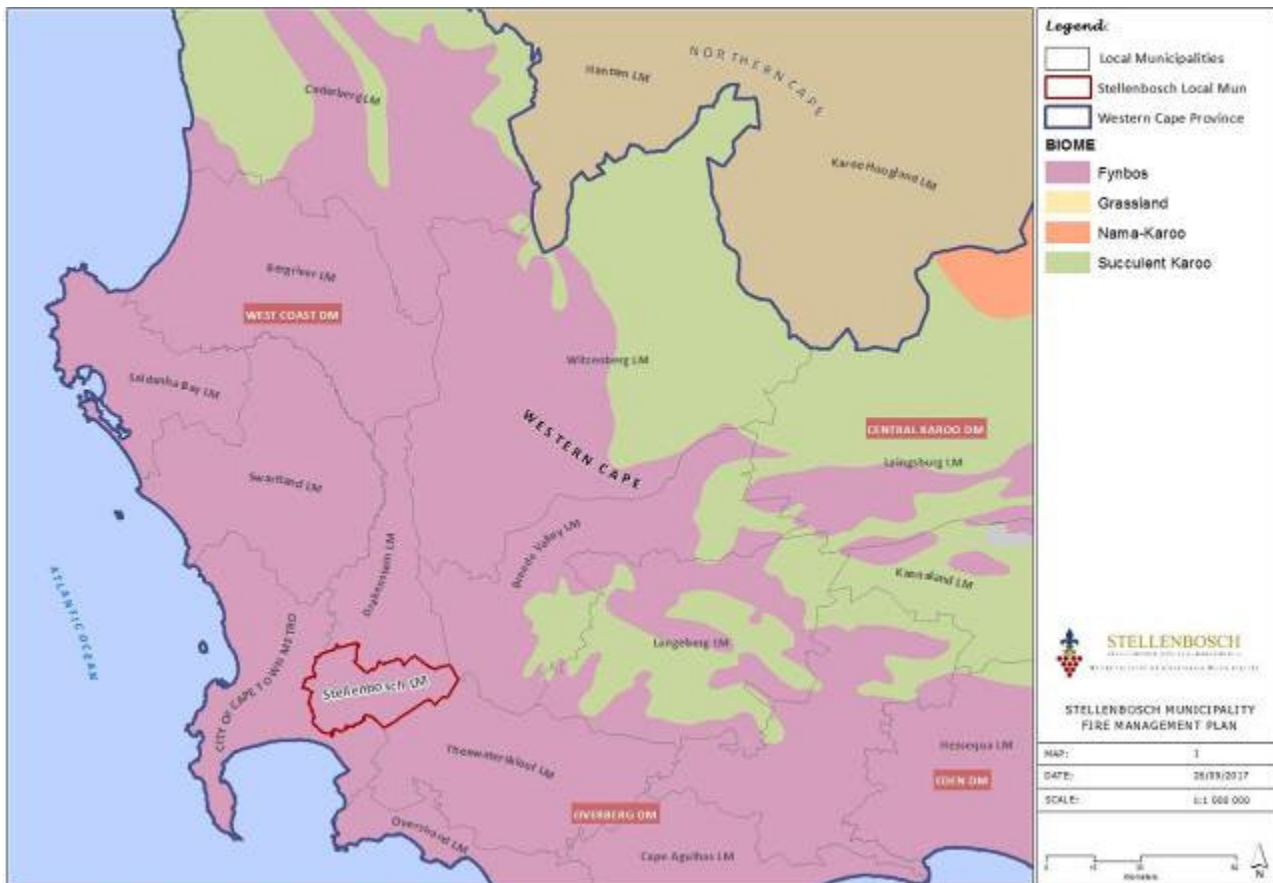


Figure 4: The Fynbos Biome.

3.4 VELD FIRE HISTORY

Figure 5 depicts veld fires that occurred in and around Stellenbosch Municipality since 1970 until 2015. During this period there were ±275 fire recorded (BGIS). From the information provided in Figure 5 it is important to note that the major fires that occurred in an around Stellenbosch Municipality in recent history are closely associated with the natural areas. Awareness, prevention and preparedness strategies should therefore be focussed and geared to manage fire in and from these areas.

3.5 RISK ASSESSMENT FOR STELLENBOSCH MUNICIPALITY

Veld fires are listed as a risk or hazard in the Disaster Hazard, Vulnerability and Risk Assessment for Stellenbosch Municipality. The areas identified as being High Risk areas (Figure 6) coincides with the information provided in paragraph 3.4 above and depicted in Figure 5, i.e. natural, high lying areas. Other areas listed a risk areas include those associated with:

- transport routes,
- powerlines and
- informal settlements.

In terms of the above assessment all settlements within the Municipality are at medium risk with regards to fire. The northern section of Franschhoek town is within 100 meter of a high fire hazard area.

Further areas of risk to the Municipality include:

- Sufficient funding to administer effective alien clearing and prepare firebreaks on all municipal owned land.
- Council liability in terms of the National Veld and Forest Fire Act for the potential origin or spread of fire from municipal land under lease agreement.
- Coordination between other agencies for the implementation and maintenance of fire prevention measures on land not owned by the Municipality but identified in the Disaster Hazard, Vulnerability and Risk Assessment. These areas include vacant (municipal owned) areas, areas along transport routes, powerlines, the urban fringe, open (recreational) areas and informal settlements.
- Old forestry areas with limited access control used for recreational purposes.
- Having in place the required insurance should the Municipality be found to be liable in terms of its responsibilities as prescribed by the National Veld and Forest Fire Act or any other legislation guiding the prevention and suppression of veld fires.

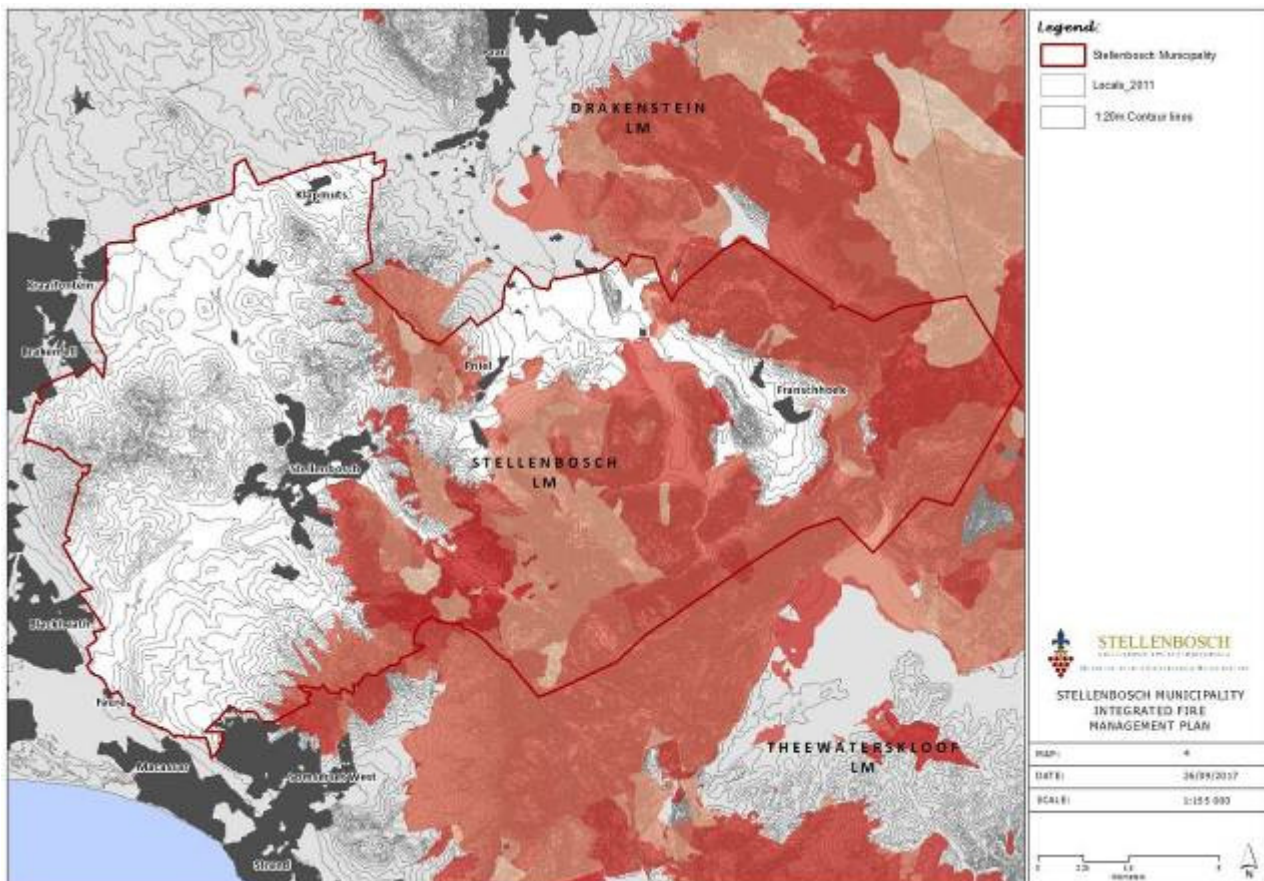


Figure 5: Veld Fire History.

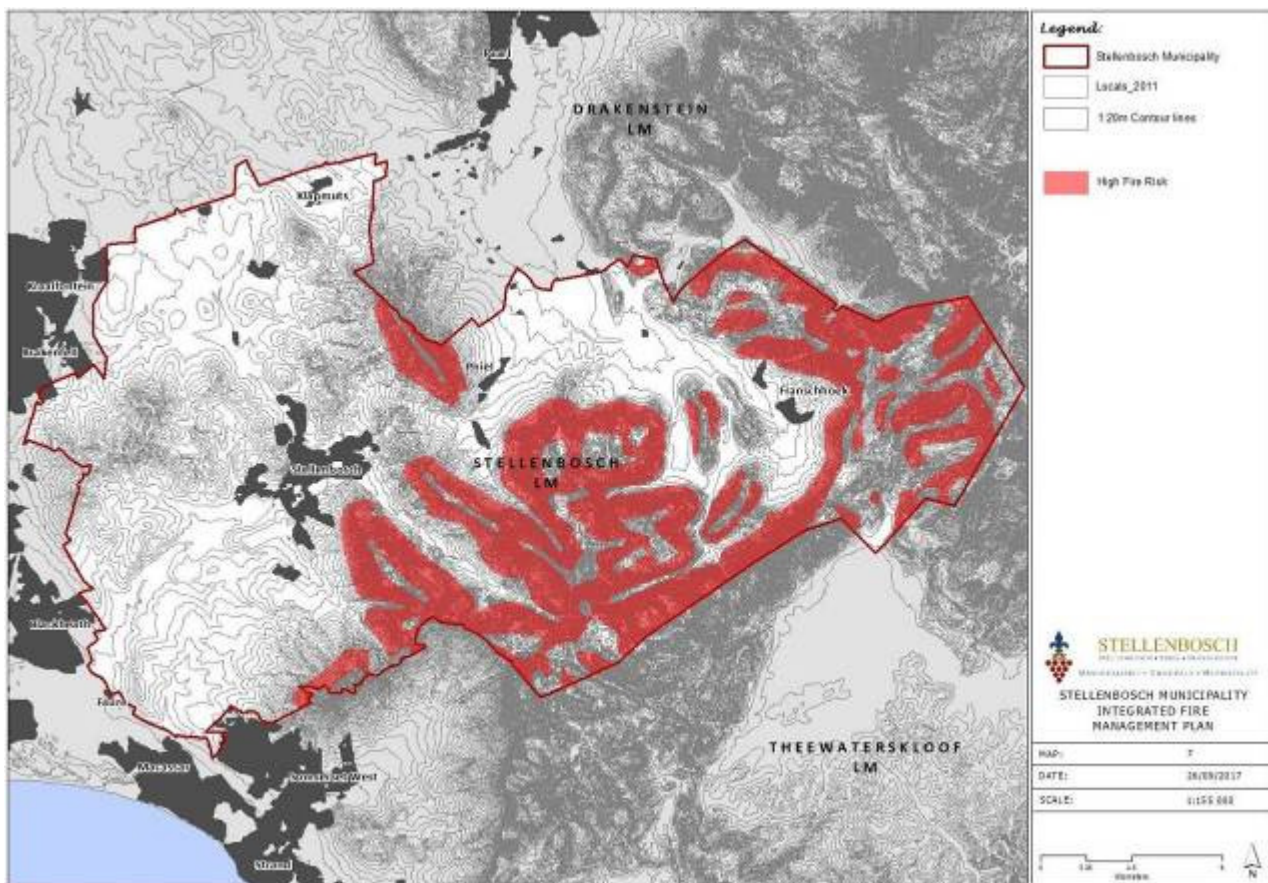


Figure 6: High Risk Areas for veld fires.

4 LANDOWNERS AND FIRE

The National Veld and Forest Fire Act impose a number of duties on individual landowners that are intended to reduce the harm from wildfires. These are:

- You may not start a wildfire (Section 18(1)).
- You may only start a fire, including a cooking or braai fire, in a designated area.
- You must have equipment available to fight wildfires (Section 17(1)).
- You must have trained personnel available to fight wildfires (Section 17(1)).
- You must have a person on the property who keeps a lookout for fires (Section 17(2)).
- You must establish a system of firebreaks (Section 12).
- You may not burn firebreaks or carry out controlled burns when the Fire Danger Index is high or the FPA has objected to such burning taking place.
- You must manage the fuel load on land under your control. This means that you must remove invasive alien vegetation from the land, as well as other vegetation that creates unwanted fuel loads.

Section 34 of the National Veld and Forest Fire Act creates a presumption of negligence in relation to wildfires. If a person bringing a civil claim against a landowner proves that he or she suffered loss, the loss was caused by a wildfire and the wildfire started on or spread from land owned by the landowner. The landowner against whom the claim is made is presumed to have acted negligently in relation to the wildfire unless the landowner proves that he or she was not negligent or the landowner is a member of an FPA in the area where the fire occurred, in which case the person bringing the claim must prove that he or she was negligent.

5 AWARENESS PROGRAMS

Communication and awareness must be focussed to be effective, and so, to be effective we need to know *WHO* we want to raise awareness with and *HOW* does one do this.

Target audiences (who) would include groups such as:

- Staff
- Neighbouring landowners
- Community
- Schools

Different types of media (how) have different needs. The most suitable types of media include:

- Print
- Television
- Radio
- Website
- Posters and notice boards
- Public Relations Consultants

The principles of a communication strategy are who is the target audience, what message will they be given and when will the message be given? There are four steps to implementing this strategy:

- Step 1:** Understand your audiences and the wildfire prevention problems that have to be addressed. Focus on the problem issues.
- Step 2:** Determine the people who can help solve the problem, as this is the target audience. Then decide what they need to know about veldfire – that’s your message.
- Step 3:** Establish what newspapers or magazines your target audience read, what radio stations they listen to and what TV channels they watch – the media you need to work with.
- Step 4:** Determine the best time to deliver your message to the target audiences. And remember that wildfire messages can be linked to a number of other events such as Heritage Day (24th September). Heritage Day also coincides roughly with the beginning of the fire season on the Cape Peninsula.

A further means to communicate the risk of fire is through a Fire Danger Index. The Minister prepares and maintains a fire danger rating system for the entire country in consultation with the South African Weather Bureau and the FPAs. The Minister must communicate the rating to the fire protection associations in the region and must publish warnings when the fire danger rating is high in any region. This must be published in newspapers and television channels. When the minister has published a warning, no person may light, use or maintain a fire in the open air in the region where the fire danger is high.

The Fire Department may collate a fire danger index daily rating and to communicate such to staff and the public. A simple but effective fire danger rating can be applied within the Municipality (refer to Table 2). Fire danger ratings must be assessed weekly during the fire season. The fire danger rating system must take into account the following factors:

- (i) topography,
- (ii) type of vegetation in the area,
- (iii) seasonal climatic cycle,
- (iv) typical weather conditions,
- (v) recent weather conditions,
- (vi) current weather conditions,
- (vii) forecasted weather conditions, and
- (viii) any other relevant matter.

The fire danger rating system must show the rating in a clear format identifying what activities are dangerous and what precautions should be taken for each rating.

Table 2: Fire Danger Index.

Fire Danger Index	Fire Conditions	Fire management preparation
Safe	Safe	<ul style="list-style-type: none"> • Basic minimum fire fighting preparedness apply
Moderate to safe	Moderate to safe	<ul style="list-style-type: none"> • Standby operational on a roster basis • Proactive fire management measures undertaken as planned
Moderate to high	Moderate to high	<ul style="list-style-type: none"> • Standby operational on a roster basis • Limited/no proactive burning interventions • Open fires only permitted in authorised fireplaces
High	High	<ul style="list-style-type: none"> • Standby operational on a roster basis • Open fires only permitted in authorised fireplaces • Designated management staff available for wildfire response
Very high to extreme	Very high to extreme	<ul style="list-style-type: none"> • Standby fully operational • No open fires • Fire response team (proto-team) working close to fire-fighting equipment • Test fire-fighting equipment • Deploy field staff in safe areas only

6 DIFFERENT TYPES OF FIRES

Specific terminology describes the types of fires and burning conditions. Some of these are listed below.

Table 3: Terminology to describe the types of fires and burning conditions.

Term	Description
Arson fire	An uncontrolled fire wilfully ignited by anyone to burn or spread to vegetation or property without consent of the owner or his/her agent.
Block burn	A prescribed burn in a pre-determined and specified land area.
Brush fire	A fire burning in vegetation that is predominantly shrubs, brush, and scrub growth.
Catastrophic fire	A fire that causes unrecoverable damage to property, loss of life and limb. In plantations, the area is more than 100 ha (250 acres).
Controlled fire	A fire that is subject to a line of control around a fire, any spot fire from it, and any interior island to be saved, effectively preventing any unplanned spread.
Crown fire	A fire that burns in and advances through the top leaves or the crown of trees or shrubs.
Debris burning fire	A fire spreading from any fire originally ignited to clear land or burn rubbish, garbage, crop stubble, or meadows (excluding incendiary fires).
Ecological burn	A form of prescribed burning involving the treatment of vegetation by burning it in predetermined areas to achieve specified ecological objectives.
Forest fire	A fire burning mainly in a forest and/or woodland.
Fuel reduction burn	The planned application of fire to reduce hazardous fuel quantities, and undertaken in prescribed environmental conditions within defined boundaries.
Ground fire	A fire that is burning below the surface of the ground in roots, peat, coal, decaying plant material, etc.
Human-caused fire	Any fire caused directly or indirectly by a person.
Mega fire	A wildfire or concurrent series of wildfires that is in the upper percentile of the fire regime.
Open burn	Burning of wastes in the open or in an open dump.
Out-of-control fire	A fire that has reached the intensity where no attempt is or can be made to stop the head of the fire using a direct attack. Only the flanks can be attacked.
Prescribed burn	The controlled application of fire under specified environmental conditions to a predetermined area and at the time, intensity, and rate of spread required to attain planned resource management objectives. It is undertaken in specified environmental conditions. Generally, it requires the specific authorisation of the fire management authority.
Prescribed fire	Any fire ignited by management actions to meet specific objectives. A written, approved burn plan must exist, and approving agency requirements (where applicable) must be met, prior to ignition.
Spot fire	Isolated fire started ahead of the main fire by sparks, embers or other ignited material, sometimes to a distance of several kilometres.
Structural fire	A fire originating in or burning any part or all of a building or shelter.
Surface fire	Fire that moves through combustible material located on the ground.
Uncontrolled fire	Any fire that threatens to destroy life, property, or natural resources, and (a) is not burning within the confines of firebreaks, or (b) is burning with such intensity that it could not be readily extinguished with ordinary, commonly available tools.
Veldfire	Described in the NVFFA as "a veld, forest, or mountain fire". A vegetation fire outside the urban-rural interface; a general term to describe fire in vegetation. In

	this context these forms of fire are collectively referred to as “wildfires”.
Wildfire	A vegetation fire accidentally or deliberately ignited but burning out of control, including veld and forest fires.
Wildfires	A fire burning outside the urban areas, either as a prescribed burn or as a wildfire.

7 MANAGEMENT ACTIONS

Table 4: Awareness – Management Actions.

Action	Responsible Department	Timeframe
Educate staff on the characteristics that makes the municipal area conducive to veld fires.	Fire Department Nature Conservation	Immediate & ongoing
Communicate to management the legal requirements as per the National Veld and Forest Fire Act applicable to the Municipality.	Community Services Env. Management	Immediate
Communicate to lessees renting farm- and other land from the Municipality as to their legal requirements as per the National Veld and Forest Fire Act.	Property Management	Immediate
Include fire awareness in the existing educational and awareness programs presented.	Fire Department Nature Conservation	Immediate & ongoing
Develop a fire danger rating system.	Fire Department	Immediate & ongoing
Communicate fire danger rating to the public.	Fire Department	Immediate & ongoing

SECTION B: PREVENTION AND PREPAREDNESS**SECTION SYNOPSIS**

This section describes activities to reduce or mitigate the risk or effect of veld fires. These include:

- a) Alien clearing;
- b) Firebreaks; and
- c) Preparedness.

8 STELLENBOSCH MUNICIPALITY FIRE FIGHTING CAPACTIY

Stellenbosch Municipality's fire fighting capability and responsibility vests with the Fire Department.

8.1 FACILITIESVeld and Forest Fire Act, 101 of 1998

In terms of section 17.(1)(a) every owner on whose land a veldfire may start or burn, or from whose land it may spread must have equipment, protective clothing and trained personnel for extinguishing fires.

Occupational Health & Safety Act, 85 of 1993

This Act specifies that employees need to provide and maintain a safe working environment for their staff. In terms of section 8: 1 & 2 (a-j) every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of its employees without derogating from the generality of an employer's duties under subsection (1), the matters to which those duties refer include in particular – the provision and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health.

Stellenbosch Municipality has three fire stations. One is located in Stellenbosch, one in La Motte (near Franschhoek) and the third in Klapmuts (Figure 7). Cape Winelands District Municipality has a fire station located in Stellenbosch. Nature Conservation, a section operating under the Directorate: Community and Protection Services, has limited fire-fighting capability with facilities situated in Stellenbosch and Franschhoek.

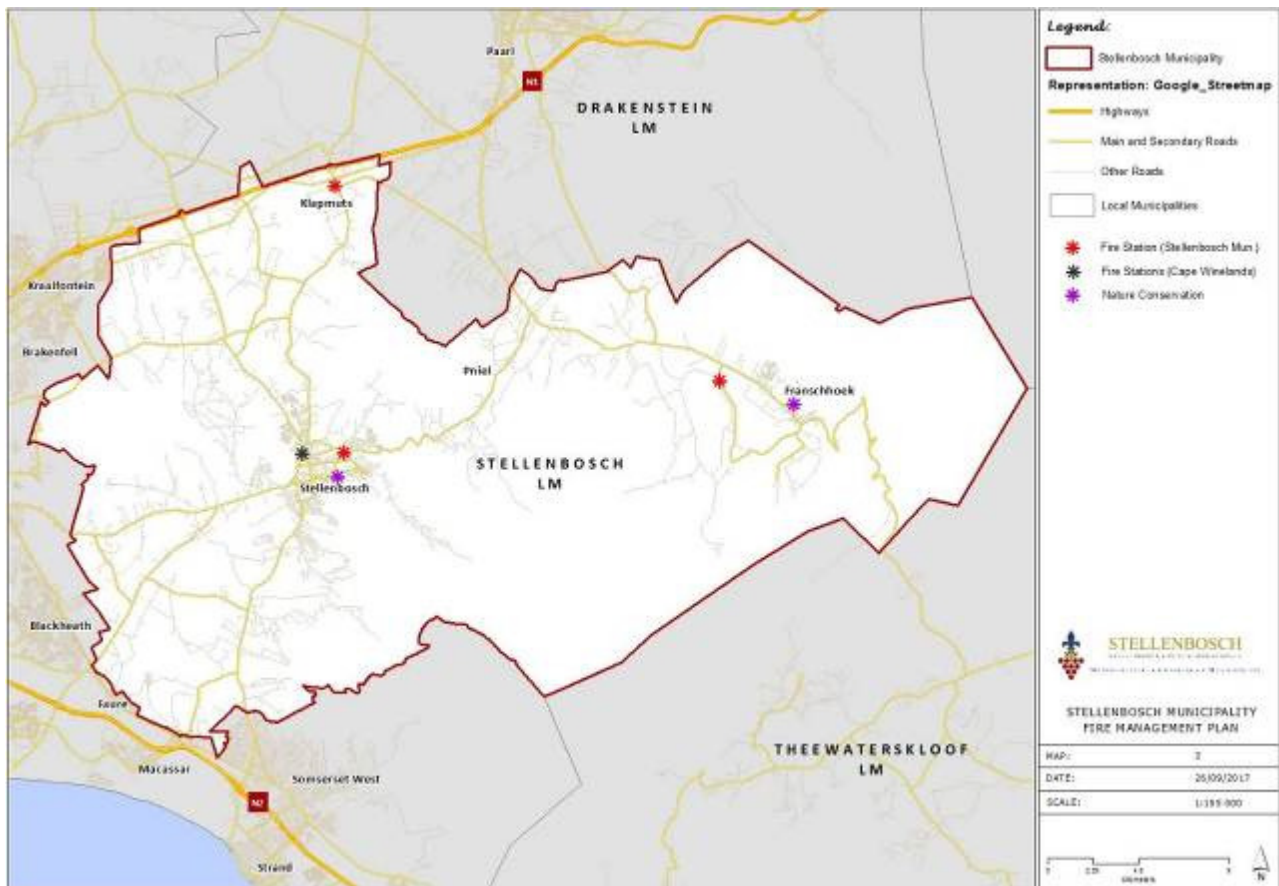


Figure 7: Stellenbosch Municipality Fire Stations and fire suppression facilities.

8.2 EQUIPMENT

The following fire fighting equipment is available to the respective departments directly involved in fire prevention and response:

8.2.1 Fire Department

Vehicles

The Fire Department has the following equipment:

- 3 x Land Cruiser rapid response units (500l tanks)
- 3 x Medium-pumpers (2500l tanks)
- 1 x Water tanker (4500l tank)
- 3 x Major-pumpers (3000l tanks)

Two (2) of the medium pumpers are located at the La Motte station, one (1) major pumper in Klapmuts whilst the rest are located in Stellenbosch.

8.2.2 Nature Conservation

Vehicles

Nature Conservation has the following equipment:

- 2 x Rapid response units (500l tanks)

Both units are located in Stellenbosch.

Tools

Nature Conservation has the following tools:

- 15 x *Brandplakke*
- 2 x Drip-torches
- 5 x Rake-hoes

8.3 STAFF

8.3.1 Fire Department

The Fire Department has a total of 20 staff members available on a 24/7 basis. 12 Of these staff members are located in the Stellenbosch station, 4 in La Motte and 4 in Klappmuts.

8.3.2 Nature Conservation

Nature Conservation has in the order of 15 staff members that work on alien clearing and firebreak preparation. These personnel can react to fire. They are on duty during office hours (8:00 – 16:30).

Table 5: Stellenbosch Municipality fire fighting capacity.

	Staff (basis)	Vehicles	Tools
Fire Department (Stellenb)	12 (24/7)	3 x Rapid response units (500l)	
		1 x Med-pumpers (2500l)	
		1 x Water tanker (4500l)	
		2 x Major-pumpers (3000l)	
Fire Department (La Motte)	4 (24/7)	2 x Medium-pumpers (2500l)	
Fire Department (Klappmuts)	4 (24/7)	1 x Major-pumpers (3000l)	
Nature Conservation (Stellenb)	15 (8:00-16:30)	2 x Rapid response units (500l)	15 x <i>Brandplakke</i>
			2 x Drip-torches
			5 x Rake-hoes
Nature Conservation (La Motte)			

Importantly, Nature Conservation staff will be under the supervision and command of the Fire Department in the event that they are required and called out to assist with the control of a fire.

The Fire Department strive to manage and maintain its equipment according to SANS 10090 standards.

8.4 PREPAREDNESS

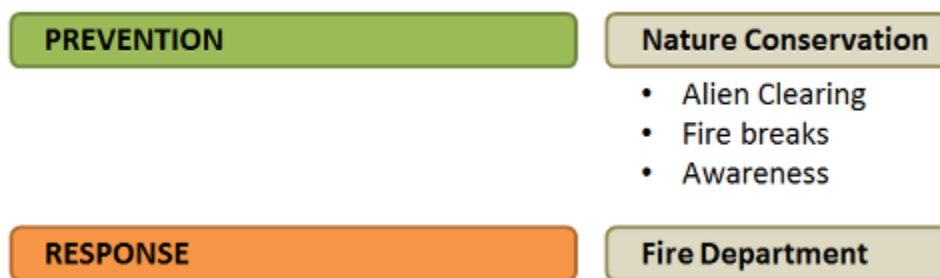
The level of preparedness during the fire season should be based on the Fire Danger Rating. However, basic preparedness levels that should be maintained throughout the fire season in the following way:

- Vehicles to be used for fire fighting to be equipped with basic veldfire response tools.

- Tools to be checked once a week and checklist to be signed.
- Motorised, electrical or mechanical equipment should be checked daily.
- Any defects or damages to vehicles or equipment must be reported.
- Standby crews must at all times be ready to depart immediately in event of a veldfire reported.
- On the alarm being given all crew must immediately proceed to the point of assembly with their respective equipment.
- Where there are radio blind spots measures must be taken to ensure that fire crews are in contact with the Control Room.
- A standby crew should be maintained after hours throughout the fire season. When fire danger is exceptionally high crews of volunteers may also be kept on standby.

8.5 STRUCTURE, ROLES AND RESPONSIBILITIES

As stated above Stellenbosch Municipality's fire fighting capability and responsibility vests with the Fire Department with limited fire-fighting capability and support from Nature Conservation. Whilst the Fire Department primary purpose is to respond to incidents Nature Conservation's role is related to fuel load reduction and the prevention of fires.



9 FUEL LOAD REDUCTION

It is important to understand the basics of fire before preparation can be made for efficient control thereof. It is essential to note that three environmental components are required for a fire to occur. These are oxygen, heat and fuel (refer to Figure 8). Whilst the atmosphere contains 21% oxygen, only 16% oxygen needs to be in the air for a fire to start. Fuel is any living or dead material that will burn. If ignition occurs in the situation or environment where all three elements are present combustion will result and a fire will continue to burn until one of the three elements are removed.

It is difficult to exclude oxygen from fires. Heat is considered a constant. However, a reduction in fuel will reduce the total energy output (refer to Figure 9). Fuel or more specifically the amount of fuel is the aspect that can be influenced most. It therefore becomes the most critical factor in the prevention and control of fire.

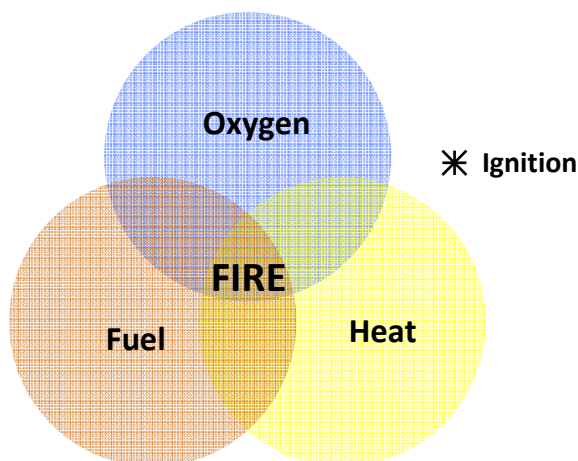


Figure 8: Basic elements of fire.

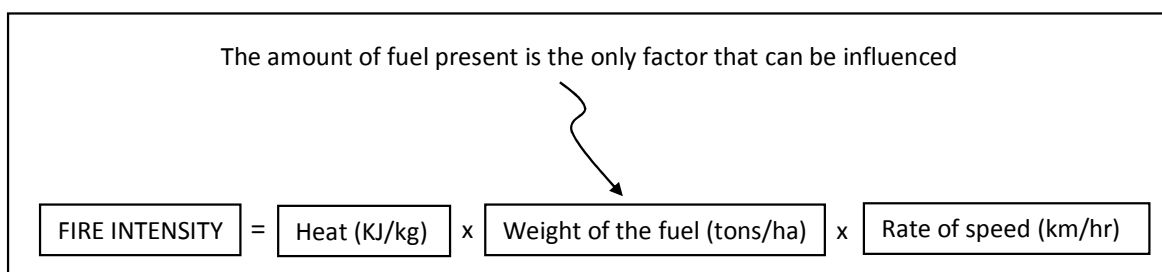


Figure 9: The factors determining the intensity of fire.

Two ways of reducing the fuel load are alien vegetation clearing or control and the establishment and maintenance of firebreaks.

9.1 ALIEN CLEARING

Invasive alien plants are plant species that have been introduced, either intentionally or unintentionally, to South Africa. They can reproduce rapidly in their new environments and tend to out-compete indigenous plants. The result usually includes a variety of negative ecological, social, and economic impacts. Invasive alien species pose the biggest threat to biodiversity after direct habitat destruction.

Approximately 8 750 alien species have been introduced into South Africa, 161 of which are seriously invasive species, and is estimated to cover over 10 million hectares (almost 8%) of South Africa’s land surface. Expectations are that the impact will double every fifteen years if they are left un-managed⁴. Known for its renowned fynbos biome, the Western Cape is the most severely invaded province, with the wetter catchments of the coastal mountain ranges and the broad coastal lowlands being the most effected regions. The invasion of AIPs within the fynbos biome has called for elevated levels alarm since the early decades of this century⁵. Invasive plant species such as the *Acacia saligna* (Port Jackson), *Acacia mearnsii* (Blackwattle) and *Pinus pinaster* (Cluster Pines) are found in the fynbos introduced to enhance the value of the Cape’s resources, pines originated from Europe while the *Acacias* are originally from Australia. Although many of these

⁴ Schonegeval 2001; Versfeld, Maitre and Chapman, 1998.

⁵ Macdonals *et al.* 1985.

species still support several industries, their negative impact are becoming more prominent, leading to a urgent need to protect our natural resources.

IAPs are characterised by being able to reproduce rapidly in their new environments, and this is usually due to a combination of factors, including:

- A lack of natural enemies in the new environment
- Resistance to local diseases and other plant pathogens
- Highly competitive growth and colonising strategies that provide them with a competitive edge, and an ability to out-grow local indigenous plants

IAPs can significantly alter the composition, structure and functionality of ecosystems. As a result, they degrade the productive potential of the land, intensify the damage caused by veld fires and flooding, increase soil erosion, and impact on the health of rivers and estuaries. Indigenous species may be reduced in numbers/coverage, or may be lost as a result of IAP infestations, posing a threat to South Africa's natural heritage in sensitive locations.

The National Environmental Management Biodiversity Act, 10 of 2004 (NEMBA), Section 76, states that all organs of state are required to draw up an invasive and alien monitoring, control and eradication plan for the land under their control.

In terms of Section 4(2)(a) of the NEMBA all municipalities are required to manage and conserve biological diversity. This includes taking steps to control and eradicate Invasive Alien Plants (IAP) in areas that they own or manage.

Conservation of Agricultural Resources Act, 43 of 1983

In terms of the amendments to the regulations under the Conservation of Agricultural Resources Act, 43 of 1983 (CARA), all declared aliens must be controlled. Landowners are legally responsible for the control of invasive alien plants on their property. In terms of the above act alien invasive plants are described to one of the following categories:

- Category 1: Prohibited and must be controlled.
- Category 2: May be grown in demarcated areas provided that there is a permit in place and steps taken to prevent spread.
- Category 3: May no longer be planted. Existing plants may be retained as long as all reasonable steps are taken to prevent spread, except within the flood line of watercourses and wetlands.

National Environmental Management: Biodiversity Act, 10 of 2004

National Environmental Management: Biodiversity Act, 10 of 2004 (NEMBA), regulates all invasive organisms in South Africa. Regulations have been published in Government Notices R.506, R.507, R.508 and R.509 of 2013 under NEMBA. According to this act and the regulations any species designated under Section 70 cannot be propagated, grown, bought or sold without a permit. Categories listed are:

- Category 1a: Invasive species requiring compulsory control. Any specimen of a Category 1a listed species must, by law, be eradicated.
- Category 1b: Invasive species requiring compulsory control as part of an invasive species control program. These species must be removed and destroyed.

- Category 2: Invasive species regulated by area. A demarcation permit is required to import, possess, grow, breed, move, sell, buy or accept as gift any plants listed as Category 2 plants. No permits will be issued for Category 2 plants to exist in riparian zones.
- Category 3: Invasive species regulated by activity. An individual plant permit is required to undertake any of the following restricted activities: import, possess, grow, breed, move, sell, buy or accept as gift. No permits will be issued for Category 3 plants to exist in riparian zones.

Aliens that are regulated in terms of CARA as weeds and invader plants are exempted from NEMBA. This implies that the provisions of the CARA in respect of listed weeds and invader plants supersede those of the NEMBA.

Stellenbosch Municipality has prepared and adopted the Stellenbosch Municipality Invasive Alien Management Plan (April, 2017). The purpose of this document is to respond to this obligation and to coordinate Stellenbosch Municipality's approach in this regard in order to reduce future IAP control costs and improve the integrity of the natural areas and ecosystems in Stellenbosch Municipality. This plan addresses invasive alien control in the nature areas owned and maintained by the municipality itself. These properties include:

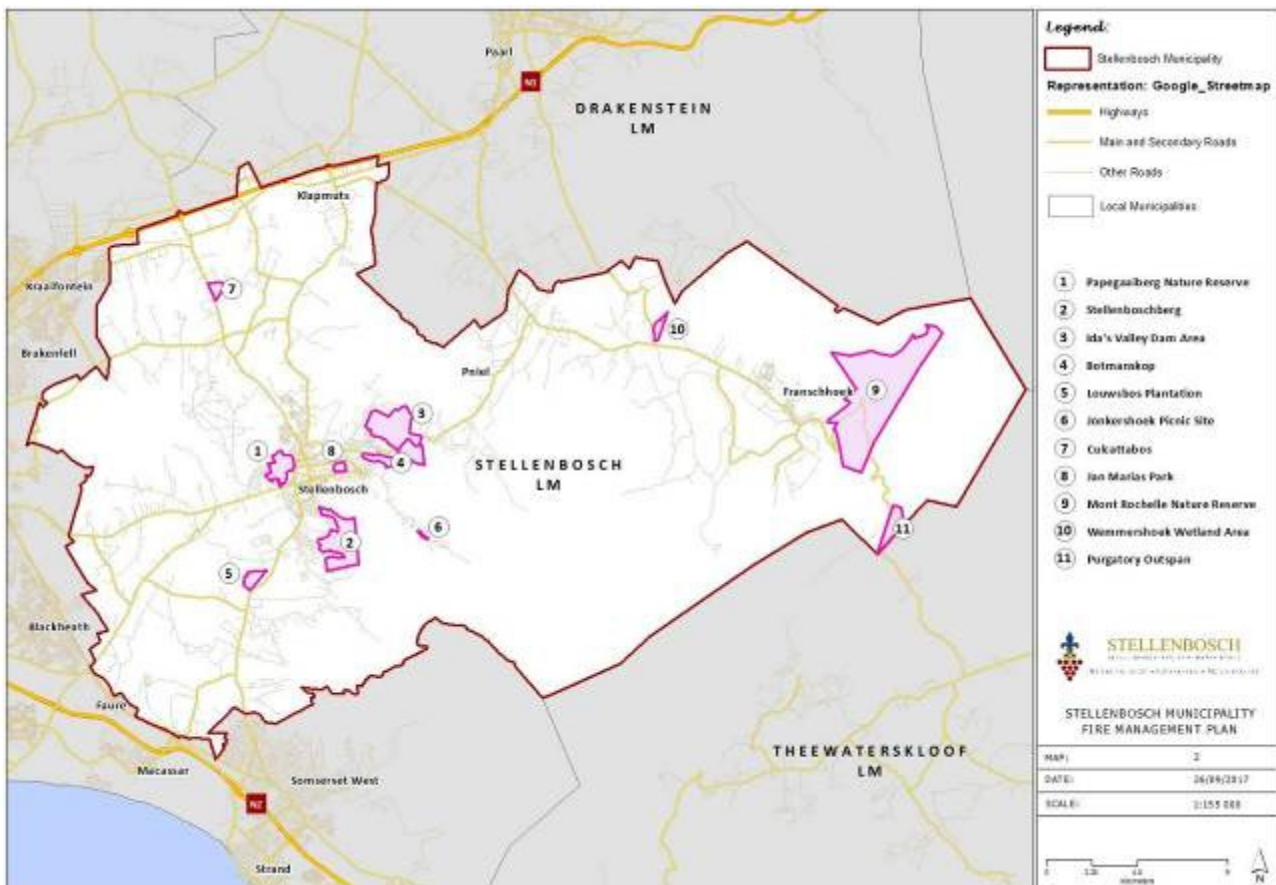


Figure 10: Stellenbosch Municipality properties that are the subject of the Stellenbosch Municipality Invasive Alien Plant Management Plan (April 2017).

- Papegaaiberg Nature Reserve
- Paradyskloof, including the areas of Stellenboschberg and Brandwacht
- Ida's Valley Dam Area
- Botmaskop
- Louwsbos Plantation

- Jonkershoek Picnic Site
- Culcattabos
- Jan Marais Park
- Mont Rochelle Nature Reserve
- Wemmershoek Wetland Area
- Purgatory Outspan

In terms of planning, the Stellenbosch Municipality Invasive Alien Management Plan states the following:

Species and areas has to be prioritized and cleared according to their impact on natural resources and their potential for spreading to non-invaded areas⁶. Considerations in this regard include IAPs that pose a fire risk to houses or infrastructure should be targeted as a priority. Creating an effective fire break is important where woody/fire prone IAPs are located in dense stands near settlements, power lines etc.

9.2 FIREBREAKS

Fire breaks are cleared paths which will prevent the spread of fire by removing the fuel from the fire path. Section 12 of the National Veld and Forest Fire Act *stipulates that every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her boundary between his or her land and any adjoining land.*

In terms of Section 13 of the Act *above a landowner is obliged to prepare and maintain a firebreak, with due regard to the weather, climate, terrain and vegetation.* The firebreak must:

1. *be wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from the neighbouring land,*
2. *not cause soil erosion, and must*
3. *be reasonably free of inflammable material capable of carrying a veldfire across it.*

In terms of Section 16 of the National Veld and Forest Fire Act the right or duty to prepare and maintain a firebreak prevails over any other prohibition in any other law on the cutting, disturbance, damage, destruction or removal of any plant or tree, except the owner must:

1. where possible, transplant any plant which is protected in terms of any law; or
2. where it is safe and feasible, position the firebreak so as to avoid such plant or tree.

A fire break is a means of access for personnel and equipment, to serve as a control line and to serve as a line from where a fire can be attacked from, for example by setting a backburn. The firebreaks are to be linked to access roads, thereby reducing the areas requiring preparation and increasing accessibility to the various sites.

9.2.1 Location

The provisions of the National Veld and Forest Fire Act that specify in Section 12(1) that a firebreak must be prepared on the boundary of the property. Preparation of firebreaks must be done annually between September and November. Firebreaks need to be well positioned and regularly

⁶ Schonegevel, 2001.

maintained to be effective. Specific considerations with respect to firebreak preparation and maintenance are:

Ecological considerations:

- Avoid known populations of rare and endangered plants.
- Align firebreaks to avoid sensitive habitats such as wetlands.
- Firebreaks should not be aligned along ridges which are favourable habitats of rare and endangered plants.
- The firebreak must not cause erosion.
- Extensive use of brush-cut breaks because the preparation of breaks by burning is a hazardous operation that has often been the source of wildfire.

Planning considerations:

- A decision as to what firebreaks to maintain in any particular year should be taken in the early autumn of each year.
- Information on the spatial distribution of fire hazard should be used in prioritising the preparation and maintenance of firebreaks.
- Maintain costs at a reasonable level without jeopardizing good veldfire management and protection.
- Placement of firebreaks on a slope must be determined by access to the break and by topography.

Design considerations:

- Advantage of preparing brush cut breaks is that unlike rotation of firebreaks of the past, a single break, typically 15 m wide, will be maintained in a permanent position.
- 15 m width for firebreaks should be used as a guide and in circumstances of high risk consideration should be given to creating wider firebreaks.
- Breaks should have significantly reduced fuel loads, and the height of vegetation within the break must be kept as low as possible.
- Waste material from firebreak preparation must be disposed of into the veld on the municipality's side of the firebreak.
- Use existing features of the landscape where possible, such as cliffs, sand dunes, tracks and roads as control lines.

9.2.2 Preparation and Maintenance

Locations where firebreaks are required vary. Individual circumstances will determine what type, width and length will be applicable. When constructing firebreaks it is important that all vegetation cover is removed and that only rocks and soil (minerals) are exposed. A fire can travel very slowly through the grass roots or decayed vegetation and great care must be taken to ensure that mineral earth is exposed throughout the length and width of the break.

The following factors must be taken into account with the construction of firebreaks.

- Access: The placement of firebreaks on a slope must be determined by access to the break.
- Slope: Slope is the steepness of the land and has the greatest influence on fire behaviour. The steepness of the slope affects both the rate and direction of the fire spread. Fires usually move faster uphill than downhill and the steeper the slope, the faster the fire will move. This is because:

- on the uphill side, the flames are closer to the fuel;
- the fuels become drier and ignite more quickly than if on the level ground;
- wind currents are normally uphill and this tends to push heat flames into new fuels;
- convected heat rises along the slope causes a draft which further increases the rate of spread; and
- burning embers and chunks of fuel may roll downhill into unburned fuels, increasing spread and starting new fires.
- **Aspect:** Aspect is the direction the land faces - north, south, east or west. The aspect of a slope influences a fire's behaviour in several ways:
 - southern aspects receive more direct heat from the sun, drying both the soil and the vegetation;
 - fuels are usually drier and less dense on southern slopes than fuels on northern slopes;
 - heating by the sun also causes earlier and stronger slope winds; and
 - on south-facing slopes, there will normally be higher temperatures, stronger winds, lower humidities, and lower fuel moistures.

These are all the conditions needed for quick starts and a rapid rate of fire spread.

- **Terrain:** *Terrain* or special land features may control wind flow in a relatively large area. Wind flows like water in a stream and will try to follow the path of least resistance. Ridges, trees, and rocks may alter wind flow and cause turbulence or eddies to form on the windward side of obstructions. Also, when wind flows through a restriction, such as a narrow canyon, it increases in strength. Wind movement can be critical in chutes or steep v-drainages. These terrain features create a chimney effect, causing a forced draft, as in a stove chimney. Fires in these chutes or drainages spread quickly and are dangerous.
- Elevation.
- Vegetation type.
- Moisture content.
- Size and shape of material.
- Volume and area covered.
- Fuel content (breaks alignment should avoid heavy fuel concentrations and be situated in areas with the lightest fuels possible).
- Wind direction (internal belts should as far a possible run parallel with the prevailing winds).
- Spotting distance.
- Firebreaks should be anchored, iether to a natural barrier, road or another firebreak.
- Natural or existing barriers like roads, paths, streams, lakes, vleis, rivers, rock outcrops, or any other break in fuel should be utilise as far as possible.

There are four methods of preparing a firebreak and proper consideration should be given to each before commencing the preparation of a firebreak.

1. **Manual:** Preparing a firebreak manually involves the utilisation of a team of workers working in a planned manner using manual tools.
2. **Burning:** After deciding where the belt is to go, an adequate tracer is cut around the entire belt, and then the belt itself is burnt. This is the most common form of preparing a firebreak.

3. Ploughing/brushcutting: Ploughing/brushcutting with a tractor is a common method of constructing breaks where the vegetation is low or has been previously removed. The positive thing with brushcutting is that the roots are not destroyed and this will assist in reducing erosion on these breaks. Bushcut material should be removed two months after cutting, and mulched at a organic dump.
4. Application of herbicide: With this method herbicide is used to kill off all the plant growth in the firebreak. The indiscriminate use of herbicides can cause long-term environmental damage.

9.2.3 Stellenbosch Municipality Firebreaks

Stellenbosch Municipality maintain a system of firebreaks in accordance with the provisions of the Veld and Forest Fire Act. The current positions of the firebreak network in and around municipal property are depicted in the figures below. These firebreaks are maintained as of October 2017.

Properties at risk are Culcattabos, Wemmershoek and Purgatory that has no firebreaks currently in place.

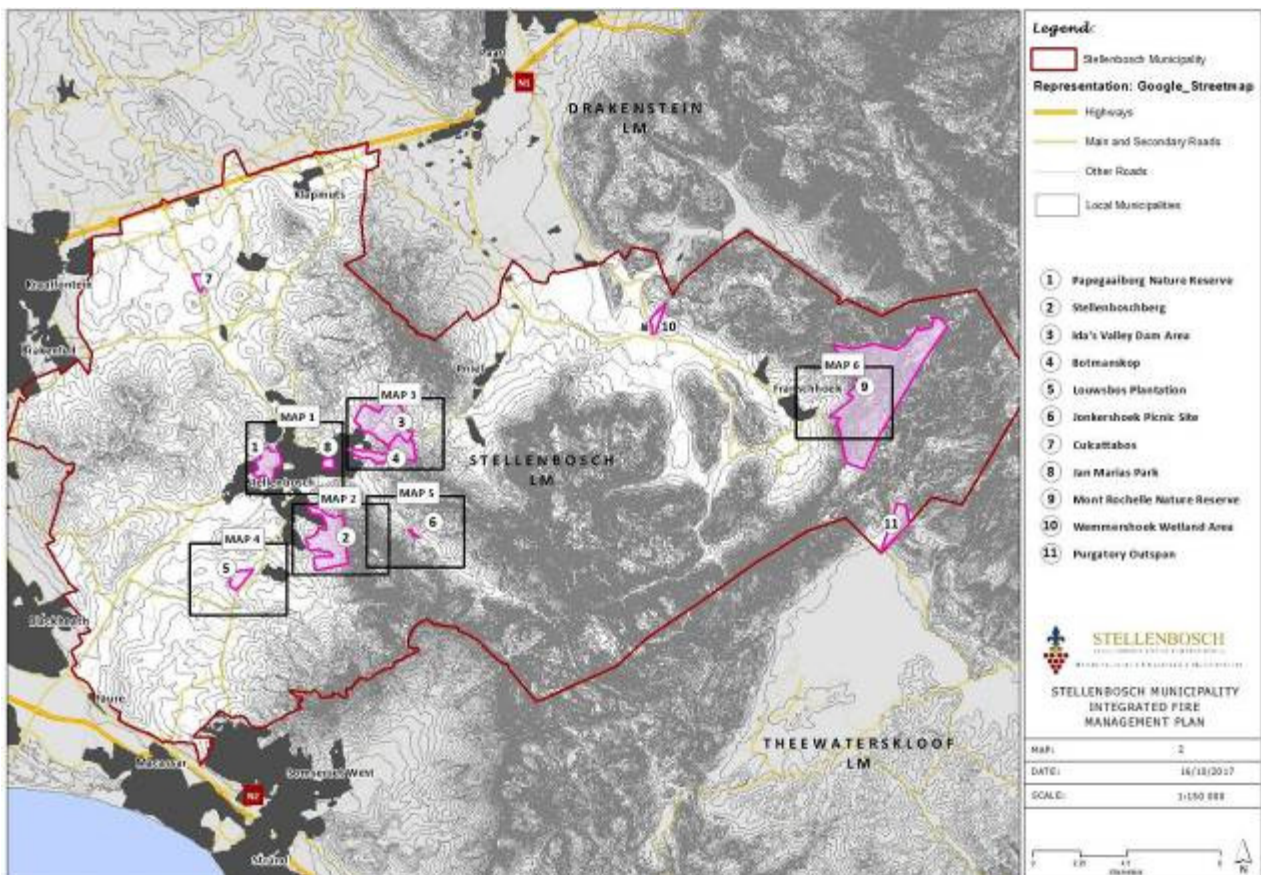


Figure 11: Firebreaks in and around Stellenbosch Municipal property.

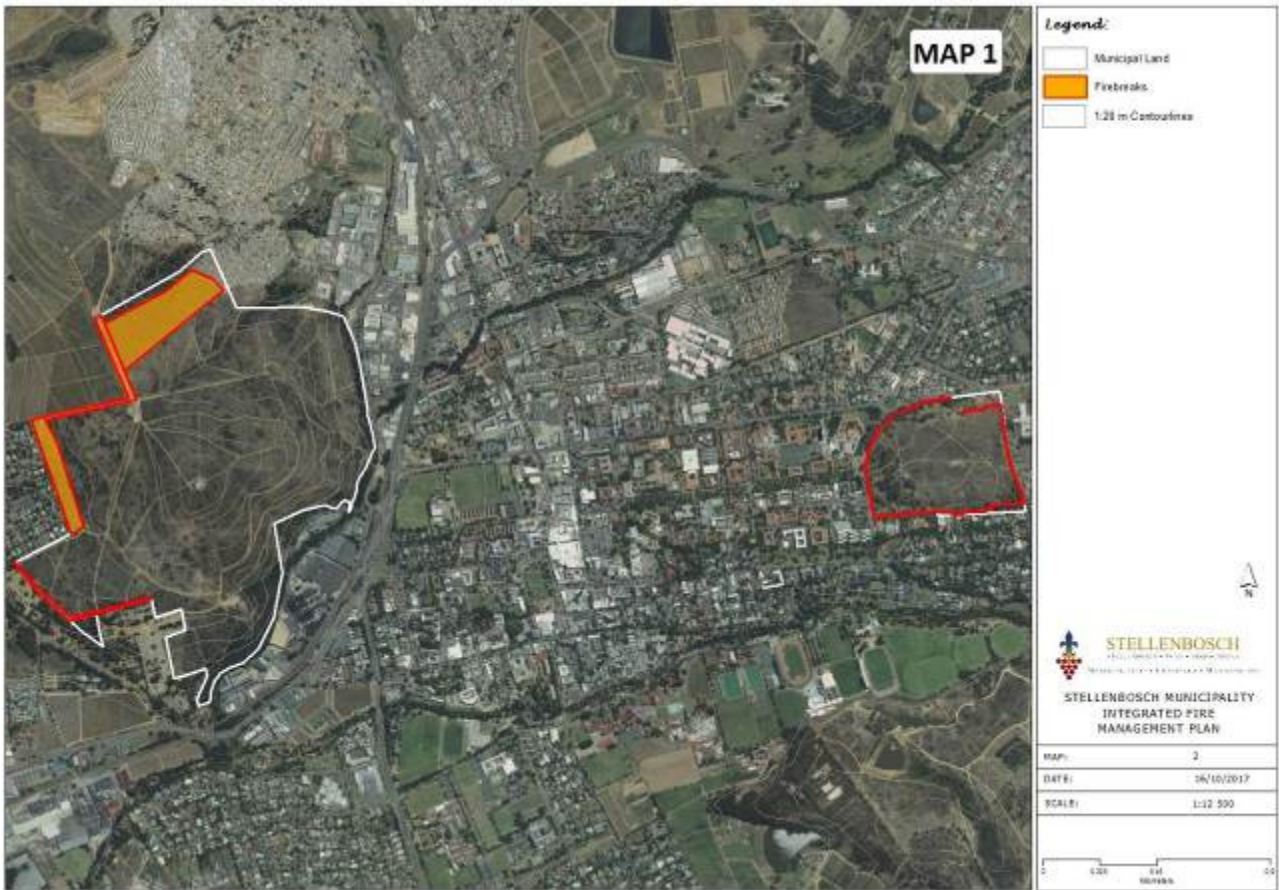


Figure 12: Firebreaks – Jan Marais Park / Papegaaiberg.



Figure 13: Firebreaks – Paradyskloof / Brandwag.

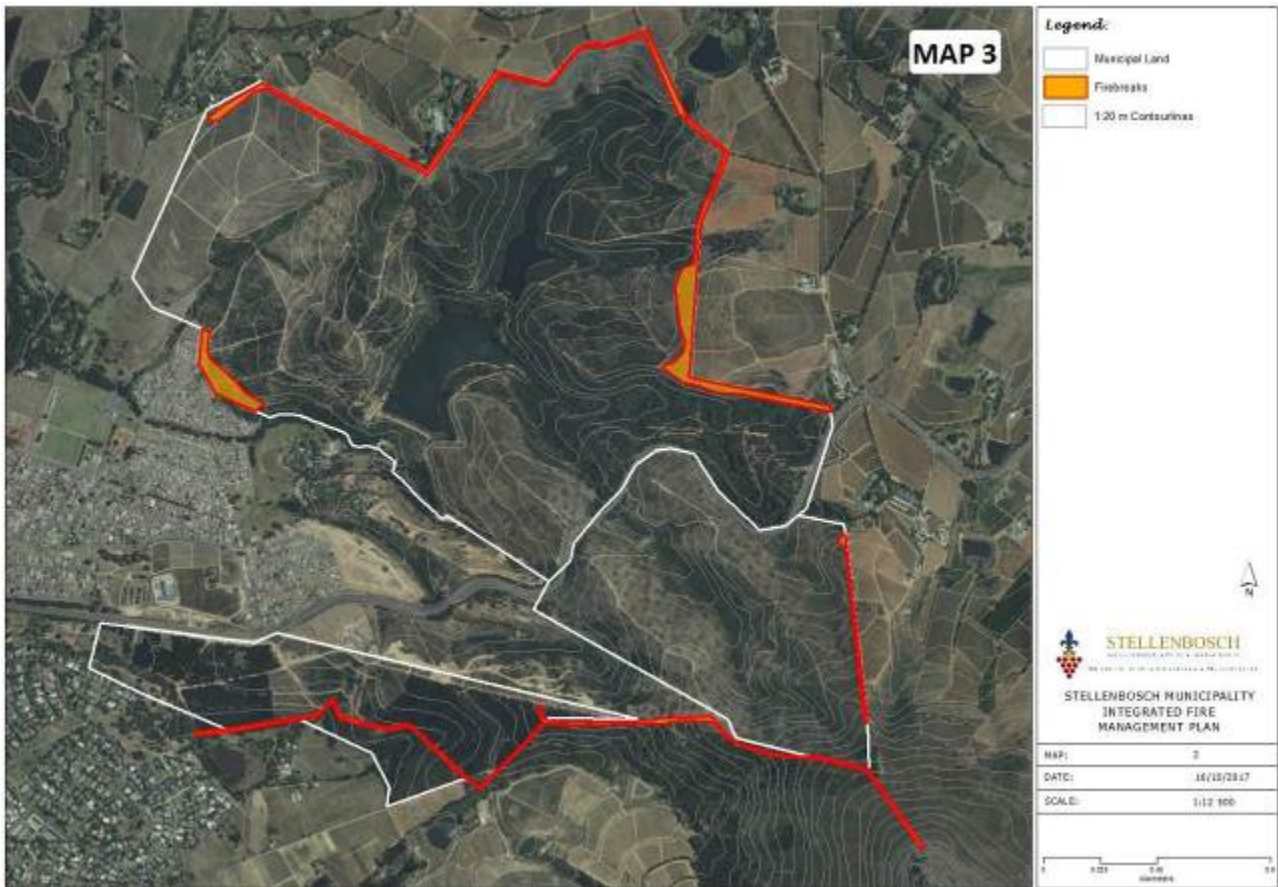


Figure 14: Firebreaks – Idas Valley Dam / Botmaskop.

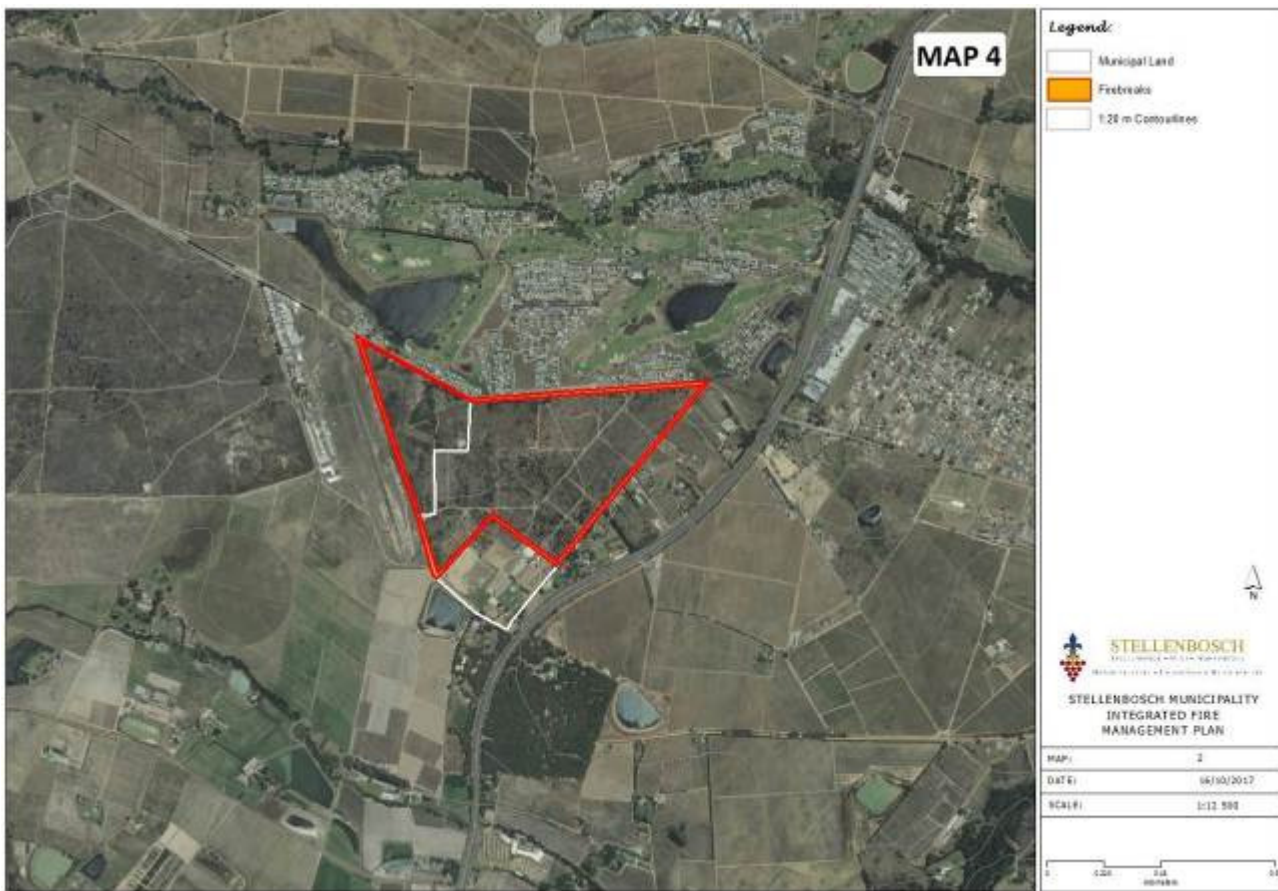


Figure 15: Firebreaks – Louw's Bos.

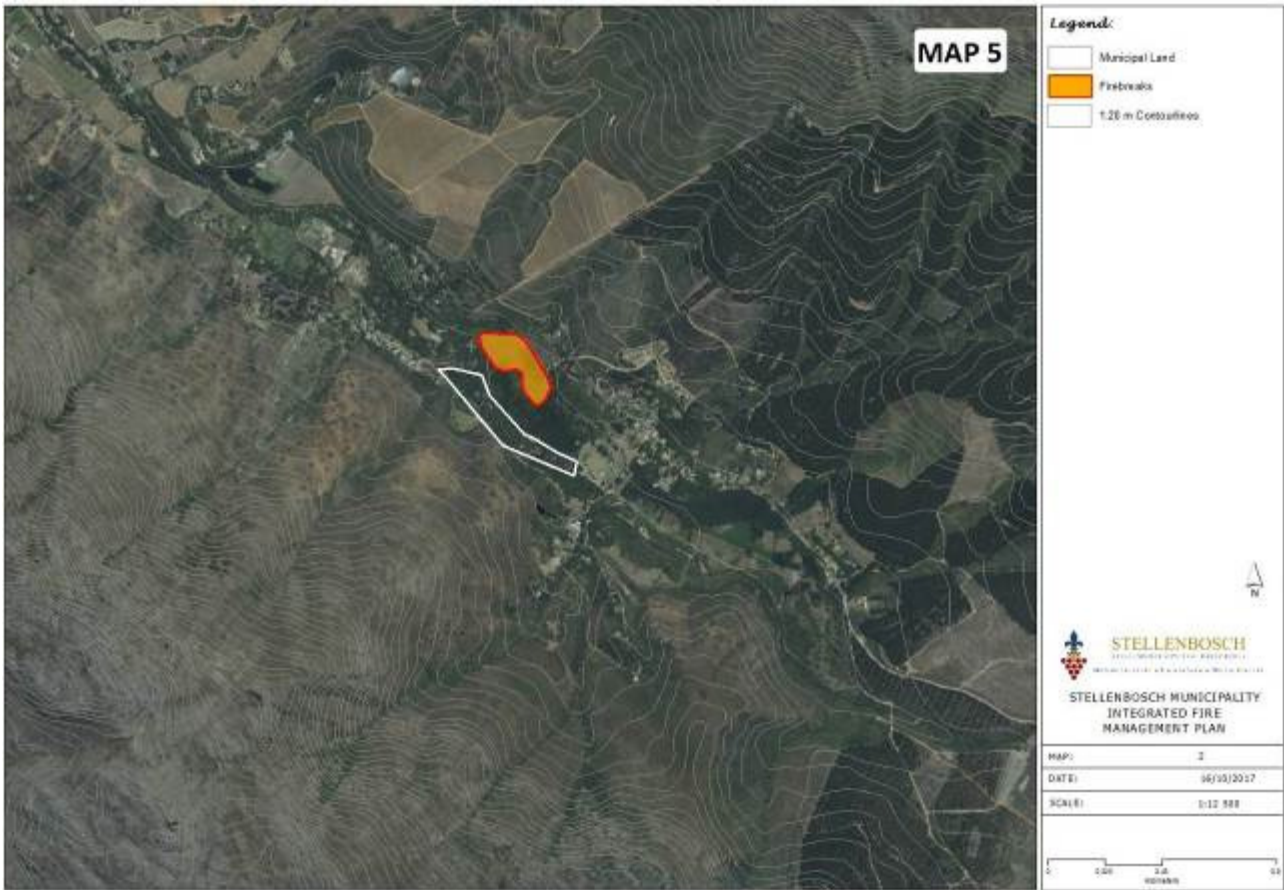


Figure 16: Firebreaks – Jonkershoek Picnic Area.

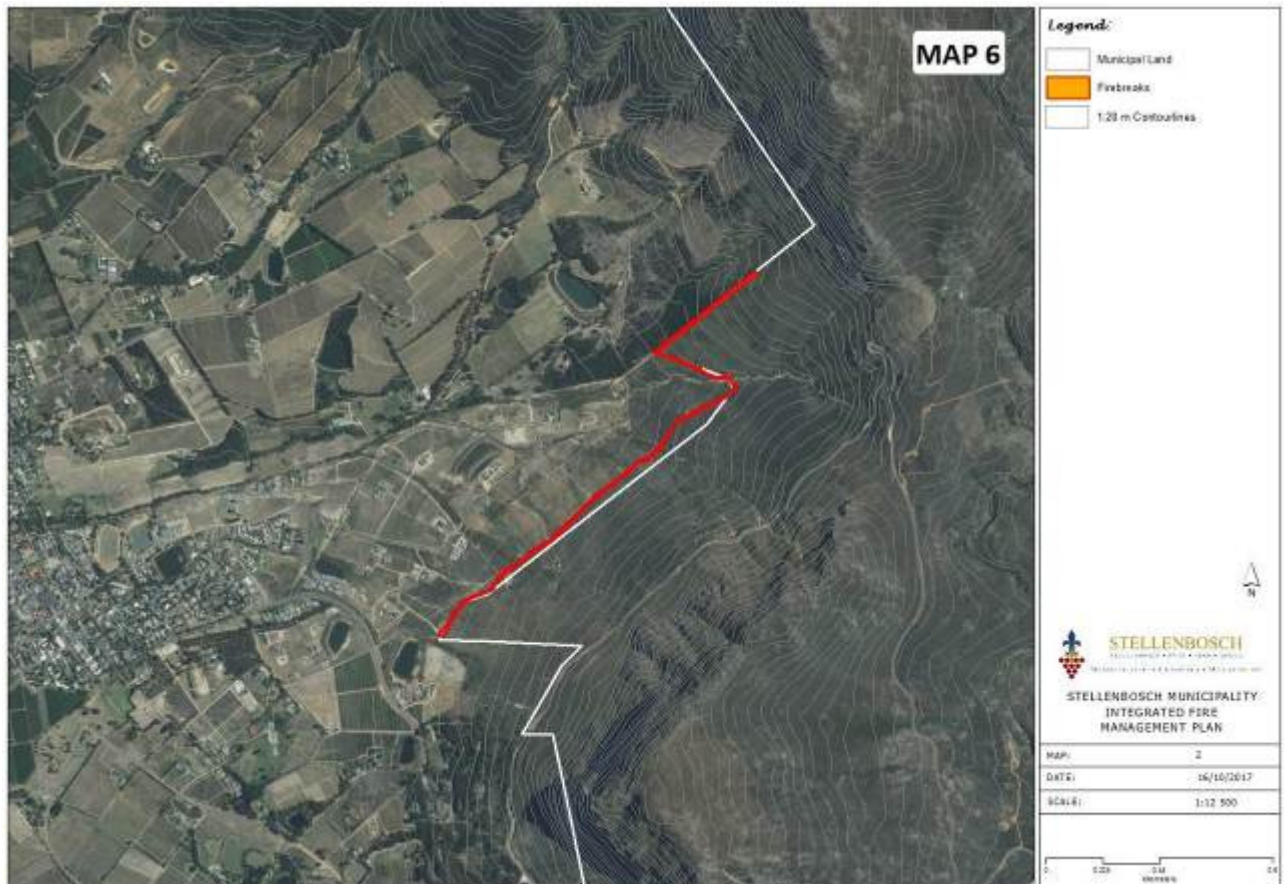


Figure 17: Firebreaks – Mont Rochelle.

10 ACCESS MAINTENANCE

Roads must be inspected regularly to:

- Remove obstacles such as fallen trees.
- Make sure roads can accommodate fire tenders.
- Key locks on access gates alike and ensure that vehicles carry tools (e.g. bolt cutters and saws).

11 MANAGEMENT ACTIONS

Table 6: Prevention & Preparedness – Management Actions.

Action	Responsible Department	Timeframe
Renew the Municipality's membership to the FPA	Nature Conservation	Annually
Maintain fire fighting equipment in good working condition and in accordance with SANS 10090 standards.	Fire Department Nature Conservation	Immediate & ongoing
Control and remove invasive alien vegetation from municipal land.	Nature Conservation	Immediate
Maintain firebreaks around municipal land.	Nature Conservation	Sep-Nov annually
Maintain firebreaks around areas of high risk as identified in the Disaster Management Plan.	Nature Conservation	Sep-Nov annually
Maintain access roads to nature areas / municipal land.	Nature Conservation	Immediate & ongoing
Manage and maintain fire fighting equipment according to SANS 10090 standards.	Fire Department Nature Conservation	Immediate & ongoing
Training to be provided for all personnel required to respond to fire.	Fire Department Nature Conservation	Annually

SECTION C: RESPONSE**SECTION SYNOPSIS**

This section describes the response to fires within Stellenbosch Municipality as well as the actions following such an incident.

All fires start small, thus, detection at the earliest possible stage is critical and is therefore also regarded as being as important a part of preparedness as it is for ensuring an appropriate response.

12 FIRE DETECTION

The Fire Department will have to rely on its staff members and the public for fire detection. Emergency telephone numbers must be boldly displayed in strategic positions across the Municipality.

13 FIRE SUPPRESSION**13.1 FIRE FIGHTING SAFETY RULES**

Along with fire prevention the safety of all personnel during fire fighting operations is the most important component of fire management. The most important rules in this regard are the following:

- Keep informed of fire weather conditions and forecasts
- Know what your veldfire is doing at all times
- Base all actions on the current and expected veldfire behaviour
- Plan and make known escape routes for everyone on the ground and in the air
- Post a lookout for danger and safety aspects
- Be alert, keep calm, think clearly, make clear decisions and act decisively
- Maintain prompt communications with the Fire Boss, Sector Bosses, crew leaders and fire fighters under your control
- Give clear instructions and have them repeated to ensure that they are understood
- Maintain control of your men and fire fighting operations
- Fight fires aggressively but put the safety of fire fighters first

13.2 COMMAND STRUCTURE

Regardless of the size of the veldfire, certain basic management actions are required to establish rapid and efficient control, and minimise risk, damage and costs. To meet this requirement, it is essential to set up positive and clear lines of authority quickly, and launch a dependable and rapid response to instructions.

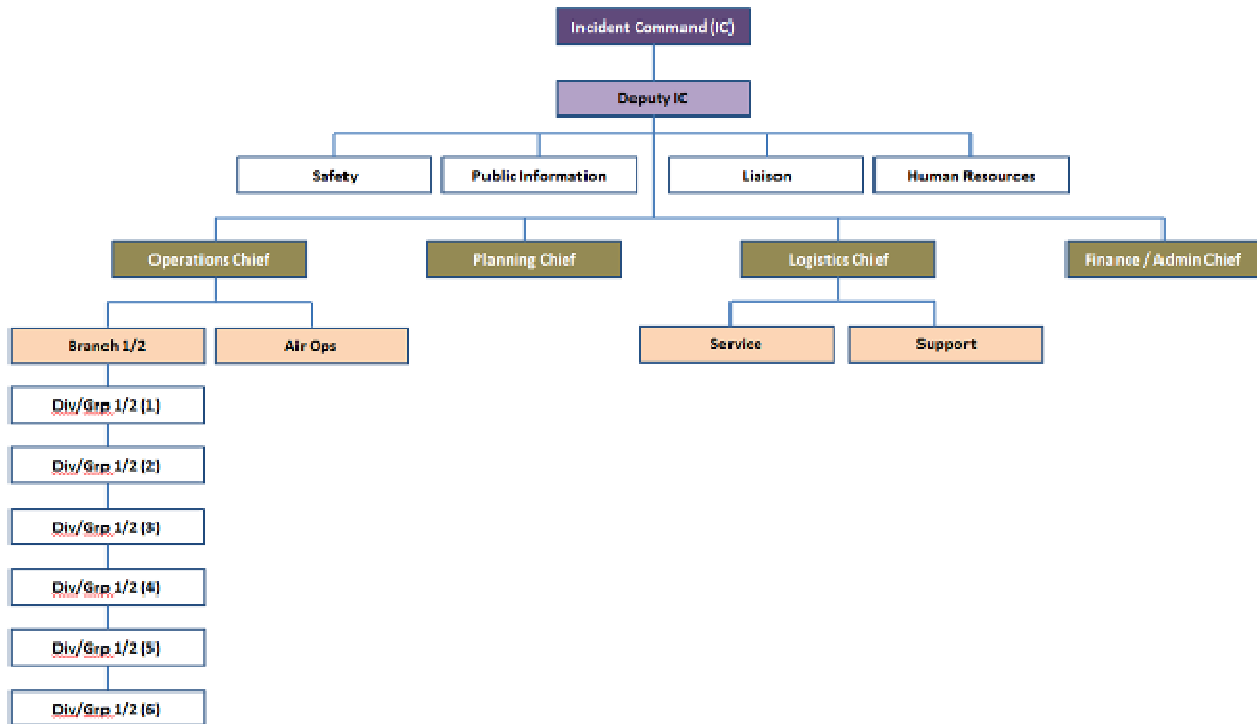


Figure 18: Basic command structure for fire suppression.

Table 7: Roles and responsibilities of the various personnel in the command structure

Position	Responsibility
Incident Commander	Assumes overall control of a fire
Fire Boss	In control of fire fighters equipment within a specific sector or flank of a veldfire. In the case of small veldfires it could be the Crew Leader at initial response, but who would be replaced if a veldfire increased in size or severity.
Crew Leader	In control of a fire control crew that could consist of a team of beaters, a tanker crew or a mopping-up crew. The Crew Leader serves as supervisor on the actual fire line, and is responsible for suppression of the veldfire on a particular line.
Logistics Section Chief	Generally positioned on larger veldfires, the Logistics Officer is Responsible for ensuring that the supply of equipment and other resources (including rations) arrive on site, on time.
Planning Section Chief	Uses weather, terrain, veld age and other parameters to develop plans of attack; propose future control lines, and estimate potential veldfire size.
Operations Section Chief	Responsible for all suppression activities at a large fire and reports to the Incident Commander.
Air Attack Boss	Responsible for the tactical operations of all aircraft assigned to a veldfire including their logistical support.

13.3 PROCEDURES TO BE UNDERTAKEN IN THE EVENT OF A FIRE

The following procedures has to be undertaken in the event of a fire:

- a. The person who has discovered the fire must immediately report the fire to the Fire Department.
- b. The following information must be transferred to the relevant authority.
 - Name of the caller

- Location of the fire
 - Type of fire
 - Seriousness of fire
 - Injuries or casualties
- c. Raise the fire alarm by activating the fire alarm siren. If the fire is during the day, the telephone operator must notify key personnel.
 - d. Rapid deployment of fire fighting resources within the structure of pre-planned Emergency Procedures.
 - e. Shut off all air and power (fuel supplies).
 - f. Depending on where the fire is, evacuate building or premise immediately.
 - g. Emergency medical resources should be placed on standby.

14 VELDFIRE BEHAVIOUR

Personnel must exercise extreme caution when:

- working downwind of a veldfire
- working up-slope of a veldfire
- fighting a veldfire on a slope
- working near heavy fuels, or where there is un-burnt fuel between you and the veldfire
- terrain or vegetation impedes travel

The behaviour of a veldfire is governed by fuel, topography and weather. Small variations in any of these factors can lead to significant changes in veldfire behaviour.

14.1 FUELS

Knowledge of fuels is fundamental to understanding veldfire behaviour. The important elements are:

- Fuel type (e.g. grasslands, fynbos, plantations)
- Fuel quantity – Increases in the amount of fuel influences:
 - Rate of spread
 - Rate of energy release
 - Flame lengths
- Fuel moisture content – The moisture content of fuels affects:
 - Ease of combustion
 - Combustion rates
 - Rate of spread
 - Radiation efficiency of flames
 - Probability of spotting

14.2 WEATHER

Weather factors that have a major influence on veldfire behaviour include temperature, relative humidity, wind speed and wind direction. Weather and veldfire behaviour in general:

- Strong and gusty, hot, dry winds generally precede a cold front. Such conditions favour the spread of veldfires.
- Under unstable atmospheric conditions:
 - Veldfires will develop strong convection columns

- Longer spotting distances may occur
- Winds tend to be gusty which make veldfire behaviour erratic
- Thunderstorms may develop and the resultant lightning could start more veldfires

14.3 PREDICTION

The ability to predict veldfire behaviour is vital in the planning of wildfire suppression, and the application of prescribed burning.

Veldfire behaviour (in general):

- Spread faster uphill than downhill
- Spread with the wind rather than against it
- Spread faster where the vegetation contains quantities of dead plant material
- Spread faster in fine fuels
- Spread faster where the vegetation canopy is intertwined
- Doubling the fuel load will double the rate of spread, resulting in the intensity of the veldfire increasing fourfold.
- Halving the fuel load will decrease the rate of spread fourfold.

15 POST FIRE RECOVERY

15.1 CHECKLIST FOR ACTIONS TO BE TAKEN IMMEDIATELY AFTER VELDFIRES

There are a number of procedures that need to be adhered to after a prescribed or wildfire has been extinguished. The following procedures should take place as quickly as possible after the end of a fire:

- After a fire has been brought under control, patrolling and inspections should continue until the Fire Boss is satisfied that the fire has been extinguished. Veldfires are only really considered to be “under control” once they are extinguished.
- The extent of a veldfire should be mapped and a Fire Report completed.
- During the patrolling phase, hazardous situations where a fire could most likely reignite should be identified.
- The frequency of patrolling the perimeter should be decided by the Fire Boss, and could decrease over time. Weather forecasts should be obtained and carefully studied.
- Once a fire has been extinguished, all equipment should be returned to the correct storage facilities and inspected.
- All infrastructure within the perimeter of the fire should be inspected for damage and reported/repaired if necessary.
- Restrict public access to the recently burnt areas if dangerous or ecologically sensitive.

15.2 CHECKLIST FOR ACTIONS THREE MONTHS AFTER VELDFIRES

- The secondary effects of removal of vegetation by intense fires can pose a danger to people, infrastructure and vegetation situated down slope, and include:
 - increased danger of rock and mudslides
 - blocked storm water drains
 - loose sand on roads, and
 - increased erosion

- The burnt area should be inspected and assessed in terms of these effects and contingency plans made to deal with these issues, if necessary.
- After all major fires a formal debriefing should be held involving all relevant agencies. At this debriefing, the cause of the fire should be identified and the discussion should focus on the cooperation of all relevant agencies in the extinguishing of the fire.
- Post-fire issues need to be addressed through checking and corrective action, and through a management review. This regular review will ensure that the management plan remains relevant and appropriate to changing conditions and experience.

Wildfires are often a source of opportunity, the fire managers need to be aware of the following:

- The occurrence of a wildfire often stimulates the flowering of geophytes and represents a significant opportunity to raise awareness amongst the public of the role and importance of fire in the ecology of the area.
- Wildfires could result in the removal of large stands of dense alien plants, but equally this could stimulate mass germination of a large number of seedlings.
- Many plant species flower only within the first year or two after a veldfire. These post-fire blooms represent rare opportunities to expand knowledge on the occurrence and distribution of such plant species.
- The occurrence of veldfires also offers the opportunity for initiating research investigations to increase the understanding of the role of veldfires in the dynamics and conservation of the area's ecosystem.

15.3 VELDFIRE REPORTING

It is essential that during any fire, an accurate chronological record of the fire, weather and actions be maintained. This will ensure that the Municipality has a record of the deployment of the resources, it facilitates debriefing and can be of major importance in the event of legal action after a fire.

EMERGENCY CONTACT NUMBERS

Emergency Centre - Control Room
021 808 8888

Operational Head - Fire Operations
082 647 7587

Head: Disaster Management
082 050 4834

Chief: Fire and Disaster
071 443 7337

ANNEXURE B



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF DRAFT STELLENBOSCH MUNICIPALITY
 INTEGRATED FIRE MANAGEMENT PLAN FOR COMMENT**

Notice is hereby given of the availability of the Draft Stellenbosch Municipality Integrated Fire Management Plan for comment.

The document is available on the municipal website (<https://www.stellenbosch.gov.za/>). Hard copies are available at the municipal advice centres in Stellenbosch and Franschhoek as well as local municipal libraries. Comment on the document must be submitted in writing to Schalk van der Merwe, P. O. Box 17, Stellenbosch, 7599, or sent to schalk.vandermerwe@stellenbosch.gov.za.

The closing date for receipt of comment is 10 June 2019.

**KENNISGEWING VAN KONSEP STELLENBOSCH MUNISIPALITEIT
 GEÏNTEGREERDE BRAND BESTUURSPLAN VIR KOMMENTAAR**

Kennis geskied hiermee van die beskikbaarheid van die Konsep Stellenbosch Munisipaliteit Geïntegreerde Brand Bestuursplan vir kommentaar.

Die dokument is beskikbaar op die munisipale webtuiste (<https://www.stellenbosch.gov.za/>). Harde kopiee is beskikbaar by die munisipale advies kantore te Stellenbosch en Franschhoek asook plaaslike munisipale biblioteke. Skriftelike kommentaar op die dokument moet gerig word aan Schalk van der Merwe, Posbus 17, Stellenbosch, 7599, of gestuur word na schalk.vandermerwe@stellenbosch.gov.za.

Die sluitingsdatum vir die ontvang van kommentaar is 10 Junie 2019.

EIKESTAD NUUS 09 MEI 2019

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH

Collaborator No:

IDP KPA Ref No:

Meeting Date:

GOOD GOVERNANCE

11 September 2019 and 25 September 2019

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH

2. PURPOSE

To obtain Council's approval for the renewal of the Lease Agreement on erven 3389 and 607, also known as Burgerhuis with "Historiese Huise".

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

"Historiese Huise" has been renting the properties since 1960. The agreement was renewed on various occasions. The last lease agreement for erven 3389 and 607 with "Historiese huise" lapsed in 2009. "Historiese Huise" continued to maintain the property also known as "burgerhuis" and pay the rent. As the Municipality accepted the rent and the lease agreement therefore continued on a silent month to month basis. It is however necessary that the leasing of the property is formalised again.

The new Property Management Policy allow for a process whereby Council can lease a property after Council's intention so lease to a specific company was advertised for public inputs/comments or alternative proposals, before making a final decision.

In terms of the last Lease Agreement Historiese Huise is using a portion of the house for their office space, the remainder portion is managed as a living museum. For this reason it is recommended that they be responsible to pay 50% of market rental, to be determined by an independent valuer.

An application has been received from Historiese Huise van Suid-Afrika Beperk to renew the lease agreement in relation to Die Burgerhuis (erf 3389 and 607 Stellenbosch) for a period of 9 years and 11 months. They are proposing a rental agreement from 1 July 2016 and indicate that they spend R70 000 per year on the maintenance of the buildings and a further R40 000 per year on the gardens.

An audit was done on the historical properties belonging to the municipality and a decision on the management of all the properties will be taken in due course. The lease agreement with the applicants will make provision for a termination if the management of this property changes during the proposed lease period.

5. RECOMMENDATIONS

- (a) that erven 3389 and 607, Stellenbosch, be identified as land not needed for use to provide basic services during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that Council, **in principle** approve that a lease agreement for 9 years and 11 months to be concluded on a private treaty basis with Historiese Huise van Suid-Afrika Beperk, as provided for in Regulation 34 (1) (b), but subject thereto that Council's intention be advertised for public inputs/comments/objections, as provided for in paragraph 9.2.2 of the Property Management Policy;
- (c) that an independent valuer be appointed to determine the fair market rentals for the properties referred to in (a),
- (d) that the lease agreement provides for a 3 months' notice period to terminate the lease agreement should Council decide to make changes to the management of the historical properties belonging to the Municipality;
- (e) that Council, in principle, approve the rental at 50% of the fair market rental payable by Historiese Huise, as provided for in paragraph 22.1.4 of the Property Management Policy, and
- (f) that a draft agreement be submitted with the return item.

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

Stellenbosch Municipality and Historiese Huise concluded a Lease Agreement in relation to Erf 3389 and 607, during March 1960 for a period of 9 years and 11 months. The agreement was subsequently renewed on various occasions, and the last agreement lapsed in 2009. Historiese Huise continued to pay the rent and maintain the property. It is however necessary to again formalize the rental situation.

6.2 Discussion**6.2.1 Burgerhuis**

Burgerhuis is situated on erf 3389 and 607, Stellenbosch as indicated on Fig 1 and 2, below. In terms of the last Lease Agreement Historiese Huise is using a portion of the house for office space, the remainder portion is managed as a living museum and also has public ablution facilities. For this reason it is recommended that they be responsible to pay 50% of market rental, to be determined by an independent valuer.

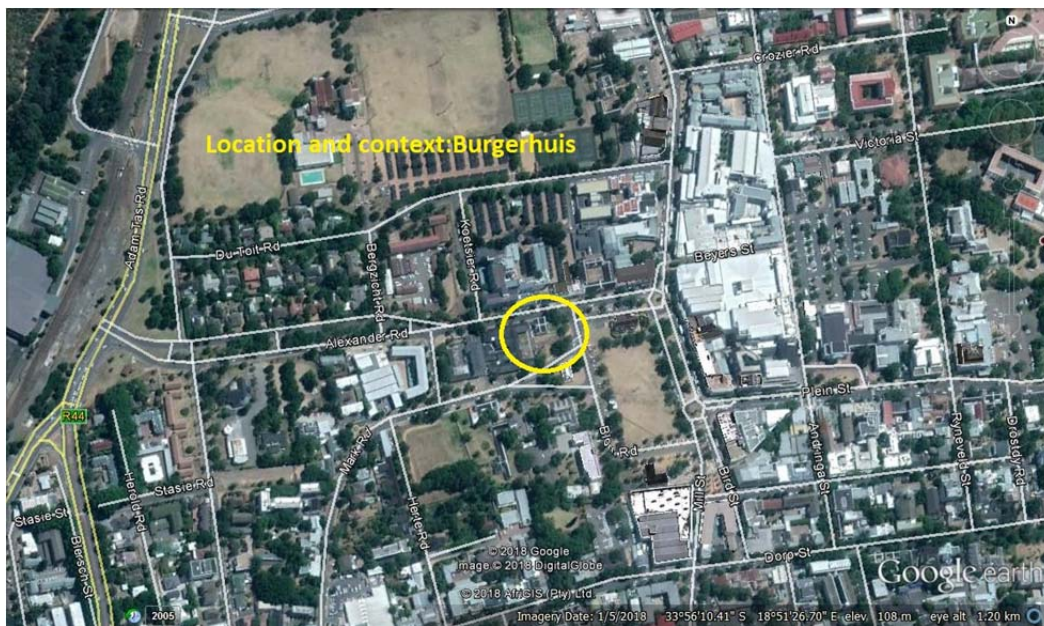


Fig 1: Location and context



Fig 2: Extent of property

6.2.2 Legal requirements

Asset Transfer Regulation

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

- a) The Accounting officer has concluded a public participation process*; and
- b) The municipal council has approved in principle that the right may be granted. *Sub regulation (1) (a) (public participation process), however, must be complied with only if-
 - The capital asset in respect of which the right is to be granted has a value in excess of R10M*; and

- A long-term right is proposed to be granted (i.e. longer than 10 years).

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

In terms of Regulation 36, the municipal council must, when considering such approval, take into account:

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

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

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

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

Policy on the Management of Council owned property

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

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

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

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

In terms of the current Lease Agreement Historiese Huise is only using a portion of the house for office space, the remainder portion is managed as a living museum with public ablution facilities. For this reason it is recommended that they be responsible to pay 50% of market rental, to be determined by an independent valuer.

6.3. Financial Implications

The maintenance of old buildings is a specialised skill and expensive. It is in council's interest to leasing to a lessee who is prepared and geared to maintaining an historical

asset. It is also managed as a living museum for the greater good of the residents of Stellenbosch.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Risk Implications

The risks are addressed in the item.

6.7 Comments from Senior Management:

6.7.1 Director: Infrastructure Services

Agree with the recommendations

6.7.2 Director: Planning and Economic Development

No comments received

6.7.3 Chief Financial Officer:

No comments received

ANNEXURES: **Appendix 1 Request for renewal of lease**

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	2019-02-07

APPENDIX 1

Historiese Huise van Suid-Afrika Beperk

DIE BURGERHUIS · POSBUS 51 · TELEFOON (021) 887 0339 · FAKS (021) 887 9337 · STELLENBOSCH 7599 · REPUBLIEK VAN SUID-AFRIKA
e-pos. hhuise@remgro.com

Stellenbosch Munisipaliteit
Plein Straat
Stellenbosch
7600

Vir aandag: Piet Smit
Bestuurder: Eiendom Bestuur
Per E-pos: Piet.Smit@stellenbosch.gov.za

14 Mei 2019

Geagte Mnr Smit

HUUROOREENKOMS: DIE BURGERHUIS ERF 3389 & ERF 607 STELLENBOSCH

U skrywe gedateer 12 April verwys.

Soos reeds bekend, het die Regering die Burgerhuis in die vyftigerjare aan Stellenbosch Munisipaliteit geskenk. Ten einde die destydse Stadsraad in staat te stel om 'n lening uit te neem vir die retourasie werke van die gebou, het Remgro (voorheen Rembrandt-Maatskappyegroep) via sy filiaal maatskappy, Tegnieuse Industriële Beleggings Eiendoms Beperk, na vore getree en hom bereid verklaar om die gebou te huur teen 'n huurbedrag gelykstaande aan die rente en delging op die lening wat die Raad sou moes opneem daarvoor.

Sedert 1 Maart 1960 dien 50% van die Burgerhuis se gebou as hoofkantoor van Historiese Huise van Suid-Afrika Beperk (Historiese Huise), terwyl die res van die gebou ingerig is as 'n museum wat jaarliks duisende toeriste na Stellenbosch lok.

Met betrekking tot uitgawes van die Burgerhuis, dra Historiese Huise van Suid-Afrika alle onkoste ten opsigte van huurgeld, versekering, belasting, water en elektrisiteit, sekuriteit, instandhouding van die gebou asook instandhouding van die aangrensende tuine. Instandhouding van die gebou alleen beloop gemiddeld R70 000 per jaar, terwyl daar gemiddeld R40 000 per jaar aan tuindienste spandeer word.

Die antieke meubels, wat as uitstalling dien vir die museum, is die eiendom van Historiese Huise. Indien die huurooreenkoms t.o.v. die Burgerhuis sou verstryk en die museum daarmee saam tot 'n

einde kom, sal dit 'n geweldige impak hê op beide Stellenbosch se inwoners en – toerisme. Dit sal dus tot nadeel van die dorop en die hele gemeenskap wees.

Historiese Huise se oogmerk is om die Burgerhuis vir die nageslag te bewaar as 'n historiese gedenkwaardigheid en kultuurhistoriese museum vir die gemeenskap – en tot voordeel van die gemeenskap - van Stellenbosch. Derhalwe versoek ons u vriendelik om saam met ons in die visie te deel deur die aangehegte huurooreenkoms te oorweeg.

U sal merk dat die laaste skriftelike huurkontrak tussen Tegniese Industriële Beleggings Eiendoms Beperk (namens Historiese Huise) en Stellenbosch Munisipaliteit vir 'n tydperk van 5 jaar was en het geloop van 1 Maart 2004 tot 30 April 2009 waarna dit op 'n maand-tot-maand basis geloop het tot en met die deregistrasie van Tegniese Industriële Beleggings Eiendoms Beperk op 1 Junie 2016. Derhalwe stel ons 'n huurooreenkoms voor vanaf 1 Junie 2016 vir 'n tydperk van 9 jaar en 11 maande, soos aangeheg.

Vertrou u vind dit in orde, maar kontak ons gerus indien u wil bespreek.

Vriendelik, die uwe,



MNR. P.A. VAN A. KOTZÉ

C.E.O

Cc: Annalene de Beer
Direkteur: Korporatiewe Dienste
Annalene.debeer@stellenbosch.gov.za

7.2.2	PROPOSED RENEWAL OF LEASE AGREEMENTS: BERGZICHT TRAINING CENTRE: PORTION OF REMAINDER ERF 235, STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

GOOD GOVERNANCE

11 September 2019 and 25 September 2019

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENTS: BERGZICHT TRAINING CENTRE: PORTION OF REMAINDER ERF 235, STELLENBOSCH

2. PURPOSE

To obtain Council's approval for the renewal of the Lease Agreement with Bergzicht Training Centre – erf 235 Stellenbosch. .

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and the Bergzicht Training Centre concluded a Lease Agreement during 1992 for a 9 years and 11 months period in relation to a portion of erf 235, Stellenbosch. The agreement was renewed in 2002 for a further period of 9 years and 11 months. The agreement however lapsed in 2013. Bergzicht however continued to lease and use the property as a training center and paid the rent and an informal agreement therefore continued on a month to month basis. It is however necessary to formalize the lease arrangement.

An application has now been received from Bergzicht Training Centre to renew the lease agreement for a further term of 9 years and 11 months. Council must now consider this request in terms of the Property Management Policy.

Seeing that the Training Centre is a NPO, it is used for the benefit of the community and it is maintained and has been updated by the lessee it is recommended that Bergzicht Training Centre pay 20% of market rental, to to be determined by an independent valuer.

The property under discussion is one of the historical properties belonging to the municipality. An audit was done on the historical properties belonging to the municipality and a decision on the management of all the properties will be taken in due course. The lease agreement with the applicants will make provision for a termination if the management of this property changes during the proposed lease period.

5. RECOMMENDATIONS

- (a) that the portion of Remainder erf 235, Stellenbosch, as indicated on fig 2 be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that Council, **in principle** approve that a lease agreement for 9 years and 11 months be concluded on a private treaty basis with Bergzicht, Training Centre, as provided for in Regulation 34 (1) (b), subject thereto that Council's intention be advertised for public inputs/comments/objections, as provided for in paragraph 9.2.2 of the Property Management Policy;

- (c) that an independent valuer be appointed to determine the fair market rental for the property referred to in (a),
- (d) that the lease agreement provides for a 3 months' notice period to terminate the lease agreement should Council decide to make changes to the management of the historical properties belonging to the Municipality;
- (e) that Council, in principle, approve 20% of the fair market value to be the rental payable by Bergzicht Training Centre, as provided for in paragraph 22.1.4 of the Property Management Policy; and
- (f) that a draft agreement be submitted with the return item.

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Initial Lease Agreement

Stellenbosch Municipality and the Bergzicht Training Centre concluded a Lease Agreement during 1992 for a 9 years and 11 months period in relation to a portion of erf 235, Stellenbosch. The agreement was renewed in 2002 for a further period of 9 years and 11 months. The agreement however lapsed in 2013. Bergzicht continued to use the property and all rentals were paid to date.

6.2 Discussion

6.2.1 Location and context

6.2.1.1 The Bergzicht Training Centre is situated on a portion of Remainder Erf 235, Stellenbosch as indicated on Fig 1 and 2, below.

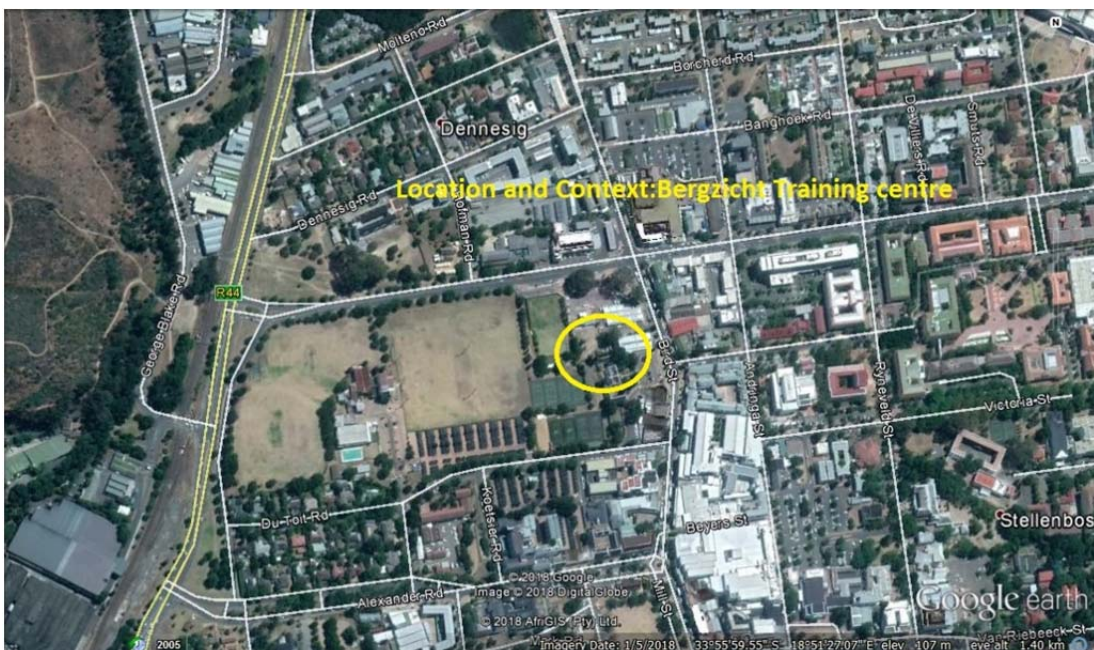


Fig 1: Location and context



Fig 2: Extent of property

6.2.3 Legal requirements

6.2.2.1 Asset Transfer Regulation

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

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

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

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

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

In terms of Regulation 36, the municipal council must, when considering such approval, take into account:

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

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

- c) the value of the asset; or
- d) the period for which the right is granted

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

6.2.3.2 Policy on the Management of Council owned property

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may enter into an agreement with a lessee without a tender process only after having advertised Council's intention.

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

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

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

Seeing that the Training Centre is a NPO and is used as a training center through which the community in the municipality benefits it is recommended that Bergzicht Training Centre pay 20% of market rental, to to be determined by an independent valuer.

6.3 Financial Implications

The request for renewal of lease agreement hereto attached as **APPENDIX 1**, a self-explanatory request received from Bergzicht Training Centre for the renewal of their lease agreement. The current rental is R12 195.12/month.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Risk Implications

The risks has been addressed in the item.

6.7 Comments from Senior Management:

6.7.1 Director: Infrastructure Services

Agree with the recommendations

6.7.2 Director: Planning and Economic Development

No comments received

6.7.3 Chief Financial Officer:

No comments received

ANNEXURES: Appendix 1: Application for renewal**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	2019-08-01

APPENDIX 1



BERGZICHT TRAINING - MOTIVATION FOR
POSSIBLE RENEWAL OF LEASE AGREEMENT FOR
PORTION OF REM. ERF 235 STELLENBOSCH FOR
PERIOD 9 YEARS AND 11 MONTHS

DATE: 21 MAY 2019



Reg no: 1992/006838/08

C/O Bird Street and Merriman Avenue PO Box 985 Stellenbosch South Africa 7600 VAT 4510213954

Tel +27(0)21 883 3525 Fax +27(0)21 886 6345 www.bergzichttraining.com NPO 004-976

21 May 2019

BY HAND

Piet Smit
Manager: Property Management
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599

Dear Mr Smit

BERGZICHT TRAINING - MOTIVATION FOR POSSIBLE RENEWAL OF LEASE AGREEMENT FOR PERIOD 9 YEARS AND 11 MONTHS – PORTION OF REM. ERF 235, STELLENBOSCH

I thank you for your letter dated 12 April 2019 which strangely we only received today. We would like to thank you for this opportunity to present this motivation for the possible renewal of the lease agreement between Bergzicht Training (BZT) and Stellenbosch Municipality (SM). We would like to motivate our position as follows.

1. **The 27-year rental occupation:** Attached please find a copy of the first rental agreement that is dated 11 February 1992. Based purely on the length of BZT's occupation of these buildings, we believe that we should be given the right of renewal of this lease agreement.
2. **Number of years of operation:** The fact that BZT is one of the oldest most successful NPO's in Stellenbosch training unemployed individuals in basic skills.
3. **Number of graduates:** We have trained in excess of 12 000 unemployed, under-privileged, black individuals on these premises over the past 27 years and placed at least 82% of them in full time employment. We currently train at least **400 beneficiaries per annum**.
4. **Pinotage Youth Development Academy (PYDA) as sub tenant:** PYDA have occupied one of the 3 buildings since March 2014, with the knowledge of SM Property Management. **PYDA train 75**

**Directors: Mr NST Motjuwadi (Chairperson) Mr A Anthony
Ms KMV Harris Prof JF Smith Dr JJE Koornhof Mr CAC de Villiers Mr JP Odendaal (Treasurer)
Mr JCJ Newman Dr GMAC Lourens Ms S Diedericks
Honorary Members: Mrs MC Kotzé Dr JC de Villiers**

beneficiaries per annum, that ultimately find full time employment in the local wine industry upon graduation.

5. **Keep the buildings secure at own security cost:** BZT has kept the buildings secure at huge own expense. Paid for weekend and holiday guarding services to secure the building and protecting it from vandalism and burglaries.
6. **Security upgrades and maintenance thereof:** BZT has upgraded security of the buildings at own cost by implementing the following:
 - a. Installed electronic security gates an all entrance doors with remote entry;
 - b. Installed burglar bars in the Admin building;
 - c. Installed electric fencing on either side of the Heerenhuys roofs;
 - d. Upgraded the security alarm system in all 3 buildings and paying monthly armed response services;
 - e. Installed security cameras in the Admin Building;
 - f. Upgraded "sensitive" locks
7. **Painting of interior walls:** BZT Paint and maintain interior walls of all 3 buildings.
8. **Gardens and entrance:** BZT always maintain gardens and keep property clean.
9. **Technology upgrades:** Installation of latest Wi-Fi technology
10. **Keeping within Fire regulations:** BZT maintains servicing of fire fighting equipment as per its insurance regulations for its own account at high cost
11. **Improved light fittings:** BZT installed new improved light fittings and maintain accordingly at its own cost.
12. **Timeously payment of rental and utilities:** BZT has never been in arrears on any rental or utilities payments in the 27 years that it has occupied the buildings.
13. **Installation of kitchen for training purposes:** BZT installed a domestic training kitchen that was upgraded in November 2016 in the Admin building. Every beneficiary that attends the life skills programme is trained in this facility.
14. **Installation of laundry for training purposes:** BZT installed a domestic laundry facility in the Heerenhuys in Nov 2015 for the purposes of training of room attendant/housekeeping graduates.

Directors: Mr NST Motjuwadi (Chairperson) Mr A Anthony
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Dr GMAC Lourens Ms S Diedericks JCJ Newman
Honorary Members: Mrs MC Kotzé Dr JC de Villiers

15. **Engineering report – PYDA building:** BZT has commissioned an independent engineering report in March 2019 at own cost due to a developing crack. It was commissioned due to a growing concern of PYDA's directors due to a potential safety hazard.

16. **Location:** BZT and PYDA are ideally situated in the Bergzicht building, for its students' target market in the centre of Stellenbosch, behind the taxi rank and within walking distance from the station.

In closing we want to reiterate the fact that Bergzicht Training has successfully occupied erf 235, now for longer than 27 years and continues to make a positive contribution to the Stellenbosch and greater community. We are proud to say that Bergzicht alumni can be found in most reputable restaurants, old age homes and creches in and around Stellenbosch.

We thank Stellenbosch Municipality for its ongoing incredible support to Bergzicht over the past 27 years.

Your sincerely

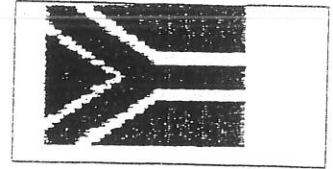


RENSKE MINNAAR
Chief Executive Officer

DOCUMENTS ATTACHED:

Lease agreement dated February 1992
Annual report – year in review 2018
NPO Certificate
Audited Financial Statements 2019

G.P.-S 021-0123



CERTIFICATE OF REGISTRATION OF NONPROFIT ORGANISATION

In terms of the Nonprofit Organisations Act, 1997, I am satisfied that.....
Bergzicht Opleidingsentrum
.....
(name of the nonprofit organisation)

meets the requirements for registration.

The organisation's name was entered into the register on 18 October 2002
.....
(date)

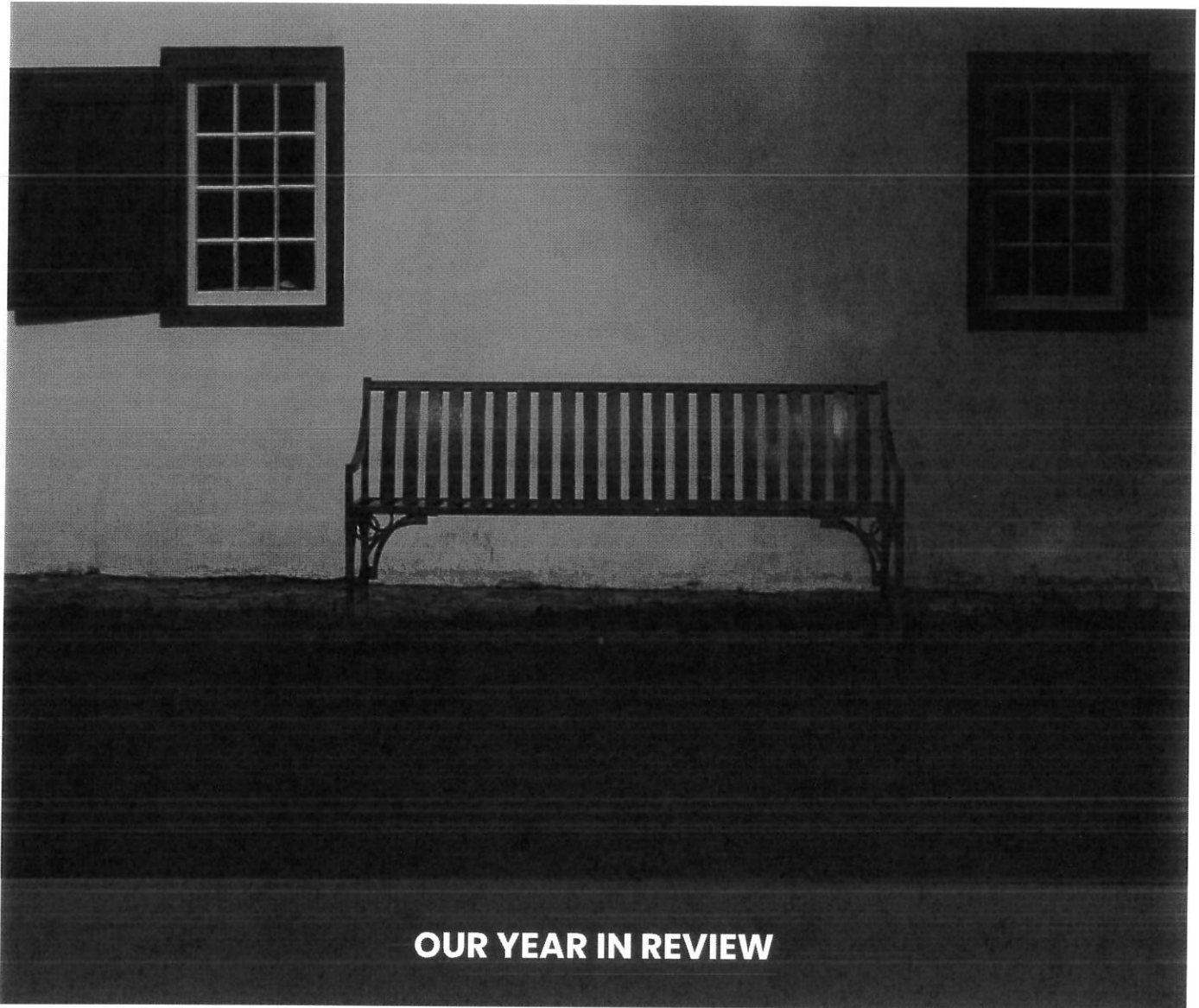
Registration number

004-976-NPO

Director's signature

Date 18 October 2002
.....

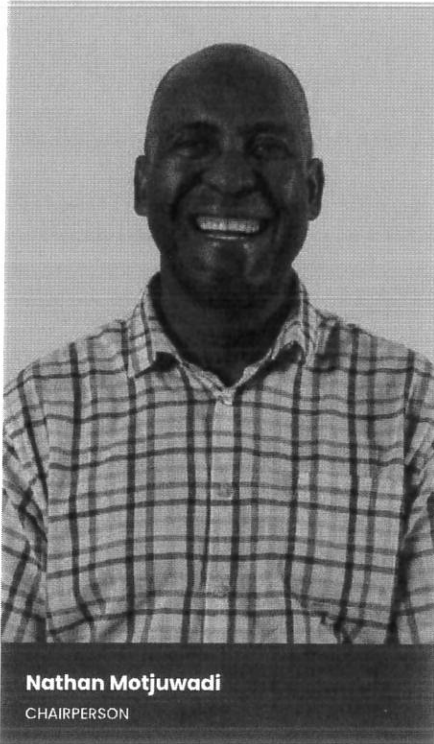




OUR YEAR IN REVIEW

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NEW BEGINNINGS: OUR BENEFICIARIES SHARE THEIR STORIES	7
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MESSAGES FROM THE CHAIRPERSON & CEO



Nathan Motjuwadi
CHAIRPERSON

Bergzicht Training's vision is to significantly impact the quality of life of unemployed individuals and their communities by enabling self-leadership and employability. We achieve it through our mission of providing unemployed individuals with certified competencies and support to enable them to find employment and self-employment opportunities to build a sustainable career.

During the period under review, the South African economy grew by 0.8% and the unemployment rate dropped from 27.5% in the third quarter to 27.1% in the fourth quarter. Despite these small gains, unemployment continues to be a problem in our country with 16.5 million people between 15 and 64 unemployed. Our institution attempts to counteract these realities by focusing our efforts on training our beneficiaries in research-based skills to help them obtain entry-level jobs that are in high demand.

In 2018 we identified a new focus area, namely self-leadership, as a

key departure point in developing individuals who are self-empowered and self-directed based on heightened self-awareness and a commitment to take responsibility for a better future for themselves and their communities.

Self-leadership is one of five key areas that drive our successful operation. Others include the assurance of quality through certification and accreditation; the selection and recruitment of individuals with potential to successfully complete a training programme; placement of beneficiaries that are mentored and supported during their first year of employment or self-employment; and the creation and support of a thriving alumni network.

These different intervention methods allow us to ensure the success of our beneficiaries and produce close to 400 employable beneficiaries per year. We can do this thanks to our stakeholders, which include donors, volunteers, beneficiaries and staff.



Renske Minnaar
CEO

It's been another great year at Bergzicht Training with many milestones achieved. We raised more than R3 million and reached over 400 beneficiaries with an overall record placement rate of 82%. We have remained a low-cost operation staying below our budgeted expenses for 2018.

We successfully registered the Bergzicht Training First Aid For All, a Level 1, two-day First Aid course with the Health and Welfare SETA (HWSETA) in 2018. The course will be launched in May 2019 and will be targeted at learners, school teachers, students, corporates and the hospitality industry. By choosing Bergzicht Training, participants will not only learn an essential skill, but also give back to the community as funds generated through this course will contribute toward the training costs of our fully-funded programmes.

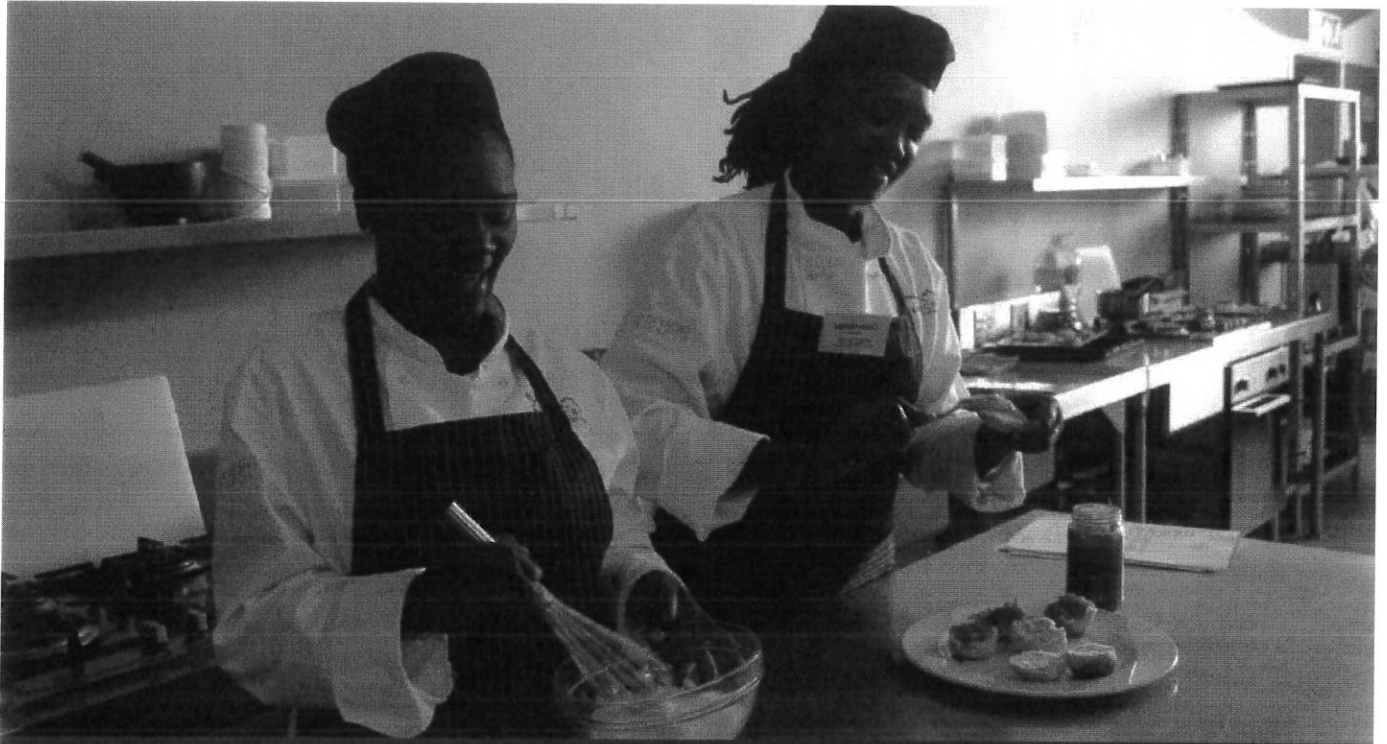
A record high of 87 individuals that completed the Health and Frail Care Programme in 2017 met the HWSETA requirements for graduation in 2018. We were able to place 87% of those beneficiaries in full-time employment.

Our iPOWER (Self-Empowering) Foundation Programme is now accredited by the Services SETA in order for us to ensure quality certified training and to provide external accredited life skills training to individuals in the growing hospitality industry of Stellenbosch.

We also implemented the unique Bergzicht Training Development Model and value link as part of the 2020 strategic vision to foster leadership and ensure the employability of unemployed individuals.

One of our biggest highlights in 2018 was being awarded a Community Chest Impumelelo Social Innovations Award. The award is bestowed on "innovators who find creative solutions" to societal problems.

I am always thankful for the ongoing support we get from loyal donors, our Board of Directors, training partners and student mentors. The support I receive from our dedicated staff is greatly valued. Together all these role players contribute to building a better and stronger organisation every year.



THE BERGZICHT TRAINING DEVELOPMENT MODEL

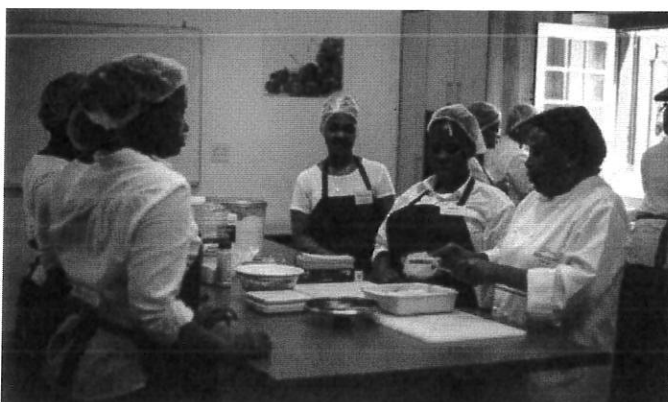
Since 1992 Bergzicht Training has provided more than 12 000 unemployed, unskilled and semi-skilled students from disadvantaged areas in the Western Cape with opportunities to acquire market-related skills sought in the hospitality and tourism, child care, and health and frail care sectors.

The Bergzicht Training Development Model consists of a unique

value chain. Through our vision and this chain, we enable self-leadership and employability amongst our beneficiaries in order to significantly impact the quality of life of unemployed individuals and their communities. Our mission is to provide unemployed individuals with certified competencies and support to enable them to find employment and self-employment opportunities to build a sustainable career.

OUR PROGRAMMES

We use interactive and well-tested modern teaching methodologies in all our programmes. Our Advanced Programmes include a work-integrated learning (WIL) opportunity to help students gain practical, on-the-job skills.



iPOWER (SELF-EMPOWERING) FOUNDATION PROGRAMME

Our iPOWER (Self-Empowering) Foundation Programme is a compulsory, entry-level programme that focuses on orientating our students to a learning environment and teaching them basic life skills, such as personal health, money management, cleaning, laundry, basic cooking and nutrition, amongst other things, over 15 days.



ADVANCED PROGRAMMES



CHILD CARE PROGRAMME

Our Child Care (previously Edu Care) Programme is offered over 13 weeks and covers topics such as child development, perception challenges, creative activities, age-appropriate literature for different stages of childhood development, child abuse, school readiness, baby care, preparing a balanced meal, and a range of other related topics. Students also complete a certified two-day Level 1 First Aid course.



HEALTH AND FRAIL CARE PROGRAMME

HWSETA-ACCREDITED

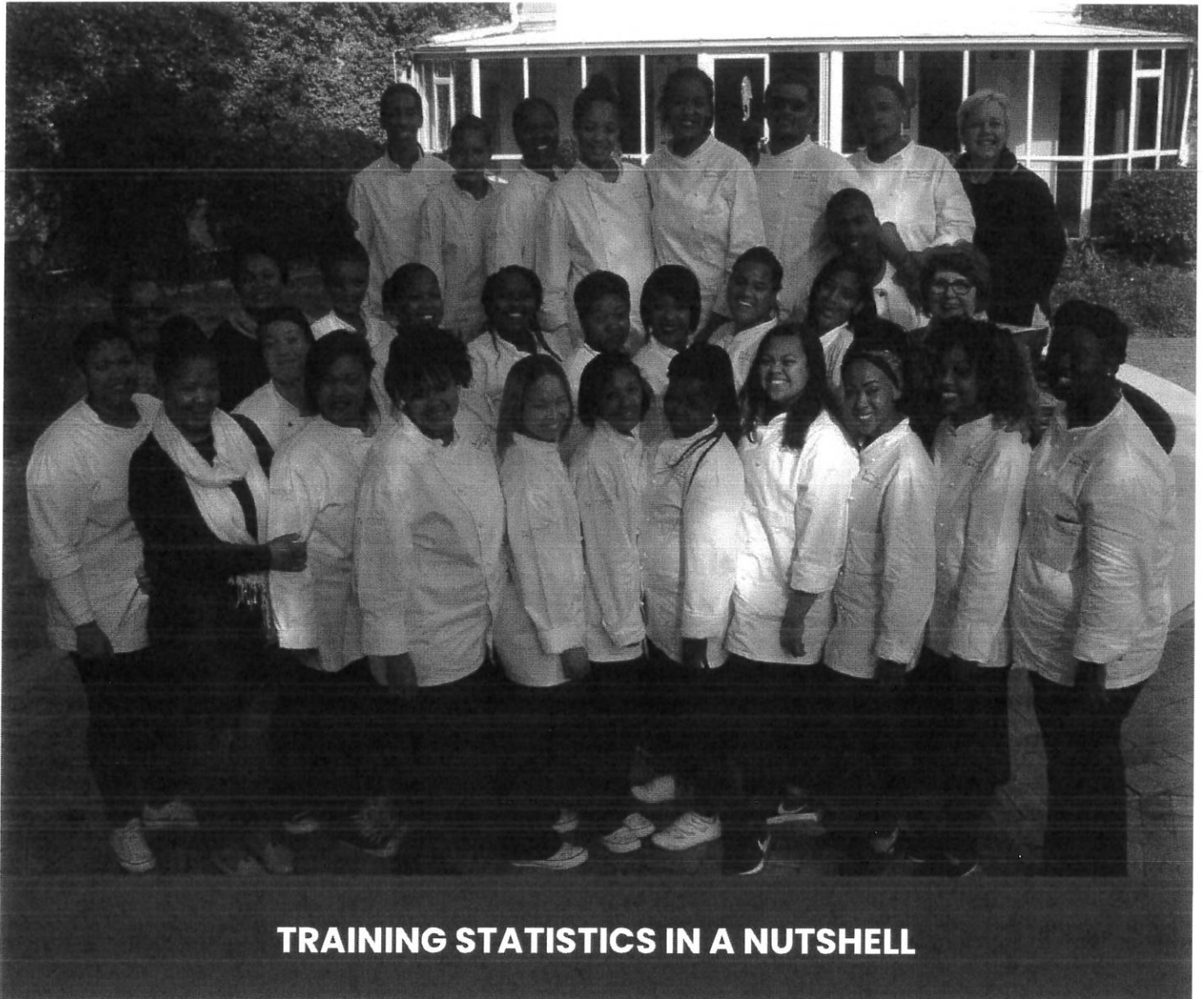
Our Health and Frail Care Programme, which was accredited by the Health and Welfare SETA (HWSETA) of South Africa in June 2016, is presented over 15 weeks and covers modules such as ethical care at health care centres and in private homes, basic anatomy, how to provide assistance to immobile patients, and frail care for sick babies and children.



FOOD SERVICE & FOOD AND BEVERAGE SERVICE ASSISTANT PROGRAMME

CATHSSETA-ACCREDITED

We have partnered with The Private Hotel School (PHS) since 2014 to present the Cathsseta-accredited Food Service & Food and Beverage Service Assistant Programme (previously called the City & Guilds' Professional Cooking and Food and Beverage Service Programme) at PHS' Stellenbosch campus in Vlottenburg. Students are trained in Basic Food Preparation and Food and Beverage Service during this 10-week programme.



TRAINING STATISTICS IN A NUTSHELL

We trained a total of 357 beneficiaries consisting of 207 iPOWER graduates and 150 Advanced Programme graduates.

Of the 150 Advanced Programme graduates, 82% (120) were placed in jobs.

ADVANCED PROGRAMMES' GRADUATES AND JOB PLACEMENT FIGURES

CHILD CARE



HEALTH AND FRAIL CARE

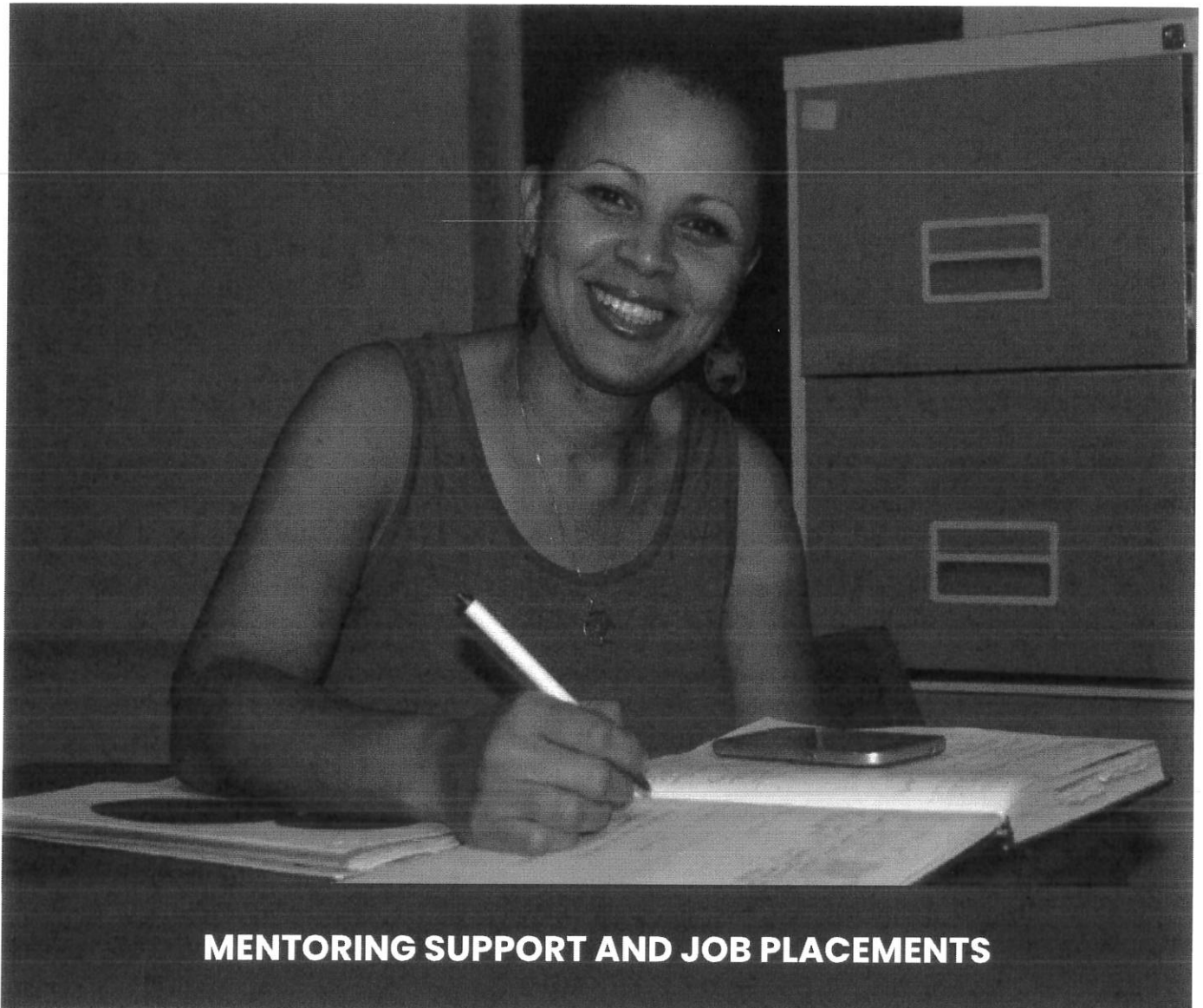


FOOD SERVICE ASSISTANT



TOTAL GRADUATED

EMPLOYED



MENTORING SUPPORT AND JOB PLACEMENTS

In 2018 we appointed Nathalie Skippers (photo), a registered social worker with 12 years' experience working for the Department of Social Development and the non-profit sector, to our organisation. Nathalie is responsible for our student mentoring programme. The programme provides emotional support to our students during their training and up to a year after they have entered the job market; teaches students important skills such as individual goal mapping for their future, CV and interview skills; and work readiness and independence while training.

We have maintained a high job placement rate – 82% of 150 students placed – because of our mentoring programme. In 2019, we will continue to focus on improving the job retention rate of our graduates by closely monitoring them up to one year after graduating and finding employment. Graduates are officially invited to join Bergzicht Training's prestigious Alumni Network after 12 months of being employed.

NEW BEGINNINGS: OUR BENEFICIARIES SHARE THEIR STORIES



Lynn de Vries
BERGZICHT GRADUATE

Lynn is living her dream

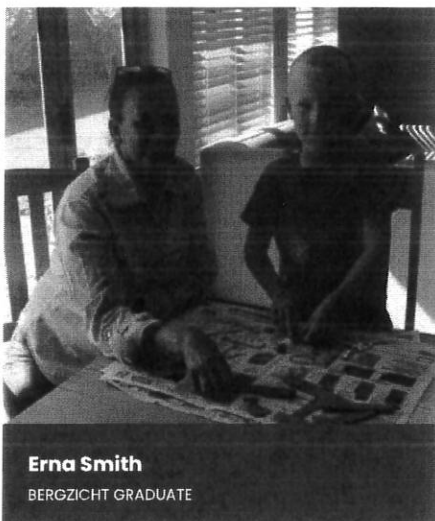
In September 2013, a friend who was completing a Child Care Programme at Bergzicht Training told Lynn de Vries about the Cathsseta Food Service & Food and Beverage Service Programme offered by the organisation in collaboration with The Private Hotel School.

"I started doing the iPOWER Programme and it really helped build up my self-confidence, because I was a very shy person and did not like speaking to people because of it. The programme gave me the confidence to start speaking in front of people."

In 2016 she was accepted for the Cathsseta programme.

"Bergzicht Training changed so many things in my life. They taught me to believe in myself, to trust my skills and to carry myself with more confidence. My dream is to open my own bakery one day and to give Bergzicht Training students an opportunity to train in my bakery. I would love to also create job opportunities for those students. I want to give back, because they helped me when I needed it."

[Read full story here](#)



Erna Smith
BERGZICHT GRADUATE

Erna plays second mom to the Serdyn children

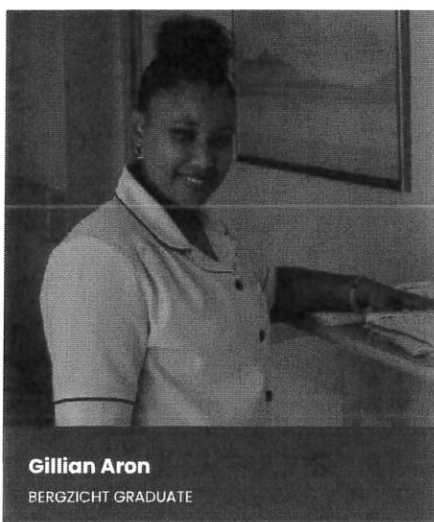
Erna Smith registered for the iPOWER (Self-Empowering) Foundation Programme at Bergzicht Training in 2011 after being retrenched from her job. Soon after, she completed the Child Care Programme and found a job with the Serdyn family.

"It's a lot of fun to work with children, because you learn something new from them every day. It's just not possible to work with children and not learn something from them," says Erna as she keeps a close eye on Pierre Serdyn and his brother, Petrus.

"Erna is like family," says the boys mom, Rochell.

"It's always hard for a mom to see that your children can also love someone else as much as they love you. However, I know they are in safe hands when I see how excited they are to see her on Mondays. On Fridays, they cry for her because they miss her when she's not there over the weekends. As a family, we are really grateful for her help and input. If all the graduates from Bergzicht Training are able to make a contribution like Erna, then Bergzicht Training is doing great work."

[Read full story here](#)



Gillian Aron
BERGZICHT GRADUATE

A patient's smile still brightens up my day

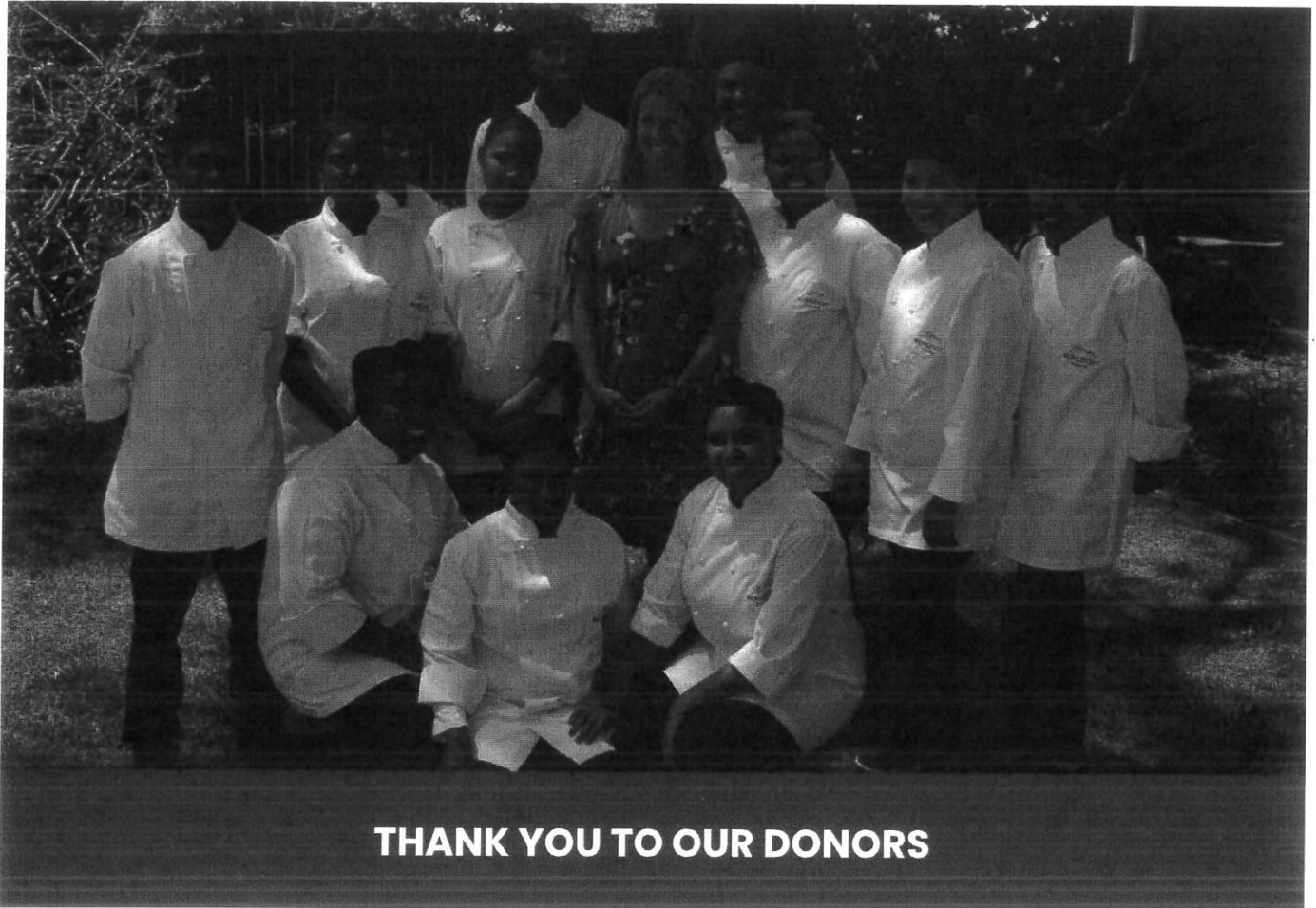
In 2013, Eerste River resident Gillian Aron completed her training at Bergzicht Training after having finished a Life Skills course, the iPOWER (Self-Empowering) Foundation Programme, and the Health and Frail Care Programme. Today she works as a carer at Andante Retirement Village, the same place where she completed the work-integrated learning opportunity of the Health and Frail Care Programme.

After three years at Andante, Gillian says that the thing she still enjoys most about her job is when she sees a smile on a patient's face as she walks through the door in the morning.

"Just seeing that my patients are happy and healthy brings me great joy," she says.

"Bergzicht Training opened a door for me to walk into a job after I finished my programme with them. Today I still apply many of the things I learnt during the time that I was completing the frail care programme."

[Read full story here](#)



THANK YOU TO OUR DONORS

Thank you to our donors for ensuring that we are able to provide our beneficiaries with fully sponsored training to acquire market-related skills to find permanent employment.



FINANCIAL OVERVIEW

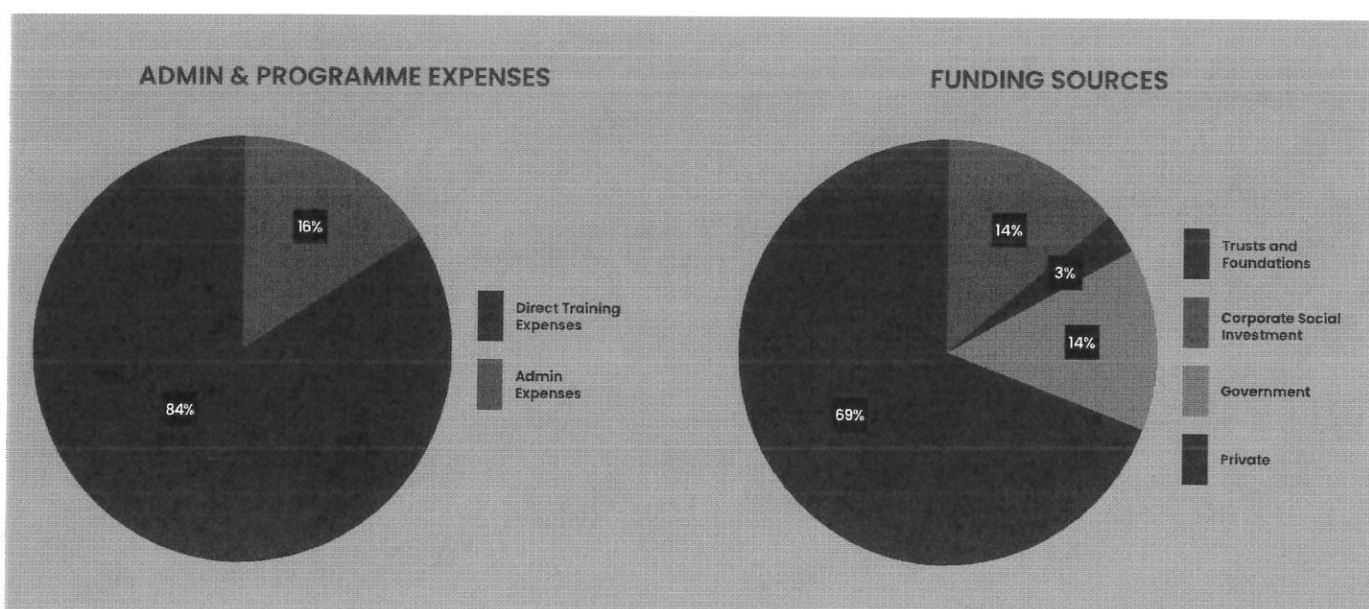
REPORT BY THE TREASURER

Although the financial statements of Bergzicht Training NPC show a deficit for the year ended 31 December 2018, it can be reported that the company is going from strength to strength. The deficit in the current year is merely the result of the timing difference between funds received during the previous year, which was spent during the current year.

Fundraising is becoming increasingly difficult in the NGO sector due to the strained economic environment in South Africa. Amidst these trying times, Bergzicht Training, through the leadership of its CEO Renske Minnaar, has managed to exceed its ambitious fundraising targets with what has become "consistent regularity".

The modern funding landscape forces significantly stricter reporting requirements onto NGOs, which are quite often too challenging for some NGOs. This is however not the case at Bergzicht Training, as the financial record-keeping and reporting system is well established and has been found to run effectively and efficiently.

JP ODENDAAL CA(SA)
TREASURER



Bergzicht Training Non Profit Company

(Registration number: 1992/006838/08)

Financial Statements for the year ended 31 December 2018

Statement of Financial Position as at 31 December 2018

	2018 R	2017 R
Assets		
Non-Current Assets		
Property, plant and equipment	174 391	197 841
Current Assets		
Trade and other receivables	32 567	35 690
Cash and cash equivalents	2 142 752	2 568 433
	2 175 319	2 604 123
Total Assets	2 349 710	2 801 964
Equity and Liabilities		
Equity		
Capital	28 031	28 031
Retained surplus	1 654 661	2 061 384
	1 682 692	2 089 415
Liabilities		
Current Liabilities		
Trade and other payables	493 492	573 372
Current tax payable	1 526	3 477
Provisions	172 000	135 700
	667 018	712 549
Total Equity and Liabilities	2 349 710	2 801 964

Bergzicht Training Non Profit Company

(Registration number: 1992/006838/08)

Financial Statements for the year ended 31 December 2018

Statement of Comprehensive Income

	2018 R	2017 R
Revenue	3 166 811	3 791 863
Other income	321 821	911 891
Operating expenses	(4 044 361)	(3 837 750)
Operating (deficit)/surplus	(555 729)	866 004
Investment revenue	160 934	167 960
Finance costs	-	(4)
(Deficit)/surplus before taxation	(394 795)	1 033 960
Taxation	(11 928)	(3 477)
(Deficit)/surplus for the year	(406 723)	1 030 483



GET IN TOUCH

In 2018 Bergzicht Training received the prestigious Community Chest Impumelelo Social Innovations Award.

TELEPHONE: +27 (0)21 8833525
FAX: +27 (0)21 8866345
E-MAIL: reception@bergzicht.org.za
ADDRESS: Bergzicht Square, c/o Merriman & Bird Street,
Stellenbosch, South Africa
WEBSITE: www.bergzichttraining.com
FACEBOOK: www.facebook.com/bergzichttraining

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
------------	--

NONE

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
------------	--

NONE

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
------------	--

NONE

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

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

7.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
------------	--

NONE

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

7.10	MUNICIPAL MANAGER
7.10.1	ADOPTION OF THE REVISED STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2019/20 FINANCIAL YEAR WITH RISK APPETITE

Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 11 September 2019

1. SUBJECT: ADOPTION OF THE REVISED STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2019/20 FINANCIAL YEAR WITH RISK APPETITE

2. PURPOSE

To obtain approval for the revised Strategic and Operational Risk Register and risk appetite for the 2019/20 financial year from the Mayoral Committee for referral to Council to be adopted.

3. DELEGATED AUTHORITY

For the Mayoral Committee to approval for referral to Council and for Council adoption.

4. EXECUTIVE SUMMARY

Municipal Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2003, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. Inherent risk exposure means impact in relation to likelihood of a risk occurring. Risk appetite means the amount (level) of risk a municipality is willing to accept. Municipalities are required to formally assess risk annually to determine the risk severity and decide on the appropriate risk appetite for the municipality. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. The risk assessment process is therefore a fundamental element of the risk management process.

The principal aim of the risk assessments process is to:

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

4. RECOMMENDATIONS

- (a) that the Mayoral Committee approve the register with appetite and refer to Council for adoption; and
- (b) that Council adopt the Strategic Risk Register for the 2019/20.

5. DISCUSSION

6.1 Background

In terms of the COSO Integrated Framework (National Treasury Enterprise Risk Management Framework), defines risk appetite as the amount of risk an organisation is broadly willing to accept in pursuit of value. Risk appetite guides resource allocation and assists in aligning the organisation, people and processes.

Various discussions were held at Directors Level and Risk Committee Meetings between February and June. The draft Strategic Risk Register was submitted to the Audit and Performance Audit Committee meetings on 7 May and 27 June 2019 for discussion and comment. Comments received was incorporated into Final Strategic Risk Register. The revised Strategic Risk Register was submitted to the Audit and Performance Committee on 27 August 2019 for final comment and discussion and Strategic Risk Register was agreed to at the Directors Meeting held on 3 September 2019.

The inherent risk exposure/risk appetite for the Strategic Risk Register was calculated at 14,75, which is considered as moderate. A score of 9 to 15 is considered moderate. The risk appetite Stellenbosch is willing to accept is 12. This means the current risk exposure needs to be actively managed to reduce the acceptance level.

The inherent risk exposure/risk appetite for the Operational Risk Register was calculated at 10 which is below the appetite of 12 which is acceptable.

6.2 Financial Implications

Financial implications as required for risk mitigation.

6.3 Legal Implications

The following legislation are relevant to Enterprise Risk Management:

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

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

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

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

Section 165 states that:

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

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

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

(iv) risk and risk management;

Section 166 states that:

“(2) An audit committee is an independent advisory body which must – advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of the municipal entity, on matters relating to – (ii) risk management.

Local Government: Municipal Systems Act, Act 32 of 2000

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

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

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

King IV – Supplement for Municipalities

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

6.4 Staff Implications

As per the organisational structure.

6.5 Risk Implication

None.

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

Support.

6.6.2 Chief Financial Officer

Support.

6.6.3 Director: Infrastructure Services

Support.

6.6.4 Director: Corporate Services

Support.

6.6.5 Director: Planning and Economic Development

Support.

6.6.6 Comments from the Municipal Manager

Support.

ANNEXURES:

Annexure A: Revised Strategic and Operational Risk Register for the 2019/20 financial year.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	11 September 2019

ANNEXURE A



STELLENBOSCH MUNICIPALITY (WC 024)

Final Strategic and Operational Risk Register 2019/20

Revised Strategic Register

Risk Item	Risk Description	Risk Background	Strategic Objectives	Impact Rating (1-5)	Likelihood Ratings (1-5)	Residual Risk Exposure (1-25) Risk Appetite	Directorate	Action Plans/Mitigation	Risk Champion	Comments
1	Scarcity of landfill space.	Unavailability of suitable land; costs of SLA's and alternative waste disposal; legislative requirements i.e EIA applications and approvals etc.	Green and Sustainable Valley	5	5	25	Infrastructure Services	Waste management strategy, finalisation of the agreement with Eskom to move electricity poles for opening space.	Deon Louw	Constant monitoring of situation; seeking alternatives; cooperation with neighbouring municipalities for solutions and assistance.
2	Financial Sustainability.	Debt management; cashflow; changes patterns in revenue (more off the grid connections to water and electricity).	Good governance and Compliance, Green and Sustainable Valley	5	4	20	Financial Services	Legal framework to lock in customer regarding off grid connections; revenue enhancement strategy.	CFO	Constant monitoring of debt management and income ratio; establish and monitor changing patterns in the usage of water & electricity.
3	Increase in community unrest due to the fact that growth in demand for housing exceeds the resources available for development.	Lack of bulk infrastructure; lack of identified and suitable land, unrealistic eviction judgements, illegal invasions and landgrabs, housing backlogs, migration.	Dignified Living, Safe Valley	4	4	16	Planning and Economic Development	Housing pipeline, emergency policy, TRA identification, increased monitoring for illegal occupants.	Geraldine Mettler, Tabiso Mfeya, Gary Boshoff	Completion of the SDF, Idas Valley housing project (mixed housing); ATC and the implementation thereof to establish new housing sites.
4	Loss off credibility and reputation due to perceived fraud and corruption.	Abuse of legislation; reputational risk and credibility; media statements and role of social media in reports etc.	Good Governance and Compliance	4	4	16	All Directorates	Deloitte hotline, fraud prevention policy, SALGA to address unintended consequence of regulations.	Geraldine Mettler All Directors	Council, Municipal Manager as well as Senior Managers actively involved in addressing fraud and corruption; Staff members kept informed via various platforms, active role of labour relations in the disciplinary process and advising on possible cases.
5	Availability and cost of electricity.	Continuous and persistent threats of loadshedding; sustainability of the national power supplier	Green and Sustainable Valley, Dignified Living	5	3	15	Infrastructure Services	Continuous repairs and maintenance i.r.o. the existing network; upgrading of infrastructure as and when required; appointment of skilled staff.	Deon Louw	Dependency on national supplier Eskom, encouraging alternative electricity supply methods.
6	Economic downturn due to perceived civil unrest and crime	Increase in criminal activities, civil unrest, reputational risk due to perceived increase in the said activities.	Safe Valley, Dignified Living	4	3	12	Community Safety	Combined SSI, close relationships with SAPS and other law enforcement agencies, combined control room, strategic camera placings, etc.	Gary Boshoff	Due to the perceived increase in crime, unrest etc, how the Stellenbosch area are perceived has also changed in the media as well as the public. Thus the reference to this being a reputational risk which can have an impact on future developments and investments.
7	Material misstatements in the AFS that constitutes non-compliance with Section 122 of the MFMA.	System errors, transactions and events not recognised as they occur and accordingly not recorded in the financial period it occurred.	Good Governance and Compliance	4	2	8	Financial Services	8 month AFS, systems upgrade and alignment. Audit readiness is essential with a need for an external audit prior to the formal audit from AGSA. Actions to be reflected in detail in Audit Action Plan.	CFO	Audit action plan developed and monitored by CFO, MM and A&PC; appointment of service provider to manage the quality of the AFS; reporting to MM and A&PC by submitting interim statements; proactive management.
8	Urbanisation and growth.	Comprehensive understanding of the developmental needs in the greater Stellenbosch area; rapid and continued urbanisation; changes in the needs of the community; masterplans; housing pipeline; IDP and SDF alignment.	Valley of Possibility	3	2	6	Infrastructure Services	Review of the SDF, approved housing pipeline.	Deon Louw & Tabiso Mfeya	Approval and implementation of the ATC; completion and approval of the SDF.
Residual Risk Exposure						14.75	A score of 9 to 15 is considered moderate. The risk exposure for Stellenbosch for 2019/20 has been revised to 15 which is still within the moderate range. An action plan is required for some of the strategic risks identified. It should be noted that the risk exposure on some of the strategic risks has improved as a result of mitigating action that was implemented.			

Final Revised Operational Risk Register 2019/20										
1	Lack of integrated Information and Communication Technology	Disparate systems	Good Governance and Compliance	4	3	12	All Directorates	Position paper on integration	All Directors	A separate risk register in draft with regards to ICT management, new server room nearly completed, service provider appointed to assist in streamlining and optimising ICT in the municipality.
2	High Vacancy Rate	A skilled and capable workforce is necessary to support growth objectives, quality and timeous service delivery needs to be provided by all departments.	Good Governance and Compliance	3	4	12	Corporate Services	Filling of posts in the recruitment and selection department to create capacity, communication between the user departments and human resources more stream lined and effective, organisational and operational structure aligned and approved.	A De Beer	All departments need to perform optimally to ensure service delivery in terms of growth and IDP objectives.
3	Insufficient burial space in the greater Stellenbosch	Planning and funding; land availability.	Dignified Living	2	5	10	Community and Protection Services	Part of SDF review, feasibility and impact study on suitability for grave yards, discussion and future planning on alternative burial methods, engagements with church groups to establish memorail walls.	Gary Boshoff	Remedial plans put into action to adress the risk; continiuous process to identify possible burial space; Approval and completion of the SDF.
4	Timeous Capital Spending	Steady increase in budget allocation; growing population and demand for services; demand management.	Good Governance and Compliance	5	2	10	Financial Services	Demand Management Plan and Committee.	CFO	Implementation and monthly management of the capital monitoring tool; process review iro SCM to streamline appointment of service providers; constant monitoring and planning by senior managers, MM and Council.
5	Water Security	Limited sustainable water sources; Growing population with increase in demand; pollution of sources.	Dignified Living; Valley of possibility; Green & Sustainable Valley	5	2	10	Infrastructure services	Drought management plan in place; water warriors; water demand meters.	Deon Louw	Constant monitoring and planning; average and above rainfall during 2018 and 2019.
6	Business Continuity	Disasters, electricity outages; hacking of systems.	Good Governance and Compliance	5	2	10	Corporate Services	Integrated ERP; off site data center.	Annelene de Beer	Will require more thought processes and continuity in future, NT and PT already starting with implementation of more formal structures as well as guidelines ito the relevant legislation.
7	Losing the historic status of Stellenbosch w.r.t environment (trees, biodiversity, buildings, rivers, etc.)	Keeping the balance - development and the historic status; occurance of natural disasters.	Dignified Living; Valley of possibility; Green & Sustainable Valley	3	2	6	All Directorates	Heritage asset register; adherence to heritage planning legislation for developmental applications, declared heritage zones.	Tabiso Mfeya (Primary) Deon Louw (Secondary)	Approval and implementation of the ATC; completion and approval of the SDF.
Residual Risk Exposure						10.0	A score of 9 to 15 is considered moderate. The revised operational risk exposure for Stellenbosch for 2019/20 has been revised to 10. This means that the operational risks identified, though important is sufficiently in control. Mitigating factors remains necessary to ensure that these risks are appropriately dealt with. Overall the operation remains similar to the previous financial year, with the addition of "high vacancy rate" and "business continuity". Business Continuity is a new area receiving focussed attention from national treasury which will be formally required from municipalities in the next 2 years. Stellenbosch does pay attention to business continuity already, however the requirements from national treasury will be more stringent.			

Emerging Risks										
1	Climate Change	Changing weather paterns, unpredictable rainfall/flash floods, drought natural disasters, fires (seasonal and other).	Green and Sustainable Valley; Safe Valley	4	3	12	Office of the Municipal Manager	Drought management plan in place; water warriors; water demand meters.	Geraldine Mettler	Successful drought management plan during the 2017/18 financial year; renewable energy sources that is currently under discussion; conversation with public and private sector to partner in managing this risk going forward, etc.

Critical 20-25	Red
High 16-19	Orange
Moderate 9-15	Yellow
Low 1-8	Green

act immediately
action plan
monitor/transfer
disregard

Impact and Likelihood ratings

Grading	Historical
5 Almost certain	Is expected to occur in most circumstances
4 Likely	Will probably occur
3 Possible	Might occur at some time in the future
2 Unlikely	Could occur but doubtful
1 Rare	May occur but only in exceptional circumstances

Revision Date:

Final Strategic Risk Register 2018/19
Final Strategic Risk Register 2019

Jul-18
Aug-19

inherent risk if no controls in place
residual risk if there is controls in place

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE