



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2020-08-14

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2020-08-19 AT 10:00

TO The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr W Petersen(Ms)

COUNCILLORS FJ Badenhorst
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 via **MS Teams** on **Wednesday, 2020-08-19 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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2020-08-19
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2020-07-22

MINUTES

MAYORAL COMMITTEE MEETING:

2020-07-22 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2020-07-22
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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)
Deputy Executive Mayor, W Petersen (Ms)

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

Also Present: Councillor N Jindela (Speaker)
Alderman P Biscombe (Single Whip)
Councillor W Pietersen (MPAC Chairperson)

Officials: Municipal Manager (G Mettler (Ms))
Director: Planning and Economic Development (A Barnes)
Director: Infrastructure Services (D Louw)
Director: Corporate Services (A de Beer (Ms))
Director: Community Service (G Boshoff)
Chief Financial Officer (K Carolus)
Senior Audit Executive (F Hoosain)
Manager: Communication (S Grobbelaar)
Manager: IDP & Performance Management (G Cain)
Senior Administration Officer (B Mgcushe (Ms))

1.	OPENING AND WELCOME
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The Executive Mayor welcomed everyone present at the Mayoral Committee Meeting.

2.	COMMUNICATION BY THE CHAIRPERSON
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“Deputy Mayor,

MM,

Mayco Members

Directors

Good Morning, Goeie more, Molweni, As-salaam Alaikum

COVID 19

- Uniquely challenging time
- Own organisation has been hard hit as well and we have lost staff members
- Many staff members and officials have also lost friends and family and by now I am sure we all know someone who has the virus or have had it.

- Thoughts and prayers are with all residents and staff members who have lost loved ones because of this virus.
- To all those who are still fighting the virus, our thoughts and prayers are with you, keep fighting.
- I want to urge every resident to take ALL the necessary precautions and to follow all the health and safety guidelines
 - Wear a mask when you are in public – it is now compulsory
 - Wash your hands or sanitise it regularly
 - Adhere to social distancing
 - PLEASE do not visit friends or family – This is very difficult, but limiting social contact is absolutely necessary in limiting the spread of the virus.
- We are continuing our efforts to aid the most vulnerable people in our communities by working with Stellenbosch Unite.
 - More than 33 000 food parcels have been distributed
 - More than 95600 litre soup has been distributed in communities.
- Urge residents and business who are able to support Stellenbosch Unite, to do so.
 - All information is on their website <https://stellenboschunite.org/>
- Virtual meeting with Minister Ivan Meyer and representatives from Winelands on Monday.
 - Minister Meyer is the MEC assigned by cabinet to oversee the Cape Winelands as hotspot area and the execution of the provincial hotspot strategy.
 - Discussions about the impact of COVID on local government and the agricultural industry
- Hosting webinar in cooperation with Launch Lab on Thursday to speak with businesses in our region about the challenges they are facing
- Congratulations to Delaire Graff Estate was named as the best winery in Africa and ranked number 14 internationally in the World's Best Vineyards awards.
 - The ONLY winery in South Africa that ranks in the top 20 Vineyards
- Stellenbosch has become the first destination in South Africa to be awarded Safe Travels Stamp by the World Travel and Tourism Council (WTTC).
- WTTC, which represents the global Travel and Tourism private sector, designed the special Safe Travels stamp to enable travellers to identify destinations and businesses around the world which adopted its health and hygiene global standardised protocols – so consumers and holidaymakers can experience 'Safe Travels'.
- Among the many initiatives is Stellenbosch Ready, a unique programme that meets three critical guest needs, including WTTC validated health and safety protocols, adoption of health and safety protocols through staff training and flexible booking terms.
- We are all awaiting the reopening of the tourism industry, and we are ready to welcome our visitors”.

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:-

Councillor E Groenewald (Ms) – 2020-07-22

Senior Manager: Governance – 2020-07-22

5.	CONFIRMATION OF PREVIOUS MINUTES
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5.1 The minutes of the Mayoral Committee Meeting held on 2020-05-22 were **confirmed as correct.**

6.	STATUTORY MATTERS
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6.1	REVISED PERFORMANCE MANAGEMENT POLICY 2020/21
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Collaborator No: 687937
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 July 2020

1. SUBJECT: REVISED PERFORMANCE MANAGEMENT POLICY 2020/21

2. PURPOSE

To submit the Revised Performance Management Policy 2020/21 to Council to be released for public comments.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Executive Mayor must, in terms of section 39 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), manage the development of a performance management system and submit it to Council for adoption.

This Performance Management Policy has been revised to be applicable for the 2020/21 financial year to ensure the effective implementation of performance management.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 6.1

- (a) that Council takes notice of the Draft Revised Performance Management Policy 2020/21; and
- (b) that the Draft Revised Performance Management Policy 2020/21 be released for public comments.

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	08 July 2020

6.2	APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2020/21
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Collaborator No: 687936
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 July 2020

1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2020/21

2. PURPOSE

The purpose of this submission is to inform Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21.

3. DELEGATED AUTHORITY

According to Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the Executive Mayor must approve the TL SDBIP within 28 days after the approval of the municipal budget.

4. EXECUTIVE SUMMARY

Section 53(1)(c)(ii) of the MFMA compels the Mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2020/21 was approved by the Executive Mayor on 24 June 2020, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2020/21 is herewith submitted to Council for notification.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 6.2

- (a) that Council **TAKES NOTE** of the approved Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21 attached hereto as **ANNEXURE A**;
- (b) that Council **TAKES NOTE** that the approved TL SDBIP 2020/21 has been made public within 10 working days after the approval of the TL SDBIP 2020/21 and duly submitted to the MEC for Local Government in the Province; and
- (c) that Council **TAKES NOTE** of the performance indicators and targets adjustment as contained in the approved Integrated Development Plan (2017/2022) in accordance with the performance indicators and targets contained in the approved TL SDBIP 2020/21 to ensure accurate technical alignment between the IDP 2017/2022 and TL SDBIP 2020/21.

6.3	MFMA SECTION 52 REPORTING UP TO JUNE 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO JUNE 2020

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 4 of the 2019/20 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

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

“The mayor of a municipality—

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

4. EXECUTIVE SUMMARY

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

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

This report provides the overall performance of the Municipality for the period 1 April 2020 to 30 June 2020.

The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the annual financial statements for the financial period ended 30 June 2020. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2020.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 6.3

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

6.4	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2020 - 30 JUNE 2020)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. **SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2020 - 30 JUNE 2020)**

2. **PURPOSE**

To submit to Executive Management a report for the period 01 April 2020 - 30 June 2020 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. **DELEGATED AUTHORITY**

FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (3) & 4 of the SCM Policy 2019/2020 determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. **EXECUTIVE SUMMARY**

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

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 6.4

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

FOR FURTHER DETAILS CONTACT:

NAME	<i>Dalleel Jacobs</i>
CONTACT NUMBERS	<i>021 808 8588</i>
E-MAIL ADDRESS	<i>Dalleel.Jacobs@stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>10 July 2020</i>

6.5	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2020

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during June 2020.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 6.5

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 23/20	18 June 2020	Rufus Dercksen Attorneys	To institute review proceedings against the arbitration award of commissioner DER VLIEGER-SEYNHAEVE Under case no: WCP011915 in the labour court in the matter between IMATU OBO DEIDRE JEFTHAS ("JEFTHAS") / Stellenbosch municipality ("THE	Exceptional case and it is impractical or impossible to follow the official procurement processes	Deidre Jephtas has through her Trade union obtained an ex parte contempt of court order against the Municipal Manager with a return date on 3 July 2020 for not implementing the award. An application to deal with the contempt of court application as well as the review of the award by the arbitrator must be dealt with by the same service provider. The return date for the contempt	R198 061.28 (Incl. Vat)

			MUNICIPALITY") including an application for condonation and to oppose the application for contempt of court instituted by JEFTHAS against the municipal manager and the municipality.		of court date is 3 July 2020. It is thus impractical to follow the normal procurement processes as the Municipality needs to act hastily to institute review proceedings and oppose the contempt of court application instituted.	
D/SM 24/20	26 June 2020	Chennells Albertyn Attorneys	To appoint a service provider to represent an employee and attend to the submission of an appeal against the judgment of magistrate Melane in the criminal matter under case number 98/03/2015.	Exceptional case and it is impractical or impossible to follow the official procurement processes	An official employed by Stellenbosch Municipality was charged with reckless and/or negligent driving and for the offence of contravening section 63(1) of the National Road Traffic Act, 93 of 1996 for causing an accident on 6 March 2015 by making an alleged U-turn in the road. The driver of the private vehicle lost control of his vehicle as a result thereof the vehicle overturned. The employee was found guilty of negligent driving. The municipality appointed an attorney to represent the employee in the criminal case as the employee was acting in the performance of his duties and the employer acted in terms of its obligation under the Western Cape Conditions of Service collective agreement. A quotation was done and Chennells Albertyn was appointed to represent the employee in the criminal case. It would not be practical to appoint another service provider to deal with the appeal process as Chennells Albertyn is already familiar with the case and the evidence delivered in the criminal case. The	R137 625.00 (Incl. Vat)

					costs quoted for the attendance to the appeal process is market related. It is also a lot less than any possible delictual costs a guilty finding will have on the municipality. The employee is also barred from being a peace officer due to the guilty finding which has implications on his employment with the municipality should the matter not be taken on appeal.	
D/SM 25/20	29 June 2020	LJA Construction	The replacement of roof sheeting and a box gutter at the Distell Hostel	Emergency	An invitation to suitably qualified bidders was placed on the Municipal Website 4 written quotations were received for the replacement of roofs sheeting's and box gutters. The municipality could not follow the official bidding process and needed urgently to repair given the fact that the rain and leakages would result in risk to the property and or injuries	R1 422 364.62 (Incl. Vat)
D/SM 26/20	30 June 2020	Coral Clean	Rendering of laundry services, Infrastructure serv. Stellenbosch municipality	Exceptional case and it is impractical or impossible to follow the official procurement processes	Due to health risks associated with the exposure to hazardous biological agents and materials particularly during the Covid 19 pandemic, the Occupational Health and Safety Act (Act No. 85 of 1993), emphasize that it is a legal requirement under the heading "Hazardous Biological Agents" that all personal protective clothing be handled in accordance with Regulation 11 (4) to 11 (6) as well as Regulation 17 (a) to (f). To ensure legal compliance, a laundry service is required in adherence to the above-mentioned regulations. The procurement of a suitable service	Estimated R699 724,00 (Incl. VAT)

					provider for a laundry service must therefore be treated as an emergency to avoid human injury, illness or death and the normal procurement supply chain process cannot be followed	
D/SM 27/20	30 June 2020	The Sustainability Institute Innovation Lab (SIIL)	B/SM 97/19 off-Grid Electricity in Enkanini	Exceptional case and it is impractical or impossible to follow the official procurement processes.	A new tender (B/SM26/20) has been advertised, but due to delays caused by the National Lockdown the new tender will not be awarded in time for a new service provider to start work by 1 July 2020.	Estimated R220 000 per month (Incl. Vat)
D/SM 28/20	30 June 2020	TMT Services and Supplies (Pty) Ltd	Provision of traffic law enforcement equipment, back office system and related services	Exceptional case and it is impractical or impossible to follow the official procurement processes.	With the announcement to introduce AARTO which was announced on the 14 th of August 2019 with Implementation date only becoming known on 22 nd November 2019, there was uncertainties as to the back office duties and no clarity as to how this will effect day to day functioning of the back office, which is currently also done by a service provider. Various meeting was then held to seek clarity on possible implications to ensure it does not negatively or have minimal effect on the municipality. The municipality engaged with a range of stakeholders (SALGA, RTIA, fellow municipalities, etc.) in extensive consultations to compile relevant specifications for the back-office service. The uncertainty has caused tremendous challenges in finalizing the specifications for the tender. The BSC recently approved specifications to be advertised. The envisaged Tender	R 3 981 985.74 (Incl. Vat)

					that is advertised supposed to be effective as from 01 July 2020, but due to unforeseen delays. It will be impossible for the new Tenderer to commence from 01 July 2020.	
D/SM 29/20	30 June 2020	Verso Financial services	Employee group life solutions	Exceptional case and it is impractical to follow the official procurement processes.	A contract was entered into with Verso for the provision of Group Life Solutions to employees from 1 December 2019 to 30 June 2020. The department compiled new tender specifications as the previous contractor was appointed through a Section 32 process. The specification started in February. It could not be finalized before March 2020 when the disaster was announced by the President. The Human Resources had to respond to an array of new challenges around Covid 19. Due to the lockdown the specification meetings did not take place and specifications could not be approved in time to allow the municipality to have a tender in place, as planned by 30 June 2020. The department finalized the specification and will take 3 months to award the tender.	Estimated R699 724,00 (Incl. Vat)
D/SM 30/20	30 June 2020	Nedbank Limited	Provision of banking services	Exceptional case and it is impractical to follow the official procurement processes.	The National Lockdown enforced caused a delay in the finalization of the tender. The Municipality also need sufficient time for the verification and communication to appropriate transferring officers and to effect systems amendments to the new primary banking details. Therefore it is impractical and	Estimated R 816 607.00 (Incl. Vat)

					impossible to follow the normal procurement processes.	
D/SM 31/20	22 March 2020	Webber Wentzel Attorneys	De Zalze Golf Club / Valuation Appeal board for the Stellenbosch Municipality & Stellenbosch Municipality	Exceptional case and it is impractical to follow the official procurement processes.	<p>De Zalze Golf Club applied to have the Valuation Appeal Board decision dated 5 September 2018 on the leasehold rights in respect of remainder Erf 296 De Zalze be reviewed and set aside. The Municipality must file our notice of opposition on 22 March 2019 and therefor need to appoint attorneys.</p> <p>Their application seek to replace the decision of the appeal valuation board with an order valuing the property at R1000.00 alternatively R4 900 000.00. If the Valuation Appeal Board and Stellenbosch Municipality intends opposing the application it is required within 15 days after receipt of the notice of motion or any amendments thereof, to deliver notice to the applicant that it intends to oppose the application and within thirty (30) days after the expiry of time referred to in rule 53(4), to deliver any affidavits it may desire in answer to De Zalze Golf Club's allegations. If no opposition is received the application will be made on 25 March 2019 at 10h00 or as soon thereafter as counsel may be heard for an order.</p> <p>In light of the above, time is of the essence and it is not practical or possible due to time constraints to follow the normal supply chain processes. The Municipality will have</p>	R1 041 744.76 (Incl. Vat)

					to appoint an attorney firm via a deviation to oppose the review application.	
D/SM 32/20	26 March 2020	AON	Short Term Insurance Portfolio	Exceptional case and it is impractical to follow the official procurement processes.	AON South Africa (Pty)(Ltd) was appointed as the successful broker on behalf of Stellenbosch Municipality .AON tendered with Lion of Africa as the underwriter and the insurance premiums were based on the quoted amounts of the underwriter .However Lion of Africa has withdrawn from the Local Government environment as at 30 June 2019 .This could not have been foreseen from the broker. Guardrisk is currently the sole provider and only underwriter in the Local Government Environment.	R 730 049.01 (Incl. Vat)

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager Supply Chain Management
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Dalleel.Jacobs@stellenbosch.gov.za
REPORT DATE	10 July 2020

6.6	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2019 - 30 JUNE 2020)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2019 - 30 JUNE 2020)

2. PURPOSE

To submit to Executive Management a report for the period 01 July 2019 - 30 June 2020 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (2) (i) & 4 of the SCM Policy 2019/2020 determines that the Accounting Officer must within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

Within 30 days of the end of each financial year the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 6.6

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

FOR FURTHER DETAILS CONTACT:

NAME	<i>Dalleel Jacobs</i>
CONTACT NUMBERS	<i>021 808 8588</i>
E-MAIL ADDRESS	<i>Dalleel. Jacobs@ Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>10 July 2020</i>

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 FJ BADENHORST)
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NONE

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL

2. PURPOSE

The purpose of this report is to obtain the necessary approval from Council to register a servitude over erf 328 in favour of erf 320, Pniel, to enable the owner of erf 320 to gain access to his property.

3. DELEGATED AUTHORITY

At the time when the Agreement was compiled and agreed upon, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million.

This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. For this reason, Council must now consider the matter.

4. EXECUTIVE SUMMARY

During 2002 Stellenbosch Municipality approved building plans for a single residential unit on erf 320, Pniel. At the time the access to the property was off Main Road.

During 2009/10 the Provincial Department of Transport and Public Works undertook certain construction/upgrade work to the Main Road. During this period the access to erf 320 was closed, due to safety reasons (lack of sight lines). Following the unilateral action by the Provincial Department of Transport and Public Works, the owner tried all efforts to get this resolved, but without any success as the municipality was of the opinion that the Provincial Department of Transport and public roads, who closed the access should be responsible for providing another access or bear the costs for the servitude as the access is across the land of another private individual.

He approached the Public Protector for assistance. During 2017 representatives of Stellenbosch Municipality (including the Municipal Manager) and the Provincial Department of Transport and Public Works were summoned to the Public Protector's office, where it was agreed, *inter alia*, that Stellenbosch Municipality would take responsibility to register a servitude over erf 328 (neighbouring private property) in favour of erf 320, on condition that an agreement be reached at a later stage regarding the cost.

At the time when the Agreement was compiled and agreed upon, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million.

This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. It is not practical to bring every request for a servitude to council and it is proposed that council give the delegation as contained in **ANNEXURE 6**.

All the legal processes (servitude diagram, valuation of servitude, etc.) were followed and are now ready for implementation.

Council must now consider the matter.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.1

- (a) that Council approves the registration of a servitude over erf 328, Pniel, in favour of erf 320, at a cost of R67 684.00 (exclusive of VAT);
- (b) that the Municipal Manager be authorised to sign all documents necessary to effect the registration of the servitude, including the signature of the Agreement of grant of right of way, hereto attached as **APPENDIX 5**;
- (c) that the Municipal Manager be authorised to negotiate a financial contribution from the Provincial Department of Transport and Public Works towards the cost of registration of the servitude and/or construction of a servitude access; and
- (d) that the right to acquire immovable property or rights in immovable property by way of lease or registration of a servitude be delegated as per the provisions contained in **APPENDIX 6** and that the delegations be amended accordingly.

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	2020-07-09

7.2.2	PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG

2. PURPOSE

To make a final determination on the renewal of the Lease Agreement with Eikestad Mall (Pty) Ltd in relation to Beyersteeg, Stellenbosch.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and IPG concluded a Lease Agreement on 10 February 2000 for the use of a portion of Beyersteeg. The agreement was for a period of 10 years, with an option to renew it for a further period of 10 years.

During 2008 IPG elected to exercise their right of renewal and in 2008 this Lease Agreement was ceded and assigned to Eikestad Mall (Pty) Ltd.

They have requested a renewal for a further period of 10 years. Council considered the application on 2019-11-27 and approved it in principle a renewal of 9 years and 11 months, subject to a public input/comment/objection process. As per the council resolution on 27 November 2019 the lease agreement continued a month to month basis until a final resolution can be made on payment of the previously determined rent.

A public notice was advertised on 6 February 2020 as no public notices of the nature is dealt with from middle December to middle January. At the closing date no comment/inputs/objections were received. The matter was intended to serve in the April round of meetings, but due to the Covid could not serve before Council. Council must now make a final determination on the renewal as well as on the monthly rental payable.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.2

- (a) that Council takes note of the fact that no inputs/objections were received, following the public notice period;
- (b) that Council approves the renewal of the Lease Agreement for a period of 9 years and 11 months at a new, market-related rental of R6050.00 per month, with an annual escalation of 8% over the lease period; and
- (c) that the Municipal Manager be authorised to conclude the Lease Agreement on behalf of Stellenbosch Municipality.

7.2.3	ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM

2. PURPOSE

To consider the encroachment application of Horizon House for taking the objection received into consideration and make a final determination. To further consider delegations to deal with encroachments.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis.

Council considered the matter on 2020-01-29 and approved it in principle, subject to advertising its intention so to enter into an encroachment agreement.

Following the public notice period, one (1) objection was received from the Working Centre for Adult persons with disabilities, also operating from the Horison House property. Council must consider this objection before making a final determination.

There are various types of encroachments that for which tariffs are provided in the tariff book every year a copy of which was attached to the item that served in January before Council. A copy of the extract of the new tariffs is attached as **APPENDIX 4**.

The current delegations do not make provision for the delegation of these type of applications and it is not practical to bring all these applications to council. It is therefore recommended that council approve a delegation to the Municipal Manager to deal with encroachment applications.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.3

- (a) that Council considers the objection before making a final determination;
- (b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and
- (c) that consideration be given to the proposed delegation to the Municipal Manager in **APPENDIX 5**.

7.2.4	ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BAYS ON ERF 235, STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BAYS ON ERF 235, STELLENBOSCH

2. PURPOSE

To consider the application of Lar-Shei Investments (Pty) Ltd to enter into an encroachment agreement to enable them to utilise/manage 18 parking bays for exclusive use by their tenants.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Lar-Shei Investments (Pty) Ltd, the owners of the Lar-Shei Building, housing 18 flats and 8 commercial properties, applied for 18 parking bays on the parking area on erf 235 (public parking area) to be used exclusively by their tenants/owners.

A similar arrangement was approved for the Body Corporate of erf 7551, when it was developed during 2017. Lar-Shei and the Akkerhof Body Corporate, situated next to the Lar-Shei Building concluded an Agreement, whereby Akkerhof would give their consent Lar-Shei's application, on condition that they (Akkerhof) would be allowed to use 9 of the 18 parking bays for their tenants, should the application be approved by Council. The encroachment agreement would normally be for an unlimited period and contain a 3 months' notice period. The application will be advertised for public comment should Council in principle approve the application.

The item served before Mayco in November and was referred to address two matters:

1. Amount of parking spaces available at the parking area
2. To determine if this should be seen as inside or outside the CBD.

During an inspection by Infrastructure it was reported that there is around 130 parking bays available if the parking bays allocated to the Body Corporate of erf 7551 is deducted from the parking bays available. The application process for municipal employees indicates that we will need around 60 parking bays to accommodate the overflow from Bloemhof. There are therefore 18 bays available should Council want to approve the application of Lar Shei.

The feedback from the Planning Department is that there is no hard line drawn to indicate the CBD or not. Given all the businesses around it is recommended that Council resolve that the area is for purposes of rates for parking encroachments regarded as falling within the CBD.

The application again served before Mayco on 12 February 2020 and the resolution was that this item be referred back to Administration for further refinement, where after same is to serve again at the Mayoral Committee meeting of March 2020. The item did not serve in the May round of meetings as we were awaiting input from the Director Infrastructure services given the investigation they did on parking. Director Louw has responded to the property section as follows and has also commented on the item before that as indicated below in 6.8.1.

“My parkering item was die Sektie 78(4) besluit. Dit het basies aanbeveel dat alle meervloerige parkering uitgegee sal word op kontrak en alle enkelvlak parkering deur die munisipaliteit self gedoen sal word. Ons is dus tans besig om Artikels 80 & 81 se proses te volg, dws die opstel van ‘n SDA (Service Delivery Agreement). Die raadsbesluit het aangedui dat daar gekyk moet word na skepping van ‘n parkeergarage by Technopark en Eikestadmall. Verder moet daar na verskeie parkeerareas binne loopafstand van die Universiteit en Stellenbosch CBD gekyk word.

As bogenoemde aansoek dus binne die besigheidsafstand van Technopark of Eikestadmall gaan wees dan mag dit die lewensvatbaarheid van die garages raak. Nou dat lockdown gelig is kan ons ‘n vergadering reël om die punt te bespreek en as die gevoel is dat ons dit kan toelaat dan kan ons die groenlig gee. Let daarop dat parkering ‘n munisipale funksie is ten opsigte van die Grondwet. As ‘n persoon vir sy eie besigheid parkering wil verskaf dan is dit goed, maar as hy parkering vir die breë publiek wil verskaf dan is dit nie goed nie.”

Council must now consider this application.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.4

that the Municipality retains this portion of land for the purposes of additional parking as per Municipal parking programmes due to the lack of parking within the Stellenbosch CBD and surrounding.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088750
E-MAIL ADDRESS	<u>Piet.smit@stellenbosch.gov.za</u>
REPORT DATE	2020- 07-13

7.2.5	APPLICATION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND: STELLENBOSCH BRIDGE DEVELOPMENT KLAPMUTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: APPLICATION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND: STELLENBOSCH BRIDGE DEVELOPMENT KLAPMUTS

2. PURPOSE

The purpose of this report is to request the permission/consent from Council to allow Stellenbosch Bridge Development (Pty) Ltd to construct public roads over municipal land.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Anton Lotz Town and Regional Planners, on behalf of Stellenbosch Bridge Development (Pty), applied for permission to construct two (2) public roads on municipal land. As these are public roads it will be to the benefit of the Municipality, should the roads be constructed by the Developer, at their cost and it will remain the property of the Municipality. The Developer will also be required to undertake a proper subdivision and registration of the public road reserves.

They have also submitted a Land-Use application for the development of Portion 5 of Farm 742 and Portion 2 of Farm 744, Paarl (Klapmuts). Both Remainder Farm 739 and erf 342 rest with Stellenbosch Municipality by virtue of Title Deeds T5392/2009 and T42229/2000 respectively. See Windeed records attached as **APPENDIXES 3** and **4**.

The Planning Department has indicated that they cannot consider the Land-Use application until such time as the necessary consent/approval for the construction of the roads over municipal property has been dealt with. The request for consent to build the roads are therefore submitted for consideration. Whether the cost of the construction of the roads can be assigned to Development Contributions (DC) still need to be determined in terms of the DC Policy and further discussions with our Development Services Section.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.5

- (a) that Council consents to the request by Stellenbosch Bridge (Pty) Ltd to construct public roads over Portions of Council-owned land as set out in Fig 4 and 5, at the cost of the Developer; and
- (b) that Stellenbosch Bridge (PTY) Ltd also attends to the subdivision of the respective properties to allow for the road diagrams at their cost.

7.2.6	ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS

2. PURPOSE

To submit proposed delegations which will be included in the approved System of Delegations in regard to property matters not covered in the current approved System of Delegations.

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.

The current system of delegations was approved on 25 September 2019 and did not contain delegations around council rights on properties. These does not form part of the delegations mentioned in section 160(2) of the Constitution that may not be delegated. It is impractical to bring all these decisions to Council and especially as we enter a new era of fewer council meetings, as indicated by the Speaker, and meetings taking place in the virtual space. It is proposed that council consider delegation of the powers as indicated in **APPENDIX 1**. When approved the delegations will be included in the System of Delegations approved in 2019.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.2.6

that Council considers the attached delegations (**APPENDIX 1**) for inclusion in the System of Delegations.

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
NONE	
7.4	HUMAN SETTLEMENTS: (PC: CLLR W PETERSEN (MS))
7.4.1	FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES

Collaborator No: 687976
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 22 July 2020 (Mayco)

1. SUBJECT: FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES

2. PURPOSE

To obtain Council's final approval to commence with a Public Competitive Process to give effect to the granting long-term use rights to SHIs and/or ODAs on Council-owned land in order to realise the implementation of the Social Housing Programme.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was identified by the Western Cape Provincial Administration as one of "Leader Towns" in the Province that have the requisite constituents to partake in the Social Housing Programme. Consequent to this, the municipality adopted an Affordable Rental Housing Strategy and Plan in 2016. The municipality also underwent a rigorous process of identifying and approving Restructuring Zones for the development of Social Housing. Stellenbosch Restructuring Zone areas were subsequently endorsed by the National Housing Ministry and have been published as such in the Government Gazette dated 27 April 2017 (No. 40815).

Stellenbosch Municipality's Human Settlements Division needs to commence with a process of granting long-term use rights to qualifying accredited entities (SHIs and/or ODAs) on land identified and approved by the Municipality for the purpose of developing Social Housing estates.

Council approved, in principle, that Land Availability Agreements (long-term use rights) be entered into with Social Housing Institutions (SHIs) and/or Other Development Agencies (ODAs), subject to certain conditions, and subject thereto that Council's intention so to act be advertised for public inputs/objections.

A notice to this effect was published. A considerable amount of input/comments have been received from the public and have been attached herewith as (**ANNEXURE A**).

Council must now make a final determination in this regard.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.4.1

- (a) that Council takes note of inputs/comments that were received, following the public notice advertised;
- (b) that a phased approach be adopted to implement social housing in Stellenbosch;
- (c) that the property situated to the north of the town opposite Kayamandi, erven 81/2 and 81/9, Stellenbosch, commences with the procurement process to appoint a suitable SHIs and/or ODAs; and
- (d) that Council makes a final determination for the administration to commence with a process toward entering into **Land Availability Agreements** with SHIs and/or ODAs successful in a Public Competitive Process.

FOR FURTHER DETAILS CONTACT:

NAME	Lester van Stavel
POSITION	<i>Manager: Housing Development</i>
DIRECTORATE	PLANNING & ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021-8088402
E-MAIL ADDRESS	Lester.Vanstavel@stellenbosch.gov.za
REPORT DATE	2020-06-29

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
7.5.1	BSM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS(INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19,2019/20 AND 2020/21

Collaborator No: 688179
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 22 July 2020

1. SUBJECT: BSM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS (INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19,2019/20 AND 2020/21

2. PURPOSE

To obtain the necessary approval to extend the scope of work of BSM 13/19 to allow for additional work required to conduct a new cost of supply study in accordance with NRS058 and National Energy Regulator of South Africa (NERSA) methodology.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender number B/SM 13/19 was awarded to BBEnergy (Pty) in July 2018 for a period of three (3) years ending June 2021 to do a comprehensive analysis of existing electrical tariffs offered by Stellenbosch Municipality to their customers, including negotiated pricing agreements and gathering of statistical data for distribution forms. Part of the tariff analysis requires BBEnergy to assist Stellenbosch Municipality in motivating, during tariff application period, tariff increases based on NERSA's consultation paper (Municipal Tariff Guidelines) or Municipality's cost of supply study if available.

An additional work is required for BBEnergy to conduct a new cost of supply study that will give a true reflection for Stellenbosch Municipality of rendering a service of delivering electricity to its customers. The cost for additional service is above the variance order threshold of 15% for other services as indicated in section 54(2) in Supply Chain Management policy. Hence the department followed the route of section 116(3) of MFMA.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.5.1

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the increase of tender scope and pricing;
- (b) that Council notes the public participation process that was followed and that no comments were received; and
- (c) that the additional amount of R 342 582 (VAT inclusive) which is 20% of the total tender amount in favour of BBEnergy Pty, be approved.

7.5.2	REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR

2. PURPOSE

To request approval from Council to:

- a. Reduce Managed Parking Fees for 2020/2021
- b. Alter the Parking Contractor's portion of the Parking Tariff within Tender Contract B/SM 04/19

3. DELEGATED AUTHORITY

Council may approve the reduction of tariffs as provided for in the Municipal Finance Management Act (MFMA) Section 28(6).

Council may approve the change of scope of a tender contract as per the MFMA Section 116(3).

4. EXECUTIVE SUMMARY

Council introduced a new Parking Management Contract in the beginning of 2018/19. This Contractor commenced with parking management in June 2019. During the start of 2019/20 budget year, parking fees were raised by 20%. Due to much more efficient operation of the Contractor and therefore the public having to pay on all parking, as well as the hike in tariffs, the parking tariff were reduced to the same as the 2018/19 budget year. The Contractor has refused to introduce.

Due to the COVID-19 Pandemic, parking management was halted and is to start again on 1 August 2020. Due to the big impact of the COVID-19 Pandemic as well as public outcry against high tariffs, it is proposed that all tariffs be reduced by 20%. This reduction is to be done in such a way that the Contractor still gets paid what he would have been paid, but that the Council reduces its portion of the income, resulting in the public paying 20% less than they paid last year (2019/20).

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.5.2

- (a) that the Parking fees as depicted in the table in 6.2 be referred to Council for final determination;
- (b) that the Tender Contract B/SM 04/19, conditions based on a 20% reduction of public parking tariffs, be altered to allow the Contractor to utilise up to 76.9% of the Parking Fee for own use and the balance of not less than 23.1% be paid over to the Municipality;
- (c) that the above be advertised for public comment to allow Council to make a final decision with relation to:
 - i. Reducing parking tariffs as per **ANNEXURE A**
 - ii. Altering the Tender Condition Scope as regulated by the MFMA Section 116(3); and
- (d) that, once the Public Comment has been received, a final report be brought to Council for a final decision.

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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7.7.1	PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK

2. PURPOSE

The purpose of this report is to provide the Council with an update on the progress of the Adam Tas Corridor Catalytic Initiative contained in the Stellenbosch Municipality's Integrated Development Plan 2017 – 2022, and also as stipulated in the Stellenbosch Municipality's Spatial Development Framework, 2019, which in terms of Section 26(e) of the Municipal Systems Act, Act 32 of 2000 is stipulated as a core component of the Municipal IDP.

3. DELEGATED AUTHORITY

Council for noting purposes.

4. EXECUTIVE SUMMARY

The commencement of the Compilation of the draft Adam Tas Corridor Local Spatial Development by the Municipal Manager on 20 March 2020, as delegated by Council at the 27th Council Meeting dated 29 May 2019.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.7.1

- (a) that Council takes cognizance that the process for the Compilation of the draft Adam Tas Corridor Local Spatial Development Framework has commenced;
- (b) that the Adam Tas Corridor geographic area to which the Local Spatial Development will apply, as specified in of this report, has been approved by the Municipal Manager;
- (c) that the Senior Manager: Development Planning has been assigned and appointed as the Project Leader for the formulation of the draft Adam Tas Corridor Local Spatial Development Framework;

- (d) that the process to procure a multi-disciplinary team to undertake the required professional services for the compilation of the draft Adam Tas Corridor Local Spatial Development Framework is currently underway; and
- (e) that a Project Team consisting of the following members have been identified to contract and project manage the Adam Tas Corridor Catalytic Initiative:
- Craig Alexander Pr Pln, Project Leader (Senior Manager: Development Planning
 - Stiaan Carstens Pr Pln, Senior Manager: Development Management
 - Mr Lester van Stavel, Manager: Housing Development
 - Ms Jerri-Lee Mowers, Senior Manager: Development Services

The following Western Cape Government: Department of Environmental Affairs & Development Planning (“DEA&DP”) representatives, listed below, will coordinate the input from WCG and serve as technical advisors to the Project Team:

- Ms Catherine Stone Pr Pln, Director: Spatial Planning;
- Mr Kobus Munro Pr Pln, Director: Regulatory Planning;
- Mr Jeremy Benjamin Pr Pln, Coordinator: Regional Socio-Economic Programme: Stellenbosch (“RSEP”).

FOR FURTHER DETAILS CONTACT:

NAME	Craig Alexander
POSITION	Senior Manager: Development Planning
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8196
E-MAIL ADDRESS	Craig.alexander@stellenbosch.gov.za
REPORT DATE	13 July 2020

7.7.2	REPORT ON THE STATUS OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: REPORT ON THE STATUS OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS

2. PURPOSE

The purpose of this report is to present an overview of the situation on the backlog in the processing of the land use applications.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Due to a number of service delivery challenges, a backlog in the timeous processing of land use applications occurred over time. A number of interventions were made to address these service delivery challenges, and as a result, the backlog has been reduced since 1 February 2020 from 146 to 30 applications. Of the 116 planning evaluation reports, 61 decisions have already been taken and communicated with the applicants.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.7.2

that the current status in addressing the backlog in the processing of land use applications, **BE NOTED.**

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	Stiaan.carstens@stellenbosch.gov.za
REPORT DATE	14 July 2020

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

7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
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7.9.1	RELOCATION OF THE HOMELESS TO ALTERNATIVE VENUE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safe Valley

22 July 2020

1. SUBJECT: RELOCATION OF THE HOMELESS TO ALTERNATIVE VENUE

2. PURPOSE

To request Council to consider the relocation of the homeless, presently housed in the temporary shelter at Van der Stel Sport Ground, to an alternative municipal venue.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of the national lockdown regulations municipalities were compelled to establish temporary homeless shelters to accommodate those individuals living on the streets of the municipality. Stellenbosch Municipality has since April (after a brief period in Klapmuts) housed the homeless at Van der Stel Sport Ground. The use of the sport complex was possible because sport facilities (were closed) and sport activities banned in terms of the lockdown regulations.

However, since the relaxing of the lockdown regulations from Level 5 to level 3, certain sport activities were allowed to take place. Sport clubs using the Van der Stel Sport Complex have appealed to the municipality to open the facility for use by their members as per the protocols approved by national government.

The Community Services therefore request Council's approval to relocate the homeless to the Groendal Community Hall (Franschhoek) as a temporary measure until such time as the lockdown regulations have been suspended.

MAYORAL COMMITTEE MEETING: 2020-07-22: ITEM 7.9.1

RESOLVED

that this item be referred back to Administration for amendments as suggested by Mayco, whereafter it be tabled directly to Council for final resolution.

7.10	MUNICIPAL MANAGER
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7.10.1	SIGNED PERFORMANCE AGREEMENT 2019/20 OF THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
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Collaborator No: 687938
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 July 2020

1. SUBJECT: SIGNED PERFORMANCE AGREEMENT 2019/20 OF THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

2. PURPOSE

To submit to Council, for notification, the following:

the Performance Agreement 2019/20 as concluded between the Municipal Manager and the Director: Planning and Economic Development.

3. DELEGATED AUTHORITY

Council

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:

“(a) be concluded within a reasonable time after a person has been appointed as the municipal manager or as a manager directly accountable to the municipal manager and thereafter within one month after the beginning of the financial year of the municipality”.

Furthermore, Regulation 24(1) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006 states that *The performance agreement must be entered into for each financial year of the municipality, or part thereof.*

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.10.1

that Council takes note of the Performance Agreement 2019/20 as concluded between the Municipal Manager and the Director: Planning and Economic Development for the period 01 June – 30 June 2020.

7.10.2	SIGNED PERFORMANCE AGREEMENTS 2020/21 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER
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Collaborator No: 687998
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 July 2020

1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2020/21 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

2. PURPOSE

To submit to Council, for notification, the following:

Signed Performance Agreements 2020/21 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

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

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

The Performance Agreements 2020/21 was developed in consultation with the Municipal Manager and each Director and signed on 07 July 2020.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.10.2

that the signed Performance Agreements 2020/21 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	08 July 2020

7.10.3	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2020 UNTIL 30 JUNE 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2020 UNTIL 30 JUNE 2020

2. PURPOSE OF REPORT

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 January 2020 until 31 March 2020, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

In view of the legislative stipulations, attached is a summary as **ANNEXURE 1** of decisions taken by each Directorate. The report is for noting purposes.

Please note that these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.10.3

That Council takes note of the decisions taken, for the period 01 April 2020 until 30 June 2020, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 April 2020 – 30 June 2020).
- Chief Financial Officer – Mr K Carolus (01 April 2020 – 30 June 2020).
- Director Community and Protection Services Mr G Boshoff (01 April 2020 – 30 June 2020).
- Director Corporate Services – Ms A de Beer (01 April 2020 – 30 June 2020).
- Director Infrastructure Services – Mr D Louw (01 April 2020 – 30 June 2020).
- Acting Director Planning and Economic Development – Mr C Alexander (01 – 31 May 2020).
- Director Planning and Economic Development – Mr A Barnes (01 – 30 June 2020).

NAME	Geraldine Mettler
POSITION	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	08 July 2020

7.10.4	CONSIDERATION ON APPLICATIONS RECEIVED: (Animal Welfare) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: (Animal Welfare) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021

2. PURPOSE

To discuss and consider the funding applications for the 2020 / 2021 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. DELEGATED AUTHORITY

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. EXECUTIVE SUMMARY

The Policy relating to External Bodies Performing a Municipal Function, as approved by Council, in terms of which allocations may be made to bodies performing a Municipal function, refers. In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies performing a municipal function.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the local newspapers on:

- Eikestadnuus 19 March 2020

The notice invited applications, in accordance with the Policy, for funding in the areas of:

- Facilities for the accommodation and burial of animals

The COVID-19 pandemic and lockdown regulations as promulgated by the President of the Republic of South Africa had the effect that the closing date for the applications of 14 April 2020 being extended to 24 April 2020. The extension notice was circulated to the external bodies, which have submitted their interest electronically, and each body which had responded to the notice in the media thus had a fair opportunity to provide the required information to be considered.

The following bodies submitted applications by the closing date for funding to perform the accommodation and burial of animals function for Council for the 2020 / 2021 financial year and this is compared with the funding granted for the 2019 / 2020 financial year:

COMMUNITY AND PROTECTION SERVICES:

Applicant	2020 / 2021 Funding requested in Rand Value	2019 / 2020 Funding Received in Rand Value
Animal Welfare Society Stellenbosch	R2 725 000.00	R941 000.00
SPCA Franschhoek	R220 000.00	R172 000.00

Currently, Council has budgeted the following amount for 2020/2021:

Community and Protection Services:

SPCA: R1 200 000.00

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.10.4

- (a) that the amount of R1 012 516.00 be allocated to the Animal Welfare Society of Stellenbosch for the 2020 / 2021 financial year; and
- (b) that the amount of R187 484.00 be allocated to the SPCA Franschhoek for the 2020/2021 financial year

FOR FURTHER DETAILS CONTACT:

NAME	Neville Langenhoven
POSITION	CHIEF LAW ENFORCEMENT
DIRECTORATE	COMMUNITY AND PROTECTION SERVICES
CONTACT NUMBERS	021 808 8497
E-MAIL ADDRESS	Neville.langenhoven@stellenbosch.gov.za
REPORT DATE	01 July 2020

7.10.5	CONSIDERATION ON APPLICATIONS RECEIVED: (Tourism) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: (Tourism) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021

2. PURPOSE

To discuss and consider the funding applications for the 2020 / 2021 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. DELEGATED AUTHORITY

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. EXECUTIVE SUMMARY

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus dated 19 March 2020, attached as **Appendix 1** of which the closing date to submit such applications was 14 April 2020. The requirements as published in the advertisement, clearly stipulated that “*only applications received on the prescribed application form and accompanied by the required information, documentation, financial statements, covering letter...*”

The COVID-19 pandemic and lockdown regulations as promulgated by the President of the Republic of South Africa had the effect that the closing date for the applications of 14 April 2020 being extended to 24 April 2020. This extended closing date notice was circulated through email, see **APPENDIX 2**, to the external bodies, whom have submitted their interest during the period for the initial application process, and was given an opportunity to provide Council with the required information and documentation.

The following bodies submitted applications by the closing date for funding to perform the local tourism function for Council for the 2020 / 2021 financial year and this is compared with the funding granted for the 2019 / 2020 financial year:

Applicant	2020 / 2021 Funding requested in Rand Value	2019 / 2020 Funding Received in Rand Value
Lokxion Foundation	445 000.00	Not applicable
Visit Stellenbosch	6 000 000.00	2 528 511.00
Franschhoek Wine Valley including Dwarsrivier Tourism	1 722 412.00 710 558.00	1 202 075.00 452 414.00
Dwarsrivier Wine Valley Tourism (Community Organization)	Amount not stated	Not applicable
Stellenbosch Entrepreneur & Enterprise Development	n/a	417 000.00
Total Funding Requested	8 877 970.00	4 600 000.00

Currently, Council has budgeted for R5 000 000.00 for the 2020/2021 financial year. The requested amount by all the bodies is thus R3 877 970.00 over and above the budgeted amount. The Directorate: Planning & Economic Development is in the process of finalising the draft Stellenbosch Municipality Tourism Plan, 2020. A core component of this plan is to provide guidelines and prescripts to Local Tourism Organisations (“LTO”) and Council for considering and evaluating the proposals for future funding applications for this function.

All funding applications from 2021/2022 will thus be allocated in line with the prescripts of the draft plan, when adopted by Council.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-07-22: ITEM 7.10.5

- (a) that the amount of R1 475 000.00 be allocated to Franschhoek Wine Valley;
- (b) that the amount of R3 090 000.00 be allocated to Visit Stellenbosch;
- (c) that the funding in the amount of R430 000.00 identified to be transferred for the management and oversight of the Dwarsrivier Tourism Office be ring-fenced and held in abeyance, until such time that the Senior Manager: Development Planning & the Manager: Local Economic Development & Tourism are able to confirm the status of the LTO which will be responsible for the Tourism Office in Pniel;
- (d) that Lokxion Foundation’s application, attached as **APPENDIX 4**, not be considered and supported as a range of required documentation and information was not submitted by the required extended timeframe, as required by the advertisement attached as **APPENDIX 1**; and
- (e) that Dwarsriver Wine Valley Tourism’s application, attached as **APPENDIX 5**, not be considered and supported as a range of required documentation and information was not submitted by the required extended timeframe, as required by the advertisement attached as **APPENDIX 1**.

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 12.45.

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
6.1	SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2021/22 TO GUIDE THE FOURTH REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022

Collaborator No: 690117
 IDP KPA Ref No: Good Governance and Compliance
 Date: 19 August 2020

1. SUBJECT: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2021/22 TO GUIDE THE FOURTH REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022

2. PURPOSE

To table to Council for consideration:

- (a) The Time Schedule / Process Plan 2021/22 of key activities and deadlines for the fourth and final Review of the Fourth Generation Integrated Development Plan (IDP) 2017 – 2022, Budget and Spatial Development Framework (SDF).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Each municipality is legally required to adopt a time schedule listing key activities and deadlines 10 months before the start of the new financial year.

The SDF / IDP / Budget Time Schedule 2021/22 endeavours to outline the key strategic activities and consultative processes that will contribute to the finalisation of the SDF / IDP and Budget revisions to be implemented in the 2021/22 financial year.

The SDF / IDP / Budget Time Schedule 2021/22 is, therefore, compiled in terms of Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), which states that “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).

The SDF / IDP / Budget Time Schedule 2021/22 is also 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 of the MSA further 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.”

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated development 15 plan, including its consideration and adoption of the draft plan, must-

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

5. RECOMMENDATIONS

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

6. DISCUSSION

6.1. Background

The SDF / IDP / Budget are inextricably linked with one another, and this link has been formalised through the promulgation of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

The requirements for a Time Schedule are outlined in Section 21(1) of the MFMA and indicates that:

“The Mayor of a municipality must –

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

The new planning dispensation which includes the Spatial Planning and Land Use Management Act, 2013, (Act No.16 of 2013) (SPLUMA), the Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014) and the Stellenbosch Municipal Planning By-law, 2015 imposes new requirements to compile or amend a *mSDF*.

The SDF / IDP / Budget Time Schedule 2021/22 also takes cognisance of the regulatory framework for the review and approval of the SDF, IDP Budget and the annual Service Delivery and Budget Implementation Plan (SDBIP). The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP and Budget. The importance of synchronising the timelines for the revision of the SDF / IDP and Budget with those of the SDBIP, is captured in the Section 41 of the MSA which states that:

- “(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –
- (a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality’s development priorities and objectives set out in its integrated development plan”.

Section 26(e) of the MSA refers to the Municipal SDF as a ‘core component’ of the municipal IDP and requires that the IDP reflects a *mSDF* which must include the provision of basic guidelines for a land use management system for the municipality.

A municipal SDF (new and / or amended) has to follow a timeline set out in a process plan similar to the IDP Process Plan. Moreover, the SDF and IDP processes need to be aligned.

The IDP process follows the following major phases:

- **Analysis** (September - November 2020) which includes community input, performance analysis, financial analysis and organisational analysis.

- **Strategy** (November / December 2020) during which period the political and executive leadership confirms the strategic direction which will guide the compilation of the revised IDP, SDBIP and MTREF (vision, mission, focus areas, strategic objectives, measures and targets).
- **Preparing annual budget and IDP** (November 2020 to March 2021) during which period the municipal performance scorecard is revised and budget priorities and outputs for the next three years are determined.
- **Tabling of the draft IDP and Annual Budget** (March 2021).
- **Consultation and refinement** (April 2021) where the above-mentioned documents are published and circulated for comments and inputs by the community, National and Provincial Treasury, the Cape Winelands District Municipality and other prescribed organs of state or municipalities affected by the IDP or Budget.
- **Final approval** (May 2021) after consideration of the inputs and comments received from various stakeholders.

6.2. Financial Implications

There are no financial implications beyond that which was approved in the 2020/21 MTRF Budget.

6.3. Legal Implications

In accordance with Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) “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).

Section 28 of the MSA specifies that:

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

- (3) A municipality must give notice to the local community of particulars of the process it intends to follow.”

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated development 15 plan, including its consideration and adoption of the draft plan, must-

- (e) be in accordance with a predetermined programme specifying timeframes for the different steps;
- (f) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for
 - (iv) the local community to be consulted on its development needs and priorities;
 - (v) the local community to participate in the drafting of the integrated development plan; and
 - (vi) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;
- (g) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and
- (h) be consistent with any other matters that may be prescribed by regulation.

Section 41 of the MSA also states that:

“(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –

- (a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality’s development priorities and objectives set out in its integrated development plan”.

In addition, and in accordance with Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) “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
- (iii) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

6.4. Staff Implications

This report has no additional staff implications to the Municipality.

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: SDF / IDP / Budget Time Schedule / Process Plan 2021/22

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	Municipal Manager
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REPORT DATE	07 August 2020

ANNEXURE A



STELLENBOSCH

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Annexure A

SDF/IDP/BUDGET TIME SCHEDULE/PROCESS PLAN FOR 2021/22

(In accordance with Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and the Regulations made under these Acts)

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
JULY 2020								
1	Make public the projections, targets and indicators as set out in the SDBIP (no later than 14 days after the approval of the SDBIP) and submit to National and Provincial Treasuries (no later than 10 days after the approval of the SDBIP)	MFMA - Sec 53(3)(a) MBRR - Reg 20(2)(b)			03 July 2020			Manager: IDP/PMS/PP
2	Commence with the preparation of Roll-Over Budget for the 2020/21 Financial year	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)		31 July 2020				Snr Manager: Financial Management Services
3	Submit Quarterly report for period ending 30 June 2020 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29					29 July 2020	Snr Manager: Financial Management Services
AUGUST 2020								
4	Place Fourth Quarter Performance Report 2019/20 on website	MFMA - Section 75 (2) MSA 21(b)			01 August 2020			Snr Manager: Financial Management Services
5	Submit 4th Quarter Performance Reports 2019/20 - SDBIP Performance Reports to National and Provincial Treasuries	MPPMR - Reg 13			01 August 2020			Snr Manager: Financial Management Services
6	Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	MSA Section 56(2)	20-21 August 2020					Municipal Manager

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES				RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF		REPORTING
7	Executive Mayor and Mayoral Committee recommend that SDF/IDP/Budget Time Schedule / Process Plan (at least 10 months before the start of the budget year) and IDP Public Participation Roadshow Schedule be approved by Council	MFMA - Sec 21(1)(b)	21 August 2020					Manager: IDP/PMS/PP
8	Executive Mayor and Mayoral Committee approve 2020/21 Capital Roll-Over Budget	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)		19 August 2020				Chief Financial Officer
9	Council approve 2020/21 Capital Roll-Over Budget (to be tabled before 25 August 2020)	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)		24 August 2020				Chief Financial Officer
10	Council approve SDF/IDP/Budget Time Schedule / Process Plan (at least 10 months before the start of the budget year) and IDP Public Participation Roadshow Schedule	MFMA - Sec 21(1)(b)	25 August 2020					Manager: IDP/PMS/PP
11	Place advertisement to notify the public of the approved SDF/IDP/Budget Time Schedule and IDP Public Participation Process on website, local newspapers and notice boards	MSA - Sec 21, 21A, 28(3)	31 August 2020					Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
12	Submit the adopted SDF/IDP/Budget Time Schedule to the MEC for Local Government and Provincial Treasury	MSA - Sec 21, 21A, 28(3)	31 August 2020					Manager: IDP/PMS/PP
SEPTEMBER 2020								
13	SDF/IDP/ Budget consultative engagements with the community and other stakeholders in all municipal wards	Chapter 4 MSA	02 - 30 September 2020					Manager: IDP/PMS/PP
14	Provincial IDP Managers' Forum	MSA Section 24	17 - 18 September 2020					Manager: IDP/PMS/PP
15	Collate information from adopted Sector Plans for integration into the IDP Review document	MSA Section 34	30 September 2020					Manager: IDP/PMS/PP together with All Departments
OCTOBER 2020								
16	Updating of ward plans and reprioritisation of ward priorities	Not Applicable	01 - 15 October 2020					Manager: IDP/PMS/PP together with All Departments
17	Departmental SDF/IDP/Budget Work Sessions to review projects, key initiatives and programmes from Community IDP Needs List and identified actions emanating from the community engagement and sector plan analysis	Not Applicable	01 - 15 October 2020					Manager: IDP/PMS/PP together with All Departments
18	Stakeholder Engagement(s)	MSA Section 29(1)(b)	22 October 2020					Manager: IDP/PMS/PP
19	Submission of priority requests to sector departments	Not Applicable	30 October 2020					Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES				RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF		REPORTING
20	Directorates complete template for 2021 - 2024 Capital and Operational Budget for Budget Prioritisation	MSA Section 26(h)		25 October 2020				Snr Manager: Financial Management Services
21	Complete tariff setting exercise for 2021/22	MFMA Section 71		25 October 2020				Snr Manager: Financial Management Services
22	Submit Quarterly report for period ending 30 September 2020 on implementation of the budget and financial state of affairs of the Municipality	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 28			30 October 2020			Snr Manager: Financial Management Services
23	Strategic Integrated Municipal Engagements (SIME)		30 October 2020					Manager: IDP/PMS/PP
NOVEMBER 2020								
24	Review current budget related policies and compile newly needed budget related policies	MFMA - Sec 21 MBRR - Part 3		01 November 2020				Snr Manager: Financial Management Services
25	Submit 1st Quarter Performance Reports 2020/21 - SDBIP and Finance Performance Reports to National and Provincial Treasury			02 November 2020				Snr Manager: Financial Management Services
26	Place First Quarter Performance Report 2020/21 on website	MFMA - Sec 75(2) MSA - Sec 21(b)		02 November 2020				Snr Manager: Financial Management Services
27	Submit inputs for 2020/21 Operating and Capital Adjustments Budget to Manager: Budgeting and Costing	MFMA - Section 21 & 28		11 December 2020				All Directorates
28	Draft initial changes to IDP: Reconcile community, administrative and political priorities	Not Applicable	30 November 2020					Manager: IDP/PMS/PP
29	Finalise all IDP inputs (Chapters) and distribute to all Departments for input and revisions	MSA Section 34	30 November 2020					Manager: IDP/PMS/PP
DECEMBER 2020								
30	Provincial IDP Managers' Forum	MSA Section 24	03 - 04 December 2020					Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
JANUARY 2021								
31	MAYCO considers and adopts 2020/21 Adjustments Budget and Draft Revised 2020/21 SDBIP	MFMA - Sec 28 MBRR - Part 4		14 January 2021	14 January 2021			Snr Manager: Financial Management Services and Manager: IDP/PMS/PP
32	Submit Mid-year Performance Assessment Report 2020/21 to Executive Mayor	MFMA - Sec 72			25 January 2021			Manager: IDP/PMS/PP
33	Submit Mid-year Budget Assessment Report 2020/21 to Executive Mayor	MFMA - Section 72(1)(b) MBRR - Reg 35		25 January 2021				Chief Financial Officer
34	Submit Mid-year Budget and Performance Report 2020/21 to Provincial Treasury, National Treasury and Department of Local Government by 25 January 2021	MFMA - Section 72(1)(b) MBRR - Reg 35		25 January 2021				Manager: IDP/PMS/PP and Chief Financial Officer
35	Make public the Mid-Year Budget and Performance Report 2020/21 in the local newspaper and on municipal website	MFMA - Section 75 (2) MSA - Sec 21(b)		31 January 2021				Chief Financial Officer and Manager: IDP/PMS/PP
36	Council consider 2019/20 Draft Annual Report before advertising it for public comment	MFMA - Sec 127					27 January 2021	Manager: IDP/PMS/PP and Chief Financial Officer
37	Submit Quarterly report for period ending 31 December 2020 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29					27 January 2021	Chief Financial Officer and Manager: IDP/PMS/PP
38	Submit Mid-year Budget and Performance Assessment Reports 2020/21 to Council	MFMA - Section 72(1)(b) MBRR - Reg 35		27 January 2021			27 January 2021	Snr Manager: Financial Management Services
39	Place SECOND Quarter Performance Report 2020/21 on website	MFMA - Section 75 (2) MSA - Sec 21(b)		29 January 2021				Snr Manager: Financial Management Services
40	Invite public / local community to submit written comment on the proposed SDF amendment within 60 days of the publication thereof in the Provincial Gazette and the Media	SPLUMA – Section 20(3)	01 January 2021 - 28 February 2021					Manager: Spatial Planning

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
41	Council considers the 2020/21 Adjustments Budget and Draft Revised TL SDBIP 2020/21	MFMA - Sec 28 MBRR - Part 4		27 January 2021				Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
FEBRUARY 2021								
42	Advertise the approved 2020/21 Adjustments Budget and Revised SDBIP for 2020/21 and submit budget and B Schedules to National Treasury and Provincial Treasury as required per legislation (within 10 working days)	MFMA - Sec 28(7) MSA - Sec 21A MBRR - Part 4		02 February 2021	02 February 2021			Snr Manager: Financial Management Services and Manager: IDP/PMS/PP
43	Send the Draft Annual Report 2019/20, within five (5) days via e-mail and hard copy to the National Treasury, the Western Cape Department of Local Government, the Western Cape Provincial Treasury and the Auditor General	MFMA - Section 127(5)(b)					02 February 2021	Manager: IDP/PMS/PP
44	Due date for the public and other stakeholders to submit written comments on the Draft Annual Report 2019/20	MFMA - Sec 127(5)(a) MSA - Sec 21A			19 February 2020			Chief Financial Officer
45	Annual (2019/20) and Mid-year (2020/21) Performance Assessments for Municipal Manager and Managers directly accountable to the Municipal Manager	MPPMR - Reg 13 GN 21- 17/01/2014			25 February 2021			Manager: IDP/PMS/PP
46	Technical Integrated Municipal Engagements (TIME)	MSA - Chapter 5	26 February 2021					Municipal Manager
47	LG MTEC 2 - Provincial Sector Departments inform municipalities of provincial budgetary allocations	MSA - Chapter 5	26 February 2021					Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
MARCH 2021								
48	Review the Municipality's performance management system (PMS) - submit Revised Performance Management Policy to Council	MPPR - Reg 3(4)(b) & Reg 11(2)			31 March 2021			Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
49	Submission of the draft IDP, budget, tariffs, budget related policies and SDBIP (at least 90 days before the start of the budget year)	MFMA - Sec 16(2) MSA - Sec 25 MBRR - Part 3	31 March 2021	31 March 2021	31 March 2021			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
50	Council consider Oversight Report and Annual Report 2019/20 for approval	MFMA - Sec 129			31 March 2021			Manager: IDP/PMS/PP
APRIL 2021								
51	Advertise the Draft SDF IDP, SDBIP, budget and other required documents and provide at least 21 days for public comments and submissions	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	05 April 2021	05 April 2021	05 April 2021	05 April 2021		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
52	Place advertisement for the Oversight Report and Annual Report 2019/20 to be released for information which must be placed on the municipal website within five (5) days after it is approved	MFMA - Sec 129(3)					05 April 2021	Manager: IDP/PMS/PP
53	Ensure that the Oversight Report and Annual Report 2019/20 are made available at all municipal offices and libraries for information	MFMA - Sec 129(3)					05 April 2021	Manager: IDP/PMS/PP
54	Submit the Annual Report and Oversight Report 2019/20 to the provincial legislature as per circular	MFMA - Sec 132(1) & (2)					05 April 2021	Manager: IDP/PMS/PP
55	Submit the draft SDF, IDP, SDBIP and budget to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by the IDP and budget	MFMA - Sec 22(b) MSA - Sec 32(1) MBRR - Reg 20	05 April 2021	05 April 2021		05 April 2021		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
56	Public Participation Process to consult the Draft IDP, SDBIP and Budget	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	05 - 30 April 2021	05 - 30 April 2021	05 - 30 April 2021	05 - 30 April 2021		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
57	Submit Quarterly report for period ending 31 March 2020 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29					30 April 2021	Snr Manager: Financial Management Services

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES				RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF		REPORTING
58	Submit 3rd Quarter Performance Reports 2020/21 - SDBIP and Performance Reports to National and Provincial Treasury	MPPMR - Reg 13					30 April 2021	Snr Manager: Financial Management Services
MAY 2021								
59	Place Third Quarter Performance Report 2020/21 on website	MFMA - Sec 75(2) MSA - Sec 21(b)					03 May 2021	Manager: IDP/PMS/PP
60	MAYCO meeting to considers the Budget and Revised IDP (at least 30 days before the start of the budget year)	MFMA - Sec 24	14 May 2021	14 May 2021	14 May 2021			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
61	LG MTEC 3 IDP and Budget Assessments by Provincial Treasury and Department of Local Government	MSA Chapter 5 MFMA	31 May 2021	31 May 2021	31 May 2021	31 May 2021		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
62	Council meeting to adopt Revised IDP, Performance Management Measures and targets and the budget (at least 30 days before the start of the budget year)	MFMA - Sec 24	31 May 2021	31 May 2021	31 May 2021			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
JUNE 2021								
63	Place the IDP, multi-year budget, all budget-related documents and all budget-related policies on the website	MFMA - Sec 22 and 75 MSA - Sec 21A and 21B	04 June 2021	04 June 2021				Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
64	Submit a copy of the revised IDP to the MEC for LG (within 10 days of the adoption of the plan)	MSA - Section 32	10 June 2021					Manager: IDP/PMS/PP
65	Submit approved budget to National and Provincial Treasuries (both printed and electronic formats)	MFMA - Sec 24(3) MBRR - Reg 20		15 June 2020				Snr Manager: Financial Management Services
66	Give notice to the public of the adoption of the IDP and Budget (within 14 days of the adoption of the plan) and budget (within 10 working days)	MBRR - Reg 18 MSA - Sec 25(4)(a)(b)	10 June 2021	10 June 2021				Manager: IDP/PMS/PP and Snr Manager: Financial Management Services

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES				RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF		REPORTING
67	Submit to the Executive Mayor the TL SDBIP 2021/22 (no later than 14 days after the approval of an annual budget)	MFMA - Sec 69(3)(a)			10 June 2021			Manager: IDP/PMS/PP
68	Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved (within 28 days after approval of the budget)	MFMA - Sec 53(1)(c) (ii)			28 June 2021			Manager: IDP/PMS/PP
JULY 2021								
69	Make public the projections, targets and indicators as set out in the TL SDBIP (no later than 14 days after the approval of the SDBIP) and submit to National and Provincial Treasuries (no later than 10 working days after the approval of the SDBIP)	MFMA Section 53(3)(a) MBRR Reg 19			10 July 2021			Manager: IDP/PMS/PP
70	Make public the performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (no later than 14 days after the approval of the SDBIP)	MFMA Section 53(3)(b):			10 July 2021			Manager: IDP/PMS/PP

6.2	ROLL-OVER ADJUSTMENTS BUDGET 2020/2021
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Collaborator No:

IDP KPA Ref No:

Date:

Good Governance and Compliance

19 August 2020

1. SUBJECT: ROLL-OVER ADJUSTMENTS BUDGET 2020/2021

2. PURPOSE

To present the roll over adjustments budget for the 2020/2021 financial year to Council for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATIONS

- (a) that the Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

6. DISCUSSION / CONTENTS

6.1 Background/ Legislative Framework

In terms of section 28 (2) (e) of the Municipal Finance Management Act:

“An adjustments budget may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council”.

According to regulation 23 (5) of the Municipal Budget and Reporting Regulations:

“An adjustments budget referred to in section 28 (2) (e) of the Act may only be tabled after the end of the financial year to which the roll-overs relate, and must be approved by the municipal council by 25 August of the financial year following the financial year to which the roll-overs relate.”

6.2 Discussion

This adjustments budget addresses the spending of funds that were unspent and committed at the end of the 2019/20 financial year where the under-spending could not reasonably have been foreseen at the time of concluding the annual budget of the current financial year.

Capital Adjustments Budget

Council approved a Capital Budget for the 2020/2021 financial year amounting to R371 550 311 in July 2020. This adjustments budget effectively changes the Amended budget by means of the inclusion of the roll-overs from the 2019/2020 financial year.

The criteria applied for roll over of capital projects included supporting evidence that must be provided for each project that the work has commenced, namely the following:

- Proof that the project tender was published and the period for tender submissions closed before 30 June 2020.
- Detailed reference numbers of the Supply Chain Management process followed needs to be provided.
- Evidence that all projects linked to an allocation will be fully utilised by 30 June 2021.

Details of the proposed adjustments are reflected in **APPENDIX 2**.

5.3 Financial Implications

Financial impact already discussed above.

5.4 Legal Implications**Legal Services**

The item at my disposal is compliant with the relevant legislative framework.

5.5 Staff Implications

None

5.6 Previous / Relevant Council Resolutions:

36th Council Meeting on 29 July 2020 - Item 8.7

RESOLVED (nem con)

- (a) that an Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

5.7 Risk Implications

None

5.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

5.8.1 Municipal Manager

Supports the recommendations

ANNEXURES

Appendix 1: Executive summary

Appendix 2: Adjustments Budget

Appendix 3: Budgeting and Reporting Regulations: Schedule B

Appendix 4: Other supporting documents

Appendix 5: Quality certificate

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	

DIRECTOR: FINANCIAL SERVICES

6.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2020
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Collaborator No:

IDP KPA Ref No:

Date:

Good Governance and Compliance

19 August 2020

1. SUBJECT:MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2020

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2020.

5. RECOMMENDATION

that Council notes the deviations as listed for the month of July 2020.

6. DISCUSSION / CONTENTS

6.1 Background/Legislative Framework

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

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

(i) in an emergency;

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

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

(iv) acquisition of animals for zoos; or

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

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

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

6.2 Discussion

Reporting the deviations as approved by the Accounting Officer for July 2020:

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 01/21	17 July 2020	Country Building supplies	Corrugated Iron sheets for fire kits	Emergency	<p>A fire incident occurred in Mandela City, Klapmuts on Monday 13 July 2020. After receiving the verification report from Informal Housing, an instruction was given to start with the issuing of fire kits. It was then reported to management that there were no more corrugated iron sheets in store – rendering the department unable to assist.</p> <p>In terms of our Standard operating procedure for the issuing of fire kits after a disastrous fire incident, the destitute should be restored within three days of an incident occurring hence it was regarded as an emergency.</p>	R135 067.50 (Including VAT)
D/SM 02/21	17 July 2020	Adapt IT	Caseware	Goods or services are produced or available from	The municipality has used CaseWare as its financial reporting	R301 313.80 (Including VAT)

				a single provider	<p>system since April 2010. Due to the implementation of mSCOA, the financial system service providers were required to design their own financial reporting system. Subsequently the municipality procured the services of CaseWare, as they are the single provider of the software for the compilation of the annual financial statements.</p> <p>Adapt IT holdings Ltd is the sole distributor of CaseWare software products in Africa. The CaseWare software license includes support via email, telephone, and the website without any additional cost</p>	
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6.3 Financial Implications

As per table above.

6.4 Legal Implications

The regulation applicable is:

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

6.5 Staff Implications:

No staff implications

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

That the market may not be tested.

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

6.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.8.1 Municipal Manager

Supports the recommendations.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Kevin Carolus
<i>POSITION</i>	<i>CFO</i>
<i>DIRECTORATE</i>	<i>Finance</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8528</i>
<i>E-MAIL ADDRESS</i>	<i>Kevin.Carolus@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>07 August 2020</i>

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
7.1	COMMUNITY AND PROTECTION SERVICES: (PC: CLLR FJ BADENHORST)
7.1.1	STELLENOSCH MUNICIPAL HUMANITARIAN RESPONSE TO COVID-19

Collaborator No: 690339
 IDP KPA Ref No: Good Governance
 Meeting Date: 19 August 2020

1. SUBJECT:STELLENOSCH MUNICIPAL HUMANITARIAN RESPONSE TO COVID-19

2. PURPOSE

To present to the Portfolio Committee a report on the humanitarian relief and aid provided by Stellenbosch Municipality since the start of lock down.

3. DELEGATED AUTHORITY

For information to Portoflio Chairperson and the Municipal Manager

4. EXECUTIVE SUMMARY

The citizens of Stellenbosch Municipal area faced many hardships since the start of lock down in March 2020 due to the Covid-19 pandemic and state of disaster. The hardships included job loses, hunger and additional expenses to comply with the regulation requirements as part of the readiness to access "normal" and economic activities. Stellenbosch Municipality as a caring municipality together with civil society and the university assisted where we could.

5. RECOMMENDATION

that the report and collective efforts be noted.

6. DISCUSSION / CONTENTS

6.1 Background

In an effort to flatten the curve of Covid-19 infections, a hard lockdown with strict regulations was announced by the president of South Africa. This lead to economic and social struggles for all citizens as many were left without a form of income.

6.2 Discussion

Stellenbosch Municipality in collaboration with civil society recognised the need for a collective response. Not only to the need for food, but also for dignity, capacity building and support.

6.3 Financial Implications

Financial implications as per approved budget and through donations.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

This report has no risk implications for the Municipality.

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

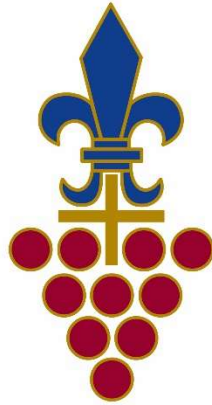
Agree with the recommendations

ANNEXURES**Annexure 1: Stellenbosch Municipality Humanitarian response to Covid-19****FOR FURTHER DETAILS CONTACT:**

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	12-08-2020

DIRECTOR: COMMUNITY AND PROTECTION SERVICES

ANNEXURE 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

STELLENBOSCH MUNICIPALITY HUMANITARIAN
RESPONSE TO COVID-19

AUGUST 12, 2020
STELLENBOSCH MUNICIPALITY

Introduction

The Covid-19 humanitarian support provided to citizens of the Greater Stellenbosch took on different forms and adapted to changing needs as the lockdown regulations changed. Stellenbosch Municipality acknowledges that the humanitarian relief in Stellenbosch municipal area has been a combined effort between civil society and different spheres of government and that we could not have cared for so many of our citizens was it not for these relationships.

A formal relationship with Stellenbosch Unite, a collaborative aid action purposed to provide social support to vulnerable community members during the COVID-19 pandemic was established. This collaboration brings together Stellenbosch Municipality, Stellenbosch University, Visit Stellenbosch (civil society), SCAN (Stellenbosch Civil Advocacy Network, representing the non-profit sector) and the Greater Stellenbosch Development Trust (administrators). For more information visit: <https://stellenboschunite.org/>

It must further be noted that although by far the biggest consolidated effort to provide humanitarian relief is through this body, many NGO's, churches and community groupings continued to serve their communities and their beneficiaries with their own funding. These include: Together Franschhoek (a group of volunteers and professional chefs) working with privately donated funding, Klapmuts Development Forum (a group of farmers and other locals) working voluntarily to source funding and distribute aid, The Pebbles Project, Dwarsrivier Valley Stand Together, Her Voice, Legacy Community Project, St Nicholas Catholic Church, Ranyaka and many more.

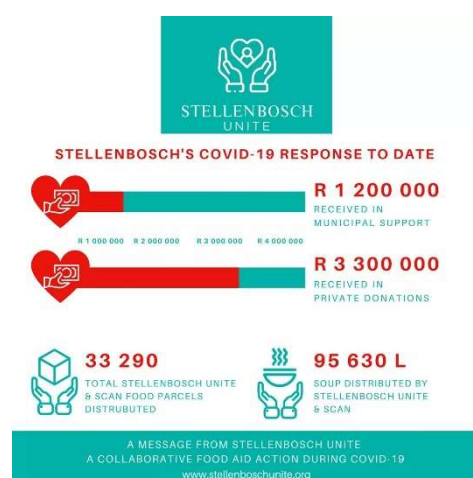
Although hunger and the cry for food relief has been a large focus during the continued lock down period, Stellenbosch Municipality has launched and been involved in several initiatives that aimed to address different kinds of relief and to contribute to the dignity of the citizens within our municipal area.

Food parcels, Soup Kitchens and Vouchers

Funding for weekly food parcels and soup kitchens consist of the following:

- Stellenbosch Municipality: R 300 000 through an approved Grant in Aid Donation
- Western Cape Department of Local Government (DPLG): R 900 000
- Private donors: R 3 300 000 (as at 2020-08-12)
- NGO and Church Budgets: Amount not known

The total number of parcels and meals that we have been able to distribute to vulnerable groups within our communities to date (2020-08-12) is (data received from different contributors):



- Food Parcels = 42 620
- Meals = 555 084
- Further feeding has been provided by the Department of Education at schools.

Voucher distribution from the R 900 000 provided by DPLG started in the week of 13 July 2020 and to date 2377 vouchers has been distributed.

VD Stel Temporary Safe Space for Homeless Persons

The intent of the safe space has never been to establish a permanent shelter for persons living on the street as it was an immediate response to the announcement of President C Ramaphosa when he declared the national state of disaster and instructed all municipalities to establish areas of refuge for persons without a shelter to be able to access a safe “home” during the lockdown period.

The safe space was established on 27 March 2020 at the Klapmuts Sport Grounds and moved to the VD Stel Sport Grounds on 4 April 2020. The contribution of the municipality towards the management of the safe space consist of the following:

1. Security Services: Searching persons on entering the facility for drugs and weapons. Doing random searches, protecting the facility, safe guarding all persons and personnel on site. At a cost of R 999 600.00 to date.
2. Food Security: Three meals per day to up to 90 persons staying at the facility. Currently the number of beneficiaries has dropped to 26 at a total cost of over R 750 000 to date.
3. Administration Services: Admission of persons, providing a tent per person (whilst at Klapmuts) and a mattress, blanket and vanity pack per person at a cost of around R 105 000.00 to date.

Cape Winelands District Municipality contributed towards the safe space in the form on vanity packs, soap and blankets.

DSD contributed with dried food, catering services for a month and PPE.

The community of Stellenbosch contributed with donations of bedding from Spier, masks for the homeless persons, sweets, kettles, games, wool, knitting needles, books, clothing, naartjies and pastoral care.

The municipality worked with the local Stellenbosch Night Shelter and together we established a database of persons residing at both facilities. This allowed us for the first time to draw up a database of all homeless persons within our area. It must be



noted that to this end Stellenbosch Municipality has approved a donation to the Night Shelter of R 1 300 000 for service rendered over a 12 month period. This donation has been in place prior to the appearance of Covid-19.

Skills Development to address unemployment among youth: Beneficiaries of Stellenbosch Municipality-funded hospitality programme graduate via Zoom

Assistant Chef training: It was a first in the 28-year history of Bergzicht Training as 12 beneficiaries who completed the NGO's accredited hospitality programme, along with other guests, attended an online certificate handover ceremony via Zoom recently.



Thanks to funding received from the Stellenbosch Municipality Mayoral Youth Skills Development Programme, Bergzicht Training was able to provide 12 unemployed, unskilled and semi-skilled beneficiaries from Stellenbosch with an opportunity to complete the CATHSSETA-accredited Assistant Chef Skills Programme. The beneficiaries completed their three-week campus training at The Private Hotel School (PHS) in Vlotenburg. When the country went into lockdown on 24 March, our beneficiaries were unable to complete a 10 shift work-integrated learning opportunity at a hospitality establishment in fulfilment of our programme requirements. We were unable to find appropriate training partners as the hospitality sector was in lockdown, but were fortunate when Stellenbosch Unite came to the party and offered our beneficiaries the opportunity to complete their 10 shifts in the organisation's "pop-up" soup kitchen.

During their practical training, the students were able to master important knife skills and apply the new protocols and practices that establishments will have to employ now to maintain optimal hygiene during this pandemic. It was the perfect training environment for them in preparation for entering a changed hospitality and tourism sector where even more stringent hygiene practices will be applied.



Basic Plumbing training: Thirteen trainees started their plumbing training on 22 June and all of them completed the training programme successfully on the 17th of July. The service provider ensured that all health and safety protocols formed part of their daily activities. This included the taking of their temperatures and regular hygiene checks and record keeping of their contacts. All 13 participants were able to complete their training with no interruptions or sickness. Six of these youth has been shortlisted for interviews.



Grant in Aid

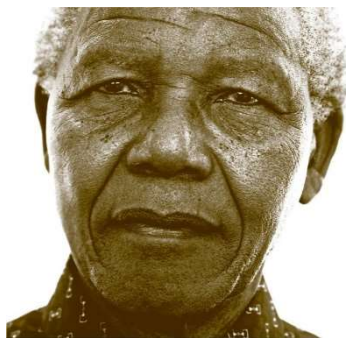
Approved donations to 68 local NGO's were paid as part of the donation programme to the value of **R 2 703 200.00 in July 2020**. This include ECD facilities who were informed that an opportunity to change their business plan to make provision for Covid-19 requirements which they were not aware of at the time of the application process will be provided to them. This provision will assist the small organisations to align their needs with the donation received.

Mandela Day – Supporting SALGA to keep single female headed households warm

The municipality supported SALGA to donate 50 blankets to single women and their families warm during the winter.



Mandela Day: Support to ECD Centres in order to become Covid-19 compliant and workplace ready to open.



**NELSON
MANDELA
DAY**
~ 18 July ~



The municipality has organised an initiative for this Mandela Day to further ensure that the most vulnerable in our communities are protected from the virus and that they can access a safe space that will also provide them with daily meals. We worked with various partners including the Stellenbosch University, Ranyaka Community Transformation, Stelumthombo, Stellenbosch Unite and Visit Stellenbosch to support our struggling Early Childhood Development (ECD) facilities through the donation of the required PPE for ECD's to become workplace ready and Covid compliant. This initiative provided the

platform for the community to become involve in a bigger programme which included assisting and training ECD practitioners with health policy development for the facility, registration on the electronic platform of the Department Social Development to confirm their Covid Compliance and with training on the combating of the spread of the virus within their facilities.



Help a Girl Campaign: Makupula Secondary School- 23 July 2020

A sanitary towel donation drive to assist young girls to safely go back to school after lock down. This project was done in partnership with the Help a Girl Campaign and Prochorus Community Development. Each of the 230 ladies will now be able to attend school for the next four months without worrying about where they or their parents will find the money to purchase the required sanitary products.



7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	RETURN ITEM: APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH

Collaborator No: 689949
 IDP KPA Ref No: Good Governance
 Meeting Date: 19 August 2020

1. SUBJECT: RETURN ITEM: APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH

2. PURPOSE

To submit the written comments received after completion of the public participation process. An Information Statement was published, and the comments must now be considered in order to make a decision with regard to the application of the Flying Club.

3. DELEGATED AUTHORITY

Municipal Council due to the value of the land and the possible term of the lease.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. They have requested that the Lease Agreement be renewed for another 30-year term. Subsequently they have amended their request to whatever other term Council sees fit given the nature of the activities on the site **APPENDIX 6**.

The current Lease Agreement does not have a provision dealing with a renewal and therefore it is suggested that a new agreement be concluded, as provided for in the Property Management Policies, should Council approve of the request for a long-term lease. Before Council can decide on this application, it must advertise its intention to enter into the long-term lease, for public comment/ inputs. Hence, the Information statement that was published. The views of Provincial and National Treasury should also be solicited. Letters was sent to both (**APPENDIX 7**) in May 2020, but no comment has been received to date.

The item served before the Executive Mayor on 24 April 2020, where it was *inter alia* decided, that Council only considers the approval of a long-term lease **after the public participation process** envisaged in Regulation 35 of the Asset Transfer Regulation is completed. We received 3 inputs as indicated in 6.2 below and attached as **APPENDIX 4, 5 and 6**.

Council must now consider the written inputs received after the information statement was published and decide as to whether to approve a lease agreement on a private treaty basis as requested by the Stellenbosch Flying Club, or not, and if approved the term of the lease and the rental amount.

5. RECOMMENDATIONS

- (a) that Council takes note of the written inputs and consider the written inputs received after publication of the information statement;
- (b) that Council, consider the application for a new long-term lease to the Flying Club;
- (c) that, Council determine the period of the lease agreement on a private treaty basis, i.e. without following a public tender process as well as determine the rental amount should a lease be approved.

6. DISCUSSION / CONTENT**6.1 Background****6.1.1 Existing lease agreement**

Since 1973 the Stellenbosch Flying Club is leasing a portion of land, approximately 28.2ha (in extent) from Stellenbosch Municipality. They currently lease and occupy the area in terms of an Agreement of Lease dated 10 February 1992, which agreement is due to expire on 31 March 2021. The current Lease Agreement does not allow for a renewal and/or extension of the term. A copy of the agreement was attached to the previous item that formed part of the March 2020 council agenda. The item was not dealt with due to Council the lock down and was dealt with by the Executive Mayor in April 2020 under the delegated powers given to her. A self-explanatory letter for a further long-term lease agreement received from the Stellenbosch Flying Club, dated 21 June 2018, was also attached to the item of March 2020.

6.2 Discussion:**Consideration by Executive Mayor**

On 24 April 2020 the Executive Mayor (under delegated authority) considered the matter and decided as follows:

- a) *“that the Council resolution dated 30 April 2015 be rescinded;*
- b) *that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality’s own use during the period for which the right is to be granted;*
- c) *that Council only considers the approval of a long-term lease after a public participation process;*
- d) *that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;*
- e) *that Council approves the amended draft Information Statement (ANNEXURE C) for public participation, which include inter alia, the proposed inclusion of an aeronautical school by Provincial Department and Working on Fire programmes presently working from the property; and*
- f) *that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.”*

A copy of the agenda item, together with the minutes, is attached as **APPENDIX 1**.

Public Notice

Following the above resolution, a Public Notice was published in the Eikestad News on the 18th of June 2020, soliciting inputs/comments on the Information Statement. A copy of the Public Notice is attached as **APPENDIX 2**.

Inputs received

The closing date for the inputs was 10 July 2020. At the closing date the following written inputs were received:

- Cllr Franklin Adams: See **APPENDIX 3**;
- Cllr DA Hendrickse: See **APPENDIX 4**; and
- Western Cape Government: Department of Education: See **APPENDIX 5**.

Locality and context

The locality of the Stellenbosch Airfield is indicated on Fig 1 below.



Fig 1: Location and regional context

Services

The Stellenbosch Airfield has been operating since the early 1900's and over time the required infrastructure and services to operate an airfield of this nature has been acquired. The full complement of municipal services are available.

Ownership

The ownership of Farm 502 vests with Stellenbosch Municipality.

Motivation for entering into a lease agreement with the Flying Club

The Stellenbosch Flying Club has leased the property from the Municipality since 1973. In the intervening period the club has grown substantially and added significant value to the property including the construction of a runway and associated taxiways, hangars, a

clubhouse and flight school and installation of all associated electrical, water, sewerage and roads infrastructure. The result is that today there is an excellent, local airfield

serving the various needs of not only the local recreational flying fraternity, but the greater Stellenbosch and regional community with top class flight training centres, an

accredited aircraft maintenance facility and base for the essential services provide by Working on Fire during the Western Cape fire season.

The facility is very well managed by an extremely competent team drawn from its membership of around 600 persons which includes professionals in a variety of fields such as private, airline and emergency services pilots, medical, finance and business professionals. The combination of skills ensures that a high level of management effectiveness and good governance oversight is maintained which makes for an efficient resource which meets the high standards set by the South African Civil Aviation Authority for an airfield of this nature.

The club and its membership have made a significant investment to get the club and the airfield to where it is today, and naturally they are anxious to ensure that this facility, its availability to the Stellenbosch region and their use thereof continue for many years to come.

The continued existence of the Stellenbosch Flying Club on this site not only ensures that the facility remains for the use of aviators, but is also ensures the continued employment of approximately 50 local persons from a variety of backgrounds who are employed by the Club, the Club's flight training school, the Stellenbosch Flying Academy and Stellair, the on-site, licenced aircraft maintenance facility.

Of even greater importance to the region is the essential emergency response service hosted here in the form of Working on Fire who have been instructed by the South African Civil Aviation Authority to establish a permanent maintenance facility in the Western Cape for their fleet of helicopters and fixed wing firefighting aircraft. Working on Fire currently operates from a temporary facility on the premises rented from the club and they are dependent on other maintenance organisations for the maintenance of their aircraft. While there are alternative options for the establishment of their permanent base, Stellenbosch is their preferred location with its central proximity to the fire prone areas of the Western Cape as shown over a number of years during which they have based themselves here during the summer fire season. The further benefit that

Stellenbosch derives from their presence is the large number of young, local people that they employ every season, and the additional personnel that they will engage should they establish their base on the field. They are however at the point at which a decision has

to be made in order to ensure that the required facility is operational by December 2018 for this year's fire season.

What is essential to the Stellenbosch Flying Club to enter into a long term lease with the Stellenbosch Municipality, is so there can be stability and security for the other entities like Working on Fire, the company that is involved in the servicing of the planes so these entities have the assurances that they need, in order to make a substantial investment to construct the facilities that they require to comply with the directive from the South African Civil Aviation Authority. If one considers the track record the Club has as a tenant of the Municipality and as the operator of a highly efficient airfield they believe that it is in the interest of the Municipality and the region to continue with the relationship with the Stellenbosch Flying Club through a new agreement. They acknowledge that the new agreement would be subject to review and revision as appropriate from time to time.

Precinct Plan

The Planning & Economic Development Department recently compiled a precinct plan for the area, a copy of which was circulated previously. From this plan it is clear that the airfield fits in with the long-term plans for the area.

Proposed new bypass road

As shown on Fig 2 below, a new Western bypass road is planned to, *inter alia*, provide a new access to the airfield precinct. The position of the existing airfield, as well as possible, future extensions could be accommodated by the new proposed bypass road.



Fig 2: Proposed Western by-pass route

6.3 Legal requirements

Asset Transfer Regulations

Granting of rights to use, control or manage a capital asset

In terms of Regulation 34, a municipality may grant a right to use, control or manage a capital asset only after:

- 1)a) The accounting officer has, in terms of Regulation 35, concluded a public participation process regarding the proposed granting of the right; and
- b) The municipal Council has approved in principle that the right may be granted.
- 2) Sub-regulation (1)(a) must be complied with only if:
 - a) the capital asset in respect of which the proposed right is to be granted has a value in excess of R10m; and
 - b) a long term right is proposed.

*Please note that, for the purpose of this report, it will be assumed that the property falls within this category, i.e. value in excess of R10M. According to the General

Valuation of 2017 the total Municipal valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

-
- 3)a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)
 - b) a request to the Municipal Council for the authorisation of a public participation process must be accompanied by an Information Statement*, stating:
 - i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;
 - ii) any expected benefit to the municipality that may result from the granting of the right;
 - iii) any expected proceeds to be received by the municipality from the granting of the right; and
 - iv) any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

Public participation process for granting of long term rights

In terms of Regulation 35, if a Municipal Council has in terms of Regulation 34(3)(a) authorised the Accounting Officer to conduct a public participation process, the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1)(b) is to be considered (i.e. in principle decision).

- a) In accordance with Section 21A of the Municipal Systems Act:
 - i) Make public the proposal to grant the relevant right together with the Information Statement referred to in Reg 34(3)(b);
and
 - ii) invite the local community and interested persons to submit to the municipality comments or representations in respect of the proposed granting of the right;
and
- b) solicit the views and recommendations of National Treasury or the relevant Provincial Treasury on the matter.

Consideration of proposals

In terms of Regulation 36, the Municipal Council must, when considering the approval of any such right, take into account:

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

Conditional approval of rights

In terms of Regulation 40, an approval in principle in terms of Regulation 34(1) (b) that a right to use, control or manage a capital asset may be granted, may be given subject to any conditions, including conditions specifying: -

- a) The type of right that may be granted, the period for which it is to be granted and the way in which it is to be granted;
- b) The minimum compensation to be paid for the right; and
- c) A framework within which direct negotiations *for the granting of the right must be conducted if applicable.

Granting of rights to be in accordance with disposal management system

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

- a) the value of the asset; or
- b) the period for which the right is granted; or
- c) whether the right is to be granted to a private sector party or organ of state.

*The Policy on the Management of Council-owned property is regarded as the Municipality's Disposal Management System. (See paragraph 6.2.4.2, below).

Policy on the Management of Council owned property

Competitive process

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of viable immovable property shall be effected by means of a process of public competition.

In terms of paragraph 9.1.1 of the Policy,

The type of a formal tender may vary, depending on the nature of the transaction:

- i) Outright tender may be appropriate where the Immoveable property ownership is not complex, and the Municipality is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.
- ii) Qualified tenders/call for proposals will be appropriate where the Immoveable property ownership position is complex or the development proposals for the Immoveable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.
- iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and

maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.

Such a process may, depending on the nature of the transaction, include a two-stage or two- envelope bidding process (proposal call) in terms of which only those

bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.

Should Council decide to follow a public competitive process, it is recommended that a Call for Proposals based on a two stage bidding process, be followed, in which case the following Preference Point System (see par. 14 of the policy) will be applicable unless determined otherwise by Council:

The awarding of proposal calls shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) Price: Sixty (60) points maximum. The highest financial offer shall score sixty (60) points with lower offers scoring proportionally in relation to the highest offer.
- (b) Status: Twenty (20) points for black people and legal entities owned by black people. Points for legal entities will be proportionately allocated according to the percentage ownership by black people.
- (c) Development Concept: Twenty (20) points maximum, which shall be measured and adjudicated as per criteria to be agreed upon for the specific project.

*In terms of par. 14.1.1 of the policy the Municipal Council may, on an *ad hoc* basis adjust the scoring system set out in this section for a specific immovable property or group of immovable properties to enable it to achieve specific targets or a specific outcome.

Further, in terms of par. 18, criteria other than price, status and development concept, such as technical capability and environmentally sound practices, cannot be afforded points for evaluation. They can be specified in a call for tenders but they will serve as qualification criteria or entry level requirements, i.e a means to determine whether or not a specific tenderer is a complying tenderer in the sense of having submitted an acceptable tender. Only once a tender is regarded as a complying tenderer would it then stand in line for the allocation of points based on price, status and development concept.

Deviation from competitive process

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act. Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy. However, should any objections, be received from potential, competitive bidders, then a public competitive process must be followed.

The advertisement referred to above should also be served on adjoining land owners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

- a) Due to specific circumstances peculiar to the property under consideration, it can only be utilized by the one person/organisation wishing to enter into the Property Transaction;
- (e) in exceptional cases where the Municipal Council is of the opinion the public competition would not serve a useful purpose or that it is in the interest of the

community and the Municipality. In such cases reasons for preferring such out-of-hand sale or lease to those by public competition must be recorded”.

- l) lease contracts with existing tenants of immovable properties, not exceeding ten (10) years, may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose or that renewal is aligned with the Municipality’s strategic objectives and in the interest of the Community, subject to such renewal being advertised calling for public comment. The existing tenant shall give notice of the intention to renegotiate the lease at least six months before the date of termination;

The reasons for any such deviation from the competitive disposal process must be recorded.

From the above it is clear the Council may, under the circumstances described above, decide to dispose with a competitive (tender) process.

6.4 Financial Implications

The rental must be determined.

6.5 Staff Implications

This report has no additional staff implications to the Municipality;

6.6 Previous / Relevant Council Resolutions

24 April 202 – Executive Mayor under delegation by Council. (**APPENDIX 1**)

6.7 Risk Implications

Risks are addressed in the item

6.8 Comments from Senior Management

Chief Financial Officer

According to the General Valuation of 2017 the total valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

The property is well located and may be affected by future spatial planning considerations like the Western Bypass.

Director: Community Services

The item is fully supported as a functional airfield offers many advantages to the municipality, the community and even the greater district from a disaster management point of view.

Director: Planning and Economic Services:

Supports the item

Director Infrastructure Services:

Supports the item.

Municipal Manager:

The item is fully supported as a functional airfield offers many advantages to the municipality, in that it can unlock various economic opportunities and can be catalytic in a post Covid-19 economic. Further to this it is ideally located in case of disasters especially mountain fires and can service the greater district from a disaster management point of view.

ANNEXURES:

Appendix 1: Agenda Item and Minutes

Appendix 2: Public Notice

Appendix 3: Comment received: Cllr F Adams

Appendix 4: Comment received: Cllr DA Hendrickse

Appendix 5: Comment received: WCED

Appendix 6: Revised request from the Flying club

Appendix 7: Letters to Provincial and national Treasury

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2020-08- 06

APPENDIX 1

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	17.02.20

COUNCIL ITEM:

After careful scrutiny of the item: **Application for a long-term lease agreement between Stellenbosch Municipality and the Stellenbosch Flying Club: Portion L of farm 502, Stellenbosch** and as per the delegation approved by Council on 25 March 2020 (item 9.1) to confer Council powers and functions upon the Executive Mayor, as such I **HEREBY APPROVE THE SAID ITEM AS FOLLOWS:**

- (a) that the Council resolution dated 30 April 2015 be rescinded;
- (b) that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;
- (c) that Council only considers the approval of a long-term lease after a public participation process;
- (d) that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;
- (e) that Council approves the amended draft Information Statement (ANNEXURE C) for public participation, which include inter alia, the proposed inclusion of an aeronautical school by Provincial Department and Working on Fire programmes presently working from the property; and
- (f) that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.

Signed:  (Ald. G van Deventer: Executive Mayor)

Dated: 24/4/20



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Collaborator No:
IDP KPA Ref No:
Meeting Date:

(To be filled in by administration)
GOOD GOVERNANCE
24 April 2020

1. SUBJECT

**APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN
STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB:
PORTION L OF FARM 502, STELLENBOSCH**

2. PURPOSE

The purpose of this report is to consider an application from the Stellenbosch Flying Club to enter into a long-term lease agreement with the club.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter. Delegated authority provided to the Executive Mayor during national Lockdown.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. They have requested that the Lease Agreement be renewed for another 30-year term. Subsequently they have also indicated that they will also be happy with a shorter term agreement – their needs relate to security for the longer term plans of the airfield for investment purposes in the infrastructure of the different sub lessees. Although the Lease Agreement does not have a provision dealing with a renewal and therefore it is suggested that a new agreement be entered into should Council approve of the request for a long-term lease. If Council decide to enter into a private treaty the intention to enter into the long-term lease must be advertised for public inputs/objections/alternative proposals. The item served before Mayco in February and was referred to Council for approval. During the February council meeting the item was referred back to serve at the March Council meeting (**Annexure E**). The item was not placed on the agenda again and is now placed before the Executive Mayor in terms of her delegated authority.

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5. RECOMMENDATIONS

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-02-12: ITEM 7.2.4

- (a) that the Council resolution dated 30 April 2015 be rescinded;
- (b) that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;
- (c) that Council only considers the approval of a long-term lease (after a public participation process);
- (d) that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;
- (e) that Council approves the amended draft Information Statement (ANNEXURE C) for public participation, which include inter alia, the proposed inclusion of an aeronautical school by Provincial Department and Working on Fire programmes presently working from the property; and
- (f) that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Existing lease agreement

Since 1973 the Stellenbosch Flying Club is leasing a portion of land, approximately 28.2ha in extent) from Stellenbosch Municipality. They currently leases and occupies the area in terms of an Agreement of Lease dated 10 February 1992, which agreement is due to expire on 31 March 2021. The current Lease Agreement does not allow for an renewal and/or extension of the term. A copy of the agreement is attached as **APPENDIX 1**.

6.1.2 Application for renewal of Lease Agreement

Hereto attached as **APPENDIX 2** a self-explanatory letter received from the Stellenbosch Flying Club, dated 21 June 2018.

6.2 Discussion

6.2.1 Locality and context

The locality of the Stellenbosch Airfield is indicated on Fig 1 below.



Fig 1: Location and regional context

6.2.2 Services

The Stellenbosch Airfield has been operating since the early 1900's and over time the required infrastructure and services to operate an airfield of this nature has been acquired. The full complement of municipal services are available.

6.2.3 Ownership

The ownership of Farm 502 vests with Stellenbosch Municipality.

6.2.4 Legal requirements

6.2.4.1 Asset Transfer Regulations

6.2.4.1.1 Granting of rights to use, control or manage a capital asset

In terms of Regulation 34, a municipality may grant a right to use, control or manage a capital asset only after:

- 1)
 - a) The accounting officer has, in terms of Regulation 35, concluded a public participation process regarding the proposed granting of the right; and
 - b) The municipal Council has approved in principle that the right may be granted.
- 2) Sub-regulation (1)(a) must be complied with only if:
 - a) the capital asset in respect of which the proposed right is to be granted has a value in excess of R10m; and
 - b) a long-term right is proposed.

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*Please note that, for the purpose of this report, it will be assumed that the property falls within this category, i.e. value in excess of R10M. According to the General Valuation of 2017 the total Municipal valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

- 3)
 - a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)
 - b) a request to the Municipal Council for the authorisation of a public participation process must be accompanied by an Information Statement*, stating:
 - i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;
 - ii) any expected benefit to the municipality that may result from the granting of the right;
 - iii) any expected proceeds to be received by the municipality from the granting of the right; and
 - iv) any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

*Hereto attached as **APPENDIX 3** an Information Statement, as required by sub-regulation 3.

6.2.4.1.2 Public participation process for granting of long-term rights

In terms of Regulation 35, if a Municipal Council has in terms of Regulation 34(3)(a) authorised the Accounting Officer to conduct a public participation process ... the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1)(b) is to be considered (i.e. in principle decision)

- a) In accordance with Section 21A of the Municipal Systems Act:
 - i) Make public the proposal to grant the relevant right together with the Information Statement referred to in Reg 34(3)(b); and
 - ii) invite the local community and interested persons to submit to the municipality comments or representations in respect of the proposed granting of the right; and
- b) solicit the views and recommendations of National Treasury or the relevant Provincial Treasury on the matter

6.2.4.1.3 Consideration of proposals

In terms of Regulation 36, the Municipal Council must, when considering the approval of any such right, take into account:

- a) whether such asset may be required for the municipality's own use during the period for which such right is to be granted;



- b) the extent to which any compensation to be received will result in a significant economic or financial benefit to the municipality;
- c) the risks and rewards associated with such right to use; and
- d) the interest of the local community

6.2.4.1.4 Conditional approval of rights

In terms of Regulation 40, an approval in principle in terms of Regulation 34(1) (b) that a right to use, control or manage a capital asset may be granted, may be given subject to any conditions, including conditions specifying: -

- a) The type of right that may be granted, the period for which it is to be granted and the way in which it is to be granted;
- b) The minimum compensation to be paid for the right, and
- c) A framework within which direct negotiations *for the granting of the right must be conducted if applicable

6.2.4.1.5 Granting of rights to be in accordance with disposal management system

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

irrespective of:-

- a) the value of the asset; or
- b) the period for which the right is granted; or
- c) whether the right is to be granted to a private sector party or organ of state.

*The Policy on the Management of Council-owned property is regarded as the Municipality's Disposal management System. (See paragraph 6.2.4.2, below).

6.2.4.2 Policy on the Management of Council owned property

6.2.4.2.1 Competitive process

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of viable immovable property shall be affected by means of a process of public competition.

In terms of paragraph 9.1.1 of the Policy,

The type of a formal tender may vary, depending on the nature of the transaction:

- i) Outright tender may be appropriate where the Immovable property ownership is not complex, and the Municipality is seeking obligations to be

placed on the successful tenderer which are clear and capable of specification in advance.

- ii) Qualified tenders/call for proposals will be appropriate where the Immovable property ownership position is complex or the development proposals for the Immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.
- iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.

Such a process may, depending on the nature of the transaction, include a two-stage or two-envelope bidding process (proposal call) in terms of which only those bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.

Should Council decide to follow a public competitive process, it is recommended that a Call for Proposals based on a two stage bidding process, be followed, in which case the following Preference Point System (see par. 14 of the policy) will be applicable unless determined otherwise by Council:

The awarding of proposal calls shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) Price: Sixty (60) points maximum. The highest financial offer shall score sixty (60) points with lower offers scoring proportionally in relation to the highest offer.
- (b) Status: Twenty (20) points for black people and legal entities owned by black people. Points for legal entities will be proportionately allocated according to the percentage ownership by black people.
- (c) Development Concept: Twenty (20) points maximum, which shall be measured and adjudicated as per criteria to be agreed upon for the specific project.

*In terms of par. 14.1.1 of the policy the Municipal Council may, on an *ad hoc* basis adjust the scoring system set out in this section for a specific immovable property or group of immovable properties to enable it to achieve specific targets or a specific outcome.

Further, in terms of par. 18, criteria other than price, status and development concept, such as technical capability and environmentally sound practices, cannot be afforded points for evaluation. They can be specified in a call for tenders but they will serve as qualification criteria or entry level requirements, i.e a means to determine whether or not a specific tenderer is a complying tenderer in the sense of having submitted an acceptable tender. Only once a tender is regarded as a complying tenderer would it

then stand in line for the allocation of points based on price, status and development concept.

6.2.4.2.2 Deviation from competitive process

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act. Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy. However, should any objections, be received from potential, competitive bidders, then a public competitive process must be followed.

The advertisement referred to above should also be served on adjoining landowners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

- a) Due to specific circumstances peculiar to the property under consideration, it can only be utilized by the one person/organisation wishing to enter into the Property Transaction;
- (e) in exceptional cases where the Municipal Council is of the opinion the public competition would not serve a useful purpose or that it is in the interest of the community and the Municipality. In such cases reasons for preferring such out-of hand sale or lease to those by public competition must be recorded".
- l) lease contracts with existing tenants of immovable properties, not exceeding ten (10) years, may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose or that renewal is aligned with the Municipality's strategic objectives and in the interest of the Community, subject to such renewal being advertised calling for public comment. The existing tenant shall give notice of the intention to renegotiate the lease at least six months before the date of termination;

The reasons for any such deviation from the competitive disposal process must be recorded.

From the above it is clear the Council may, under the circumstances described above, decide to dispose with a competitive (tender) process.

6.2.5 Motivation for entering into a long term lease agreement

The Stellenbosch Flying Club has leased the property from the Municipality since 1973. In the intervening period the club has grown substantially and added significant value to the property including the construction of a runway and associated taxiways, hangars, a clubhouse and flight school and installation of all associated electrical, water, sewerage and roads infrastructure. The result is that today there is an excellent, local airfield serving the various needs of not only the local recreational flying fraternity, but the greater Stellenbosch and regional community with top class flight training centres, an accredited aircraft maintenance facility and base for the essential services provide by Working on Fire during the Western Cape fire season.

The facility is very well managed by an extremely competent team drawn from it's membership of around 600 persons which includes professionals in a variety of fields such as private, airline and emergency services pilots, medical, finance and business professionals. The combination of skills ensures that a high level of management effectiveness and good governance oversight is maintained which makes for an efficient resource which meets the high standards set by the South African Civil Aviation Authority for an airfield of this nature.

The club and its membership have made a significant investment to get the club and the airfield to where it is today, and naturally they are anxious to ensure that this facility, it's availability to the Stellenbosch region and their use thereof continue for many years to come.

The continued existence of the Stellenbosch Flying Club on this site not only ensures that the facility remains for the use of aviators, but is also ensures the continued employment of approximately 50 local persons from a variety of backgrounds who are employed by the Club, the Club's flight training school, the Stellenbosch Flying Academy and Stellair, the on-site, licenced aircraft maintenance facility.

Of even greater importance to the region is the essential emergency response service hosted here in the form of Working on Fire who have been instructed by the South African Civil Aviation Authority to establish a permanent maintenance facility in the Western Cape for their fleet of helicopters and fixed wing fire fighting aircraft. Working on Fire currently operates from a temporary facility on the premises rented from the club and they are dependent on other maintenance organisations for the maintenance of their aircraft. While there are alternative options for the establishment of their permanent base, Stellenbosch is their preferred location with it's central proximity to the fire prone areas of the Western Cape as shown over a number of years during which they have based themselves here during the summer fire season. The further benefit that



Stellenbosch derives from their presence is the large number of young, local people that they employ every season, and the additional personnel that they will engage should they establish their base on the field. They are however at the point at which a decision has to be made in order to ensure that the required facility is operational by December 2018 for this year's fire season.

What is essential to the Stellenbosch Flying Club to enter into a long term lease with the Stellenbosch Municipality, is so there can be stability and security for the other entities like Working on Fire, the company that is involved in the servicing of the planes so these entities have the assurances that they need, in order to make a substantial investment to construct the facilities that they require to comply with the directive from the South African Civil Aviation Authority.

If one considers the track record the Club has as a tenant of the Municipality and as the operator of a highly efficient airfield they believe that it is in the interest of the Municipality and the region to continue with the relationship with the Stellenbosch Flying Club through a new agreement. They acknowledge that the new agreement would be subject to review and revision as appropriate from time to time.

6.2.6 Precinct Plan

The Planning & Economic Development Department recently compiled a precinct plan for the area, a copy of which is attached as **APPENDIX 4**. From this plan it is clear that the airfield fit in with the long-term plans for the area.

6.2.7 Proposed new bypass road

As shown on Fig 2 below, a new Western bypass road is planned to, *inter alia*, provide a new access to the airfield precinct. The position of the existing airfield, as well as possible, future extensions could be accommodated by the new proposed bypass road.

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Fig 2: Proposed Western by-pass route

6.3 Financial Implications

If any will be determined after the public participation process.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality;

6.6 Previous / Relevant Council Resolutions

On 30 April 2015 Council resolved as follows:

RESOLVED (majority vote)

- (a) that Council confirm in terms of Section 14 of the MFMA that the land, unregistered Portion L of Stellenbosch Farm 502, is required for the provision of essential services (the on-going operation of an airport) and that the extension of the long term lease of the land be actively pursued for airport operational purposes;
- (b) that the Municipal Manager be authorised to conduct the required public participation and other processes for the disposal of unregistered Portion L of Stellenbosch Farm 502 for airport operational purposes through a long-term lease;
- (c) that Council confirms the market related rental value of unregistered Portion L of Stellenbosch Farm 502, is R70 988,59 (2015) per annum plus all costs incidental and annual increases; and
- (d) that the Directors: Planning and Economic Development and Settlements and Property Management be jointly tasked with the management of the project and that quarterly feedback on progress be given to Council".

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The decision, however, was never implemented.

Council Resolution 11.2.3 dated 26 February 2010 to refer the matter to March council meeting (Annexure E)

6.7 Risk Implications

The biggest risk to the Municipality is that, should an arrangement with Working of Fire not be reached in due course, they would be unable to comply with the directive from the South African Civil Aviation Authority and may as a result of that, be unable to continue with their operations from the Stellenbosch Airfield. The advantages the airfield has for the WC024 may be lost should the area be used for any other purpose

6.8 Comments from Senior Management

Chief Financial Officer

According to the General Valuation of 2017 the total valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

The property is well located and may be affected by future spatial planning considerations like the Western Bypass.

Director: Community Services

The item is fully supported as a functional airfield offers many advantages to the municipality, the community and even the greater district from a disaster management point of view.

ANNEXURES:

Annexure A: Flying Club Lease agreement

Annexure B: Letter from Stellenbosch Flying Club

Annexure C: Information Statement

Annexure D: Precinct plan

Annexure E: Council resolution 26 -02.20

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Amend!
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MEMORANDUM VAN HUUROOREENKOMS

Aangegaan deur en tussen

DIE MUNISTIPALITEIT STELLENBOSCH

hierin verteenwoordig deur

ERASMUS PETRUS SMITH TALJAARD EN GERHARDUS MATTHYS STRYDOM

in hul onderskeie hoedanighede as Burgemeester en/of Uitvoerende
Hoof/Stadsklerk van gemelde Munisipaliteit

("die VERHUURDER")

en

STELLENBOSCH VLEGVELD MAATSKAPPY

hierin verteenwoordig deur ROBERT J. RIDLERas synde die gevolmagdigde verteenwoordiger ingevolge 'n besluit van die
STELLENBOSCH VM - DIRIGESIE gedateer 3:08:91 waarvan 'n afskrif as Bylae A
aangeheg is

("die HUURDER")

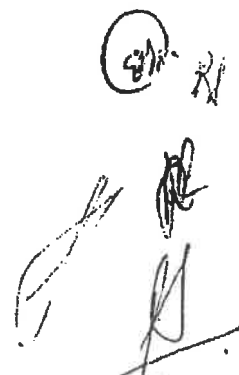
NADEMAAL die VERHUURDER die eienaar is van die eiendom bekend as

Perseelnommer : 502L

Groot : 28,20 hektaar

soos aangedui op die aangehegte kaart

("die EIENDOM")

EN NADEMAAL die VERHUURDER begerig is om die EIENDOM aan die HUURDER te verhuur vir die uitsluitlike gebruik van 'n vliegklub en om 'n gedeelte van die verhuurde eiendom van nywerheidswater te voorsien kragtens 'n ooreenkoms of ooreenkomste tussen die VERHUURDER en die Departement van Waterwese en Bosbou en/of die Helderberg Besproeiingsraad (DIE OOREENKOMS), die terme en voorwaardes van die ooreenkoms waarvan aan die HUURDER bekend is.

EN NADEMAAL die HUURDER begerig is om die EIENDOM te huur en om die water wat as gevolg van sodanige ooreenkoms ten opsigte van die verhuurde eiendom verkry word, op die verhuurde eiendom aan te wend.

EN NADEMAAL die verhuring van die EIENDOM aan die HUURDER onder voorwaardes van DIE OOREENKOMS op 'n vergadering van die Stadsraad gehou op 1991-05-14 (item 5.1.B) goedgekeur is.

NOU DERHALWE KOM DIE PARTYE ONDERLING SOOS VOLG OOREEN

1. TERMYN VAN VERHURING

Die VERHUURDER verhuur hiermee aan die HUURDER die eiendom, wat deur die HUURDER in huur aangeneem word, vir 'n tydperk wat begin op die eerste (1) dag van April 1991 en afsluit op die 31ste dag van Maart 2021 dog is steeds onderworpe aan die bepalings van subklousules 4.4 (laat betaling), 13.1 (sessie), klousule 20 (opsegging) en die bepalings van Bylae B hiervan.

2. Die VERHUURDER onderneem om alles te doen, of te laat doen, om 3 ha van die EIENDOM, of sodanige gedeelte wat goedgekeur mag word, soos uitgewys tussen die partye, kragtens die ooreenkoms van nywerheidswater te laat voorsien.

3. Die HUURDER sal geregtig wees om gedurende die huurtermyn in klousule 1 bepaal die water wat as gevolg van sodanige

 LGR









ooreenkoms verkry word ten opsigte van die verhuurde eiendom, op die verhuurde eiendom aan te wend op sodanige wyse soos goedgekeur deur die VERHUURDER en onderhewig aan alle terme en voorwaardes kragtens die bepalings van DIE OOREENKOMS, of andersins bepaal, welke terme en voorwaardes aan die HUURDER bekend is.

4. HURGELD, KOSTE VAN WATER, MUNISIPALE BELASTING

4.1 Die HUURDER betaal voor of op die eerste dag van Augustus 1991 by die kantoor van die Stadstoesourier die huurgeld vir die bedrag van R100.00 (EENHONDERD RAND) (welke bedrag bereken is vir die tydperk vanaf die datum waarop die ooreenkoms 'n aanvang neem tot die 31ste dag van Maart wat daarop volg) en daarna jaarliks vooruit voor of op die 31ste dag van Maart van elke daaropvolgende jaar die huurgeld plus verhoging soos bereken volgens die voorwaardes wat as Bylae B hierby aangeheg is.

4.2 Die HUURDER sal verder aanspreeklik wees om op aanvraag deur die VERHUURDER die volgende bedrae aan die VERHUURDER, of sy genomineerde, te betaal, naamlik:

4.2.1 enige en alle belastings en vorderings gehef te word deur die Helderberg Besproeiingsraad wat jurisdiksie het oor die verhuurde eiendom. Die Departement van Waterwese en Bosbou, of enige ander owerheidsliggaam, vir of ten opsigte van, maar nie uitsluitend nie -



4.2.1.1 basiese bydrae vir rente en delging van die beoogde nywerheidswatervoorsiening;

4.2.1.2 administratiewe koste;

4.2.1.3 verpligte bydraes ten opsigte van 'n reserwefonds;

4.2.1.4 verpligte bydraes tot die Waternavorsingsraad;



- 4.2.1.5 koste van die gelewerde water soos gemeter deur die Besproeiingsraad en bereken teen die aankoopkoste van water soos van tyd tot tyd deur die Departement van Waterwese bepaal; en
- 4.2.1.6 enige en alle belastings of ander heffings of vorderings, van welke aard en omvang ookal gehef deur voormelde liggame.
- 4.2.2 voorlopige uitgawes en tussentydse heffings wat deur die Besproeiingsraad of die Departement van Waterwese en Bosbou opgelê word.
- 4.3 Die VERHUURDER beskou die voorlegging van 'n rekening van die Besproeiingsraad en/of die Departement van Waterwese en Bosbou as afdoende stawende bewys van die bedrag wat deur die HUURDER verskuldig is, opvallende foute en weglatings uitgesluit.
- 4.4 Enige huurgeld of gelde verskuldig kragtens klousule 4.1 en 4.2 wat na die vervaldatum deur die HUURDER aangebied word ten opsigte van enige jaar, indien die VERHUURDER dit aanvaar, is onderworpe aan 'n rente wat maandeliks vooruit bereken sal word teen die standaardrentekoers, soos deur die Munisipale Ordonnansie, Ordonnansie nr 20 van 1974, of enige vervanging of wysiging daarvan of enige ander toepaslike Ordonnansie van tyd tot tyd bepaal ten opsigte van elke maand of gedeelte daarvan.
- 4.5 Dit is 'n spesiale voorwaarde van hierdie ooreenkoms dat die VERHUURDER die reg voorbehou om hierdie ooreenkoms summier te kanselleer, sonder enige voorafgaande skriftelike kennisgewing, indien die HUURDER sou versuim om enige verskuldigde huurgeld of gelde verskuldig kragtens klousule 4.1. en 4.2 binne sewe dae vanaf die vervaldatum te vereffen, en so 'n kansellering affekteer generwyse die reg van die VERHUURDER om enige bedrag wat die HUURDER skuld of verskuldig aan word, geregtelik van hom te vorder nie.
- 4.6 Die HUURDER sal aanspreeklik wees om enige wetlike verpligte heffing sowel as die eiendomsbelastings en/of diensgelde deur die

Stadsraad op die EIENDOM gehef te betaal, onderworpe aan die voorwaardes en vereistes soos bepaal mag word in terme van die toepaslike wetgewing of die Munisipale Ordonnansie, Ordonnansie nr 20 van 1974, of enige vervanging of wysiging daarvan, of enige ander toepaslike Ordonnansie.

5. STREEKSDIENSTERAADHEFFING

Die HUURDER onderneem om alle heffings wat deur die Streeksdiensteraad op die EIENDOM gehef word, regstreeks aan daardie owerheid te betaal.

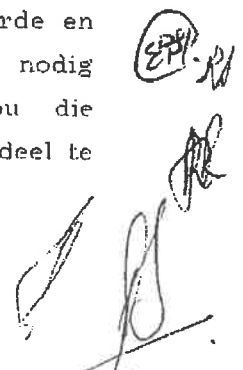
6. MYN- EN ANDER REGTE

Die VERHUURDER behou voor alle regte op metale, minerale, steenkool, klip van alle soorte, klei en gruis, met inbegrip van die reg van toegang tot die eiendom te alle tye om sodanige metale, minerale of steenkool te myn of om klei, gruis en klip te verwyder, onderworpe aan 'n vermindering van die huurgeld in verhouding tot die oppervlakte wat deur die VERHUURDER vir sodanige mynwerk of verwydering teruggeneem word.

7. BESKERMING VAN BOME

7.1 Alle bome, wingerde of dergelike verbeteringe op die verhuurde perseel bly die eiendom van die VERHUURDER en mag nie deur die HUURDER beskadig of verwyder word nie.

7.2 Die HUURDER moet die geskrewe toestemming van die VERHUURDER vooraf verkry vir die verwydering van enige bome, wingerde en dergelike verbeteringe op 'n terrein wat hy vir verbouing nodig het, en as sodanige toestemming verleen word, behou die VERHUURDER die reg voor om oor die hout vir sy eie voordeel te beskik.

7.3 Die VERHUURDER behou die reg oor om deur sy amptenare periodieke inspeksies van bome, en ander verbeteringe op die eiendom uit te voer en om sodanige stappe ter beskerming daarvan te doen as wat hy nodig mag ag.

7.4 Die VERHUURDER behou die reg voor om self enige bome op die eiendom wat nie deur die HUURDER aangeplant is nie, te kap en te verwyder, en hiervoor het hy vrye toegang tot die eiendom.

8. WATERBRONNE

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

8.2 Die HUURDER onderneem om nie met fonteine of met die natuurlike vloei van oppervlakte afloopwater in te meng nie deur kanale, vore of damme te bou of om enige ander werke uit te voer sonder die voorafverkreë skriftelike toestemming van die VERHUURDER nie, en vir die toepassing van hierdie subklousule is 'n opinie van die betrokke Staatsdepartemente en/of onderafdelings daarvan bindend en finaal.

8.3 Die VERHUURDER behou die reg voor om water op die EIENDOM op te gaar of om die gebruik van water uit fonteine of strome te beperk, indien sodanige opgaring of beperking na sy mening noodsaaklik is ter beskerming van die regte van derde partye.

8.4 Die HUURDER onderneem om alle strome, fonteine of opgaardamme teen besoedeling te beskerm, en om sodanige instruksies uit te voer as wat die VERHUURDER periodiek te dien einde mag uitbreik.

9. GRONDBEWARING

9.1 Die HUURDER onderneem om die EIENDOM op 'n versigtige en sorgsame wyse, te gebruik en ook om verswakking van die natuurlike vrugbaarheid en kwaliteit van die grond teen te werk.

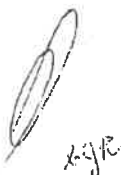
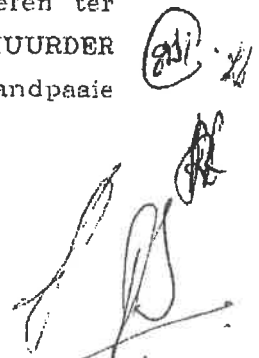
- 9.2 Die HURDER onderneem om gronderosie teen te werk en om stiptelik uitvoering te gee aan die bepalings van enige grondbewaringskema wat volgens wet op die EIENDOM van toepassing mag wees, en te dien einde behou die VERHUURDER die reg voor om periodieke instruksies uit te reik.
- 9.3 Die VERHUURDER behou die reg voor om sodanige werke uit te voer as wat hy nodig mag ag vir die bestryding van gronderosie, en wel op die koste van die HURDER as laasgenoemde versuim om dit op die VERHUURDER se versoek te doen.
- 9.4 Die HURDER onderneem om geen sand, grond, gruis, klip of ander grondstof vanaf die EIENDOM vir verkoping of gebruik elders te verwyder nie.
- 9.5 Die HURDER onderneem om toe te sien dat geen vullis, rommel of afval op die EIENDOM gestort word nie.

10. SKADELIKE GEWASSE

- 10.1 Die HURDER onderneem om die EIENDOM van skadelike gewasse skoon te hou.
- 10.2 Die VERHUURDER behou die reg voor om sodanige stappe as wat hy dienlik mag ag, te doen ter verwydering van dergelike geproklameerde onkruid, en wel op die koste van die HURDER in geval laasgenoemde versuim om dit op die VERHUURDER se versoek te doen.

11. BRANDEESTRYDING

- 11.1 Die HURDER onderneem om die uiterste sorg uit te oefen ter beskerming van die EIENDOM teen veldbrande, en die VERHUURDER kan vereis dat die HURDER op sy eie koste sodanige brandpaaie bou as wat die VERHUURDER nodig mag ag.

11.2 Die HURDER is aanspreeklik vir vergoeding aan die VERHUURDER vir enige uitgawe aangegaan om brande te voorkom of te blus. Brandskade aan bome of ander plante op die EIENDOM wat aan die VERHUURDER behoort word deur 'n taksateur wat deur die VERHUURDER aangestel en wie se bevinding bindend is, aangeslaan, en aan die VERHUURDER deur die HURDER vergoed.

12. OMHEINING

12.1 Die HURDER is verantwoordelik vir die oprigting en koste van enige omheining wat hy vir die beskerming van sy onderneming op die EIENDOM nodig mag ag.

12.2 Omheining wat deur die HURDER opgerig word, kan binne een maand na die afloop van die huurooreenkoms verwyder word, maar die VERHUURDER kan uitstel vir sodanige verwydering verleen totdat die EIENDOM weer verhuur is om onderhandelinge met die opvolger vir die verkoping of oordrag daarvan moontlik te maak, met dien verstande dat die VERHUURDER eienaar van sodanige omheining word indien geen finale reëlings binne sestig dae vanaf die datum van herverhuring deur die HURDER getref is nie, en in so 'n geval is die HURDER nie geregtig tot enige vergoeding vir die omheining wat aldus deur hom verbeur is nie.

13. ONDERVERHURINGS, SESSIES OF OORDRAGTE, ENS

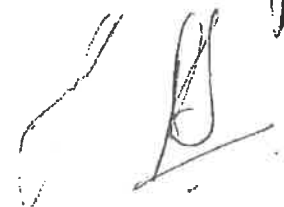
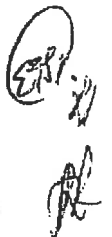
13.1 Die HURDER sal nie hierdie huurooreenkoms seeder of oordra nie, en onderverhuur nie die EIENDOM of enige deel daarvan sonder die voorafverkreë skriftelike toestemming van die VERHUURDER nie.

13.2 Die VERHUURDER kan 'n sertifikaat as bewys vereis dat die maatskappy wat 'n HURDER is, wel as 'n maatskappy geregistreer is.

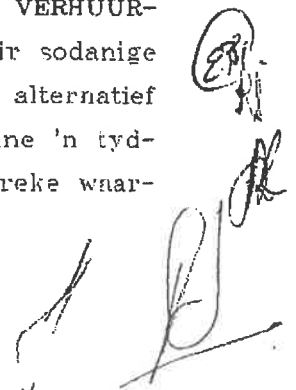
- 13.3 By verandering van die beheerende aandeelhouding of belange in 'n maatskappy of beslote korporasie wat 'n HURDER is of by verandering van direkteure of by likwidasie van die maatskappy of beslote korporasie of ingeval die maatskappy onder geregtelike bestuur geplaas word, bly die oorspronklike borge ten behoeve van die maatskappy of beslote korporasie gesamentlik en afsonderlik en as mede-hoofskuldenaars teenoor die VERHUURDER aanspreeklik, tensy die VERHUURDER op skriftelike aansoek van die HURDER toestem tot vervanging van sodanige borge.
- 13.4 Verandering van die beheerende aandeelhouding of verandering van ledebelang, direkteure of Trustees vir 'n Maatskappy, Beslote Korporasie of 'n Trust wat 'n HURDER is, word geag 'n onderverhuring te wees.

14. GEBOUE EN STRUKTURELE VERBETERINGE

- 14.1 Enige gebou of strukturele verbeteringe wat op die EIENDOM by die aanvang van die huurooreenkoms bestaan, of mettertyd gedurende die huurtermyn opgerig mag word, sal deur die HURDER op sy eie koste hetsy binne of buite in 'n goeie toestand gehou word en wel tot die bevrediging van die VERHUURDER en indien die HURDER versuim om dit te doen kan die VERHUURDER sodanige reparasies as wat hy nodig mag ag, laat aanbring terwyl die HURDER vir die uitgawe aanspreeklik bly.
- 14.2 Geen nuwe gebou, struktuur of ander permanente verbetering sal op die EIENDOM aangebring, opgerig of uitgevoer word sonder die voorafverkreë skriftelike toestemming van die VERHUURDER nie, en sonder dat bouplanne ten opsigte van sodanige verbeteringe vooraf deur die VERHUURDER goedgekeur is nie en laasgenoemde kan gelas dat sodanige gebou, struktuur of verbetering wat inderdaad sonder sy skriftelike goedkeuring en toestemming opgerig, aangebring of gebou is deur die HURDER op sy eie koste verwyder word.

- 14.3 Goedgekeurde verbeteringe van 'n permanente aard sal deur die HURDER op sy eie risiko aangebring of opgerig word.
- 14.4 Die VERHUURDER sal enige geboue of ander verbeteringe wat by die aanvang van die huurtermyn op die EIENDOM is teen skade verseker en sodanige versekering instand hou, met dien verstande dat die HURDER verantwoordelik sal wees vir die volle kostes verbonde aan sodanige versekering, en die VERHUURDER sal derhalwe die premies direk van die HURDER vorder.
- 14.5 Indien die VERHUURDER kontant van 'n versekeringsmaatskappy sou ontvang ter vergoeding van 'n eis ten opsigte van skade aan enige verbetering op die EIENDOM soos in subklousule 14.4 van hierdie ooreenkoms genoem, kan hy die verbetering herstel of die kontant hou, na gelang hy dit dienlik ag.
- 14.6 Behuising kan, met behoud van die bepalings van subklousules 14.1, 14.2, 14.3 en 14.4 van hierdie ooreenkoms aan werkers wat die HURDER op die EIENDOM in diens het, met inbegrip van hul onmiddellike afhanklikes, op die EIENDOM voorsien word, onderworpe aan die voorafverkreë skriftelike toestemming van die VERHUURDER, en die stiptelike nakoming van die bepalings en vereistes van die toepaslike wetgewing met betrekking tot behuising.
- Enige plakkerij op die EIENDOM is ten strengste verbode.
- 14.7 Die HURDER sal geen reg of aanspraak hê of vergoeding kan eis ten opsigte van verbeteringe, met inbegrip van landboukundige verbeteringe wat tydens die huurtermyn op die EIENDOM aangebring is nie, en die VERHUURDER behou die reg voor om, by beëindiging van hierdie ooreenkoms ingevolge die bepalings van klousule 3, subklousules 1.4, 20.1.1, 20.1.2 en 20.2 of andersins volgens sy eie diskresie en goeëddunke te besluit of die VERHUURDER bereid is om die HURDER enigsins te vergoed vir sodanige verbeteringe. Voorts kan die VERHUURDER in die alternatief toestem tot die verwydering van enige verbetering binne 'n tydperk soos deur die VERHUURDER voorgeskryf, by gebreke waar-

van die HURDER enige reg op verwydering van sodanige verbeteringe of enige verdere aanspraak van watter aard ookal sal verbeur, ten gevolge waarvan die betrokke verbeteringe sonder enige aard van vergoeding die EIENDOM van die VERHURDER word.

15. BAKENS

15.1 Deur die huurooreenkoms te onderteken erken die HURDER dat hy bewus is van die werklike ligging van alle bakens wat die EIENDOM se grense bepaal en enige onkunde of misverstand aan sy kant in hierdie verband raak nie die geldigheid van die huurooreenkoms of maak hom nie geregtig tot 'n vermindering van die huurgeld of tot kompensasie en enige vorm nie.

15.2 Indien enige bakens wat die grense van die EIENDOM bepaal na ondertekening van hierdie ooreenkoms nie gevind kan word nie, is die HURDER aanspreeklik vir alle opmetings- en ander kostes verbonde aan die herplasing van sodanige bakens.

16. PAAIE

Die HURDER onderneem om alle bestaande paaie op die EIENDOM in 'n goeie toestand te hou, en voorts om geen verdere paaie te hou of oop te maak sonder die voorafverkreë skriftelike toestemming van die VERHURDER nie.

17. INSPEKSIES

Die gemagtigde amptenare van die VERHURDER kan te eniger tyd die EIENDOM betree om sodanige inspeksies as wat hulle nodig mag ag, uit te voer en om vas te stel of die voorwaardes en bepalinge van die huurooreenkoms stiptelik nagekom word.

18. ADVERTENSIE TEKENS

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

19. ERFDIENSBAARHEID EN VERJARING

19.1 Die huur is onderworpe aan enige erfdiensbaarheid wat aan die EIENDOM kleef, en as dit te eniger tyd sou blyk dat die VERHUURDER nie daartoe geregtig was om die EIENDOM of enige deel daarvan te verhuur nie, het die HURDER geen eis vir skadevergoeding behalwe dat die huurgeld *pro rata* verminder word ten opsigte van daardie deel van die EIENDOM wat nie vir okkupasie of gebruik deur die HURDER beskikbaar is nie.

19.2 Die HURDER erken hiermee dat hy geen aanspraak op eiendomsreg by wyse van verjaring ten opsigte van die EIENDOM wat verhuur word sal verkry nie.

20. OPSEGGING EN BEËINDIGING VAN HUUROOREENKOMS

20.1 Die VERHUURDER kan, sonder om afbreuk te doen aan enige bepaling of vereistes van hierdie ooreenkoms, met spesifieke verwysing na die bepalings van klousule 4 hiervan, en nadat 'n skriftelike kennisgewing op die HURDER gedien is, hierdie ooreenkoms beëindig -

20.1.1 indien die HURDER versuim om enige voorwaarde of bepaling ten opsigte van hierdie ooreenkoms na te kom; of

20.1.2 indien die VERHUURDER daarvan oortuig is dat die HURDER die grond en op onbehoorlike of onverantwoordelike wyse benut; of

- 20.1.3 indien die VERHUURDER daarvan oortuig is dat die HUURDER deur sy handelinge op die EIENDOM 'n oorlas vir ander uitmaak: of
- 20.1.4 indien die HUURDER teenstrydig met enige bepaling van die Dorpsaanlegskemaregulasies van die Munisipaliteit van Stellenbosch afgekondig by PK 73 van 1979-07-20, soos gewysig, optree; of
- 20.1.5 indien die EIENDOM in sy geheel of gedeeltelik vir *bona fide* munisipale doeleindes, waarby dorpsstigting ingesluit is, benodig word:

met dien verstande dat 'n grasiëperiode van hoogstens een (1) jaar in die gevalle soos in subklousules 20.1.1; 20.1.2; 20.1.3; 20.1.4 en 20.1.5 genoem aan die HUURDER verleen word, op voorwaarde dat die HUURDER gedurende die grasiëperiode aan al die bepalings en vereistes van hierdie ooreenkoms, of ander voorwaardes wat die VERHUURDER in hierdie verband mag stel moet voldoen, by gebreke waarvan die toegestane grasiëperiode sonder verdere kennisgewing deur die VERHUURDER in heroorweging geneem sal word.

- 20.2 die HUURDER kan, sonder om afbreuk te doen aan enige bepaling of vereiste van hierdie ooreenkoms en nadat 'n skriftelike kennisgewing van ses (6) maande deur die HUURDER aan die VERHUURDER gegee is, hierdie ooreenkoms beëindig.

- 20.3 Wanneer subklousule 20.1.5 toegepas word sal die HUURDER kwytgeskeld word van alle oorblywende verpligtinge soos in paragraaf 4.2.1 bepaal word en geregtig wees op vergoeding van die koste van die gepaardgaande noodsaaklike infrastruktuur, wat as 'n direkte gevolg van die voorsiening van die nywerheidswater aangebring is (pypleiding, kleppe, krane en meters), wat soos volg vanaf vestigings- tot huuropseggingsdatum bereken word:

bedrag betaalbaar ten opsigte van infrastruktuur is gelyk aan die historiese vestigingskoste - volgens die gemiddelde waardasie van twee onafhanklike buitestaanders wat vir die VERHUURDER aan-

vaarbaar is - minus die waardevermindering wat in gelyke paaiemente oor twintig (20) jaar bereken is. Koste vir voorlegging ter staving van eise deur HURDER en alle uitgawe verbonde aan die aanstelling van buitestaanders berus by die HURDER.

21. SKADELOOSSTELLING

Die HURDER onderneem hierby om die VERHUURDER te vrywaar en gevrywaar te hou teen alle gedinge, stappe, eise, vorderings, koste, skadevergoeding en uitgawes wat gehef, gebring of gemaak mag word teen die VERHUURDER of wat die VERHUURDER mag betaal, opdoen of aangaan as gevolg van enige handeling aan die kant van die HURDER, sy werknemers of persone wat onder sy beheer handel.

22. KOSTE VAN OOREENKOMS

Alle kostes wat deur die VERHUURDER aangegaan is vir die voorbereiding en opstel van hierdie ooreenkoms, plus die koste van die verhuringsadvertensie, opmetingskoste en ander toevallige uitgawes sal deur die HURDER gedra word, en die HURDER kan nie die korrektheid van die bedrag wat deur die VERHUURDER in hierdie verband geëis word, betwis nie. Die Huurooreenkoms sal slegs op die uitdruklike versoek van die HURDER en op sy koste notarieël verly en in die Aktekantoor geregistreer word. Die HURDER moet in sodanige geval 'n deposito betaal soos deur die VERHUURDER bepaal ten opsigte van die kostes hierbo vermeld.

23. ARBITRASIE

23.1 Enige geskil wat te eniger tyd tussen die partye mag ontstaan in verband met enige aangeleentheid voortspuitende uit hierdie ooreenkoms, sal onderwerp word aan en besleg word deur arbitrasie.

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- 23.2 Iedere sodanige arbitrasie moet plaasvind
- 23.2.1 te Stellenbosch;
- 23.2.2 op 'n informele summiere wyse sonder enige pleitstukke of blootiegging van dokumente en sonder die noodsaaklikheid om aan die strenge reëls van die bewysreg te voldoen;
- 23.2.3 onverwyld, met die oog daarop om dit af te handel binne drie (3) maande vanaf die datum waarop die geskil na arbitrasie verwys is; en
- 23.2.4 onderworpe aan die bepalings van die Wet op Arbitrasie, No 42 van 1986, of sodanige ander Arbitrasiewette as wat van tyd tot tyd mag geld, behalwe waar die bepalings van hierdie klousule anders voorskryf.
- 23.3 Die arbiter moet 'n persoon wees op wie deur die partye onderling ooreengekom is en by onstentenis van 'n ooreenkoms, een aangestel deur die diensdoenende President van die Wetsgenootskap van die Kaap die Goeie Hoop.
- 23.4 Die partye kom hiermee onherroeplik ooreen dat die beslissing van die arbiter in sodanige arbitrasieverrigtinge finaal en bindend op hulle sal wees.

24. BEHEER OOR GEBRUIK VAN LUG

Die HURDER se reëls in verband met vlugte in die lug oor of in die onmiddellike omgewing van Stellenbosch of Somerset-Wes is onderworpe aan die goedkeuring van die VERHUURDER en die HURDER aanvaar dat die VERHUURDER 'n verteenwoordiger op die HURDER se bestuur kan benoem.

25. INVORDERINGSKOSTE

Indien die VERHUURDER opdrag aan sy prokureurs sou gee om enige gelde wat kragtens hierdie ooreenkoms betaalbaar is, op die HUURDER te verhaal, is die HUURDER aanspreeklik vir die betaling van alle koste deur die VERHUURDER in hierdie verband aangegaan, bereken op 'n prokureur/klëntbasis, insluitende sodanige heffings wat betaalbaar is kragtens Regulasie 62 van die Wet op Prokureursordes nr 41 van 1975, of enige vervanging of wysiging daarvan, of enige soortgelyke heffings.

GETEKEN TE STELLENBOSCH HIERDIE 1^{de} DAG VAN Februarie 1998

GETUJE

TEN BEHOEWE VAN DIE VERHUURDER

1. B. Sippel

2. G. Robinson

E. Klaar
BURGEMEESTER

[Signature]
UITVOERENDE HOOF/
STADSKLERK

GETEKEN TE STELLENBOSCH HIERDIE 3^{de} DAG VAN Augustus 1991

GETUJE

TEN BEHOWE VAN DIE HUURDER

1. [Signature]

2. [Signature]

[Signature]

1991-06-25

(EVLIEG/KONTRAK/mc)

BYLAE B

BELEID EN TOEPASSING VAN DIE HUURGELDBEREKENING

1. Vir die doeleindes van hierdie ooreenkoms word die aanvanklike huurgeld van 'n sportklub vanaf 1991-04-01 deur die Raad op R100,00 per jaar bepaal.

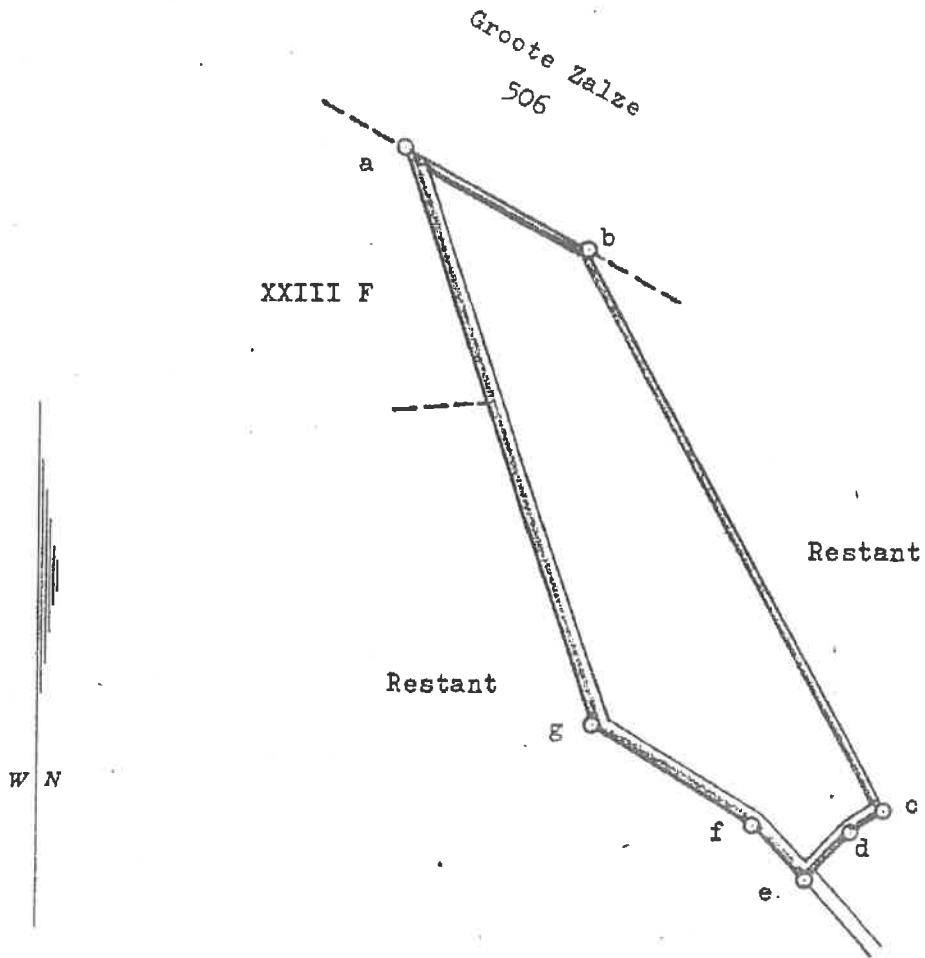
2. *Huurgeld betaalbaar in eerste termyn van tien (10) jaar*
Die huurgeld sal jaarliks met 15 %, saamgesteld bereken met aanvangsdatum 1992-04-01, eskaleer.

3. *Aangepaste huurgeld na tien (10) jaar*
Die huurgeld sowel as die persentasie aanpassing soos beskryf in paragraaf 1 en 2 sal elke tien (10) jaar herbepaal word by wyse van onderlinge ooreenkoms. Indien die partye nie konsensus kan bereik nie, sal 'n arbiter die aangeleentheid beslis welke beslissing finaal en bindend sal wees.

1991-06-25

(LVLIEG/KONTRAK/mc)

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Skaal: 1/ 10 000

Die figuur a b c d e f g stel voor 22 Hektaar, uitgesonderd die 20 meter paaie, (tot naaste ½ Hektaar) grond synde

Munisipale Huurgrond Perseel XXIII K (Vliegveld)

geleë in die Munisipaliteit en Afdeling Stellenbosch
Provinsie Kaap die Goeie Hoop.

Opgestel deur my Maart 1973,

H. Friedland
Landmeter.

Clute

Oorspronklike Kaart		
Nr. 9133/1957	<i>[Signature]</i> Burgermeester	<i>[Signature]</i> Huurder
T/A Stel. F.5-34	<i>[Signature]</i> Stadsklerk	<i>[Signature]</i>
Vel. BH-8DCD	Geluis 1. <i>B. Juppel</i>	Geluis 2. <i>[Signature]</i>
	<i>[Signature]</i> 69 Robinson	<i>[Signature]</i>

STELLENBOSCH VLEGVELD MAATSKAPPY

Maatskappy-vergadering gehou op Saterdag 3 Augustus 1991 om 15:00 in die Komitee-kamer van die Klubhuis - Stellenbosch Vliegveld

1. Die voorsitter verwelkom al die direksie lede.

2. Teenwoordig: Mnr R Ridler (voorsitter), mnr FS Immelman (sekretaris), J Swart, D van Eeden, A van Wyk, J van der Spuy, dr C von Delft en N Fourie

3. Die direksie verleen goedkeuring aan mnre Ridler, Immelman en Swart om voort te gaan met die ondertekening van die 30 jaar huurooreenkoms met die Munisipaliteit van Stellenbosch. Pro-rata huurgeld van R62.50 is betaalbaar. Die direksie verleen ook goedkeuring aan dieselfde persone om alle onderhandelinge en kontrakte gaande Nywerheidswater van die Helderberg Besproeiingskema af te handel.

4. Die voorsitter bedank die direkteure vir hul teenwoordigheid.

5. Datum van volgende vergadering: Op kennisgewing

Vergadering verdaag om 15:20



Sep 01 00 05:00p

M.R. Fürst

028 312 3137

P-1 1/2



4 Kwaiiwater Road
Kwaiiwater
Hermanus
7200

1st September 2000

Tel : 028 312 3377
Fax : 028 312 3137

Stellenbosch Munisipaliteit
Fax 021 808 8200
Attn: mr Kotie Kruger

Re: Lease Agreement : Stellenbosch Flying Club/Stellenbosch Municipality

Dear mr Kruger,

Thank you for agreeing to fax me a copy of above lease agreement to above fax number.
I purchased hangar number 6A (a new hangar) from the Stellenbosch Flying Club in July and have requested a copy from them without much success, although the lease agreement forms a vital annexure to my purchase agreement with the club.
Thank you again for your friendly willingness to cooperate.


Kind regards,

Marius Fürst

Tel 028 312 3377
Fax 028 312 3137
Cell 082 554 6992

cc Stellenbosch Flying Club
FAX 880 1258
Attn: Louise / N. Horwood
-----Page 1 of 1 Pages-----

APPENDIX 2


STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY
Eikobad Nums 18 Junie 2020
LOCAL AUTHORITY NOTICE
OFFICIAL NOTICE AS CONTEMPLATED IN REGULATION 35(a)
OF THE MUNICIPAL ASSET TRANSFER REGULATIONS
PROPOSED AWARDING OF LONG-TERM RIGHTS:
LEASE FARM 502L, STELLENBOSCH: STELLENBOSCH FLYING CLUB

1. **INTRODUCTION**
 Notice is hereby given in terms of Regulation 35(a) of the Asset Transfer regulations (ATR) of 22 August 2008 that Council is considering the awarding of long-term rights (by way of a lease agreement) in Lease Farm 502 L, Stellenbosch to the Stellenbosch Flying Club.
2. **BACKGROUND / REASONS FOR PROPOSED AWARDING OF RIGHTS**
 - 2.1 **Existing lease agreement**
 On 10 February 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renew) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021. The current Lease Agreement does not allow for an automatic renewal and/or extension of the term.
 - 2.2 **Application for renewal of Lease Agreement**
 The Stellenbosch Flying Club has requested that a new long term lease be concluded with the Municipality. Stellenbosch Municipal Council must still consider this application.
3. **DISCUSSION**
 - 3.1 **Public participation process**
 In terms Regulation 34 of the ATR, before Council can make a final decision on whether to award rights in Municipal property, i.e. to enter into a long term Lease Agreement, the Municipal Manager must first conduct a public participation process contemplated in Regulation 35.
 - 3.2 **Information Statement**
 In terms of regulation 35, the Municipal Manager, when making public the proposal to grant the relevant long term right(s), must also make available an Information Statement referred to in Regulation 34.

Please note that an Information Statement*, as contemplated in Regulation 34(3)(b) of the ATR as well as the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours or can be requested via:

Email: piet.smit@stellenbosch.gov.za

Physical address: 3rd Floor, Oude Bloemhof (Absa) Building, corner of Ryneveld and Plein Streets, Stellenbosch.
 Postal Address: P O Box 17, Stellenbosch 7599
 Cell phone: 084 506 5065
 Landline: 021 808 8189

* The Information Statement contains the following:

- The reasons for the proposal to grant a long-term right to lease;
- Any expected benefits to the municipality that may result from the granting of the right;
- Any expected proceeds to be received by the municipality from the granting of the rights; and
- Any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

3.3 Invitation to submit comments /inputs or alternative proposals

Interested and affected parties / individuals are hereby invited / called upon to submit comments /inputs or alternative proposals in respect of the possible granting of the rights referred to above.

Any such comments /inputs/alternative proposals must be in writing and must reach the Office of the Manager: Property Management by no later than 2020-07-10 at close of business at the address or e-mail listed above.

3.4 Persons with disabilities

Notice is further given in accordance with Section 21 of the Local Government: Municipal Systems Act, No 32 of 2000 that anyone with disabilities or who is unable to write, but need to participate in the process, may present him/ herself during office hours at the office of the Manager: Property Management, where a staff member of the Municipality will assist such person to transcribe that person's comments/inputs or alternative proposals.

DATE

GERALDINE METTLER
 MUNICIPAL MANAGER: STELLENBOSCH MUNICIPALITY

APPENDIX 3

Piet Smit*After close of business*

From: franklin adams <oakcity2010@yahoo.com>
Sent: 10 July 2020 05:09 PM
To: Piet Smit
Cc: derrick hendrikse; ACDP Clr Gaynor Cele; RONALDA NALUMANGO; Wilfred Pietersen; Mayor (Gesie Van Deventer); Anton Bredell MEC; Nyaniso Jindela; Alan Winde; patrick parring; Paul Hendler; Paul Rhode; Linda Isaacs; marthinus Saunderson; Paul Martin Stanfield; Niklaas Willemsse; nico koopman; Leslie Van Rooi; Lesten B. Olivier; Jannie Joon; Julian Jansen; B. Cederstroom; Christopher Umvikeli Nissen; Chris Spies; Piet September; Josef Adams; Victor Honey; Andre Van Der Walt; Loyiso Mbete; Lionel Louw; Charles Ndlebe; AG Sazi (DBE) Ndwandwa; SALGA WC Mr K. Mullagie; Westcape Prov Treasury; Nyameka Katina; Wynand Coetzer; Andre Pelsers Email; Gerado-OLS; Joelton Maarman; joan groenewaltd; Sune Griessel; Directors Group; stanamos1950@gmail.com; Keith Ford; Faiz Hoosain; EFF Melikhaya Xego Melikhaya Xego; Sbiproperties; Faith Stubbs; Bongani Mgijima; Mwangi Githahu; Geraldine Mettler; fientass@gmail.com; Andr © Gaum; Danny Bock
Subject: [EX] Re: Objection against Long term lease of Flying Club, portion of farm 503

Good day Mr. Smit.

I refer you to the application by the Flying Club for a long term lease agreement on a portion of farm 503 and would like to motivate as follow.

1. I vehemently object against the fact that the mayor use's her delegation given to her by the DA councillor's.
2. This action by her is opportunistic and highly suspicious and it amounts to abuse of power.
3. I'm of the view that the current lease should be exhausted and there should be seriously consideration given to utilize these public land for the benefit of the broader community as per need's through the IDP.
4. The fact that the current flying club feel they are in title to a long term lease is like given the impression it's their right and I am of the view on the contrary it's protecting the status quo.
5. This current DA lead administration can't continue to protect Apartheid lease's and advantage Whiteness.
6. After 25 year's we should Foster an agenda that promotes equality and transformation w.r t. land and relevant services.
7. This new application can't be consider on the back of the current lease and should be view as a total new application through a fair and competitive process and with other option's in mind.
8. The current lease's for more than 30 year's took advantage of public land to their own advantage and not necessary in the interest of the town and all its citizens.

Conclusion:

In conclusion I am taking this opportunity to object against this application and request that this be seriously consider.

I also remind you of the Land Compliance Audit of 2005 by the late Adv. Percy Sonn as we'll as the Tracing the history of the original acquisition of the land to f 2007 by Me. Patricia Zweig.

These two processes were done with the view to relook at the Municipalities land and the opportunity for rectification.

After fifteen year's it's regrettable that both Report's and its recommendations were Ignored by this institution.

This is just an indication that this institution is anti transformation and doesn't represent the interest of the majority of people, but rather the minority.

Regards.

CLR. Franklin Adams.
Aluta continua!!!

[Sent from Yahoo Mail on Android](#)

APPENDIX 4



10 July 2020

Stellenbosch Municipality

Municipal Offices

Plein Street

Stellenbosch

7600

Attention: Property Manager MR Piet Smit

RE: INPUTS AND COMMENTS ON NOTICE RE AWARDING LONG TERM LEASE TO TELLENBOSCH FLYING CLUB AS ADVERTISED IN THE EIKESTDNEWS APAER AND ATTACHED DOCUMENTS

With reference to the above notice that appeared in the Eikestad newspaper and information statement herewith my inputs and comments.

1. The municipality administrating is not complying with applicable legislation when placing such notices and the also do not enable meaningful public participation and in this regard to proof this fact I bring the following to your attention.
 - The notice in Eikestadnews paper is written illegal and is misleading as it misrepresents want the Mayor resolve on 24 April 2020 (See attached copy) .In this regard the notice reads that alternative proposals can be submitted . In this regard the Mayor Council never resolved that alternative proposals can be submitted. Likewise nowhere it is mentioned as to what type of alternative proposals will be considered.
 - This above mentioned misleading mention of an alternative proposal is to try and rectify the illegal resolution passed by the Mayor council on 24 April 2020.
2. The Mayor Council has passed illegal resolutions on 24 April 2020, which the administration was complicit in misleading the Council and even now the Mayor is part of this illegal process in passing illegal resolutions. In this regard note the following facts.
 - Legislation prescribes that when even the Council considers the possible disposal of municipal assets , the meeting MUST be open to the public. In this regard the Meeting of 24 April 20220 where the Mayor took this resolution. The meeting was not open to the public.
 - Nor was all the legal requirements met when this item was put before the Mayor Council.

- On the resolution the Mayor council passed to rescind the Council resolution taken 30 April 2015 , please note the following. : This council resolution of 30 April 2015 to got out on a public tender process was deliberately undermined by the municipal officials in 2015 as set out in the attached email. They undermined the Council resolution so as to illegally advance and protect the privileges of the Stellenbosch Flying club.
 - This non compliance and illegal Mayor council resolutions are more clearly set out in the illegal information statement as set out below under point no 3.
3. The Information Statement (See attached copy) also is illegally written as it does not provide the information as prescribed .
- The Information statement does not include the full details of the Council agenda item the mayor resolved on 24 April 2020.
 - Likewise the information statement give no reasons as to why an open public tender cannot be done to allow an open fair competitive bidding process.
 - Under point 3.2.1 the reasons given to extend the lease just to the current Stellenbosch Flying are unacceptable and it blatantly amounts to giving preferential treatment to the Stellenbosch Flying club. The Stellenbosch Flying club did try an use the excuse of Working on Fire in 2014/2015 to have their lease extended , but the Council rejected this application and resolved to go out on open tender. Now they even added the WCED support of their nautical school. Once again they are trying to abuse the WCED in this regard to promote their application.
 - Under clause 3.2.2. once again not details are give of the supposed benefit. No details of list of current no of hangers , various subleases , no of employment opportunities. List of welfare .ect. All the informations statement does is names dropping.
 - Once again under clause 3.2.3 is proofs that the Mayor Council did not consider the financial benefit , as from reading this clause no indication and calculation has been done as to this financial benefit. What is also clear as this will be done by the administration behind closed doors and as such the public and council will have no inputs on this matter. This is also illegal . Why was this financial information not being made public for public input.. The current financial statements of the Stellenbosch Flying Club not made available. I also beg to ask how the Mayor Council could even resolve on this matter without this information before her.
 - Likewise no copy of the proposed lease agreement are attached . Not even the existing lease with Stellenbosch Flying club. which the Mayor Council resolve to proposed is attached and in this way made public.

Taking all the above into account I call on Council to stop this illegal manipulation of this process and act in an open and transparent way. Bring this matter back to the Planning Committee where it can be properly interrogated and debated. Likewise at a council meeting. A proper and meaningful public participation process must also be done , and if it must wait for the easing of lockdown restrictions then so be it.


I also bring to the Council attention that even the current lease agreement with the Stellenbosch Flying club has not been properly administered by the municipal officials responsible. They have not enforce the conditions of the lease agreement . to mention some,

The Flying club over the years never paid any market related relation for years prior to 2010 they paid peanuts and from 2011 they were allowed to pay the farm rental rate and the Flying club is not a Farm. Likewise the Flying club was allowed to do subleases and construct various buildings and hangers without first obtaining council approval as prescribed in the lease agreement. The flying club has been leasing this property as far back as 1972 and there was never a nautorial lease registered against this portion of farm 502L.

The administration has been giving the Stellenbosch Flying club which was and still is a white run club , preferential treatment in violation the lease agreement and sublease as they please without Council knowledge and approval. In Contrast just next the Flying club The Groothoek trust was and still is allowed to sublease illegally, They were also allowed to make millions over the year by illegally subleasing. But in this case a black sub lessee must go to court to protect his rights to do a honest business on municipal owned land which is being violated by white people.

Taking all the above into account , I call that Council don't approve the Extension of the current lease to the Stellenbosch Flying club.

Yours faithfully



Clr DA Hendrickse

CC Speaker

MM

APPENDIX 5

Piet Smit

From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>
Sent: 24 June 2020 10:25 AM
To: Annalene De Beer; Salie Abrahams; Lynn Coleridge-Zils; Piet Smit
Cc: Limeez Joseph; Ian de Vega; Mayor (Gesie Van Deventer); mm; Donovan Muller
Subject: [EX] RE: Aeronautical school, Stellenbosch
Attachments: RE: Aeronautical school, Stellenbosch

Annalene, Piet

From my side also thank you for the clear response below. I am happy that the public participation process is finally able to run. Regarding the last bullet point highlighted in yellow below, please find attached the comment from the WCED. Please regard this as our formal submission of comment in terms of the public participation process.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

Sanlam Building (Golden Acre), 23d Floor, Rm 23-03

Private Bag X9114, Cape Town, 8000, South Africa

Tel: +27 21 467 9261

Fax: 021 467 2565

Cell: 0844224334

E-mail: Gerrit.Coetzee@westerncape.gov.za

Website: www.westerncape.gov.za



Be 110% Green. Read from the screen.

From: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>
Sent: 24 June 2020 10:04 AM
To: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>
Cc: Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <Ian.devega@westerncape.gov.za>; Mayor (Gesie Van Deventer) <Mayor@stellenbosch.gov.za>; mm@stellenbosch.gov.za; Donovan Muller <Donovan.Muller@stellenbosch.gov.za>
Subject: RE: Aeronautical school, Stellenbosch

Dear Mt Abrahams

Thank you – you too.

Kind regards,

Annalene de Beer

Director: Corporate Services



T: +27 21 808 8018 | C: +27 83 305 3685

Email:

Annalene.deBeer@stellenbosch.gov.za

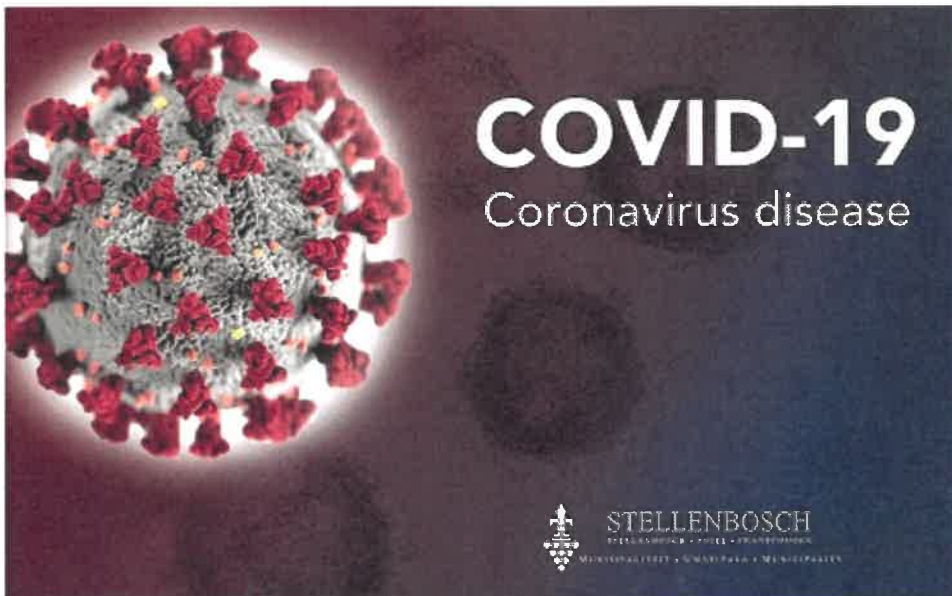
Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>
Sent: 24 June 2020 09:43 AM
To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>
Cc: Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <Ian.devega@westerncape.gov.za>; Mayor (Gesie Van Deventer) <Mayor@stellenbosch.gov.za>; mm <Municipal.Manager@stellenbosch.gov.za>; Donovan Muller <Donovan.Muller@stellenbosch.gov.za>
Subject: [EX] RE: Aeronautical school, Stellenbosch

Dear Ms. De Beer

Thank you for your prompt response. Much appreciated.

Have a good day ahead, and continue to be safe.

Regards
Salie

From: Annalene De Beer [<mailto:Annalene.DeBeer@stellenbosch.gov.za>]
Sent: Wednesday, June 24, 2020 9:33 AM
To: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>
Cc: Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <Ian.devega@westerncape.gov.za>; Mayor (Gesie Van Deventer) <Mayor@stellenbosch.gov.za>; mm@stellenbosch.gov.za; Donovan Muller <Donovan.Muller@stellenbosch.gov.za>
Subject: RE: Aeronautical school, Stellenbosch

Dear Mr Abrahams

See my comments in blue below.



Kind regards,

Annalene de Beer

Director: Corporate Services

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

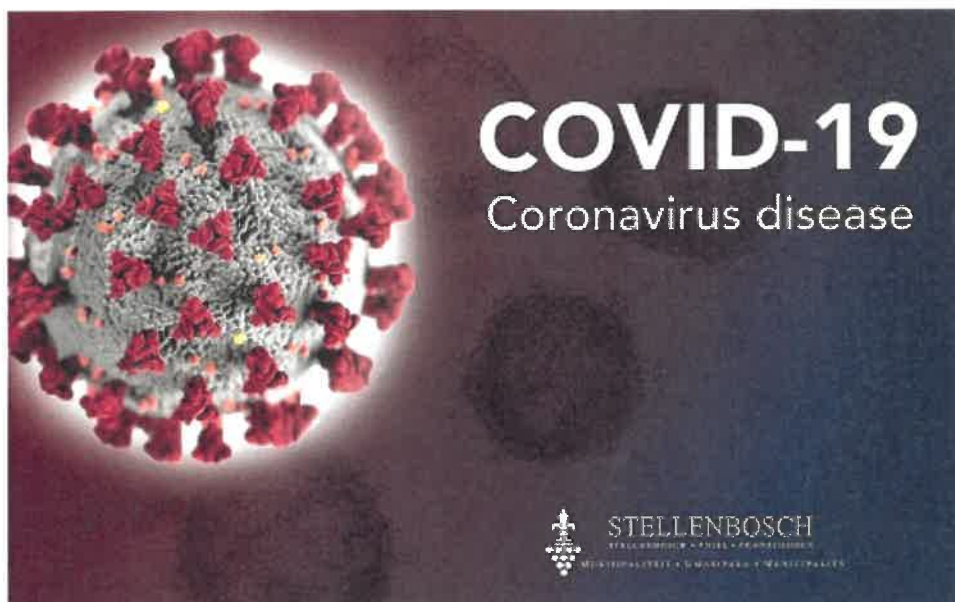
Annalene.deBeer@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>

Sent: 24 June 2020 09:07 AM

To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>

Cc: Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <ian.devega@westerncape.gov.za>; Mayor (Gesie Van Deventer) <Mayor@stellenbosch.gov.za>; mm <Municipal.Manager@stellenbosch.gov.za>; Donovan Muller <Donovan.Muller@stellenbosch.gov.za>

Subject: [EX] RE: Aeronautical school, Stellenbosch

Dear Ms. de Beer

Your response and engagement is much appreciated. Thank you.

Given that this project is attracting considerable media interest for its progress and that we expect that the WCED expects to have to provide a formal update at Provincial Cabinet level as part of the strategic plan review processes, may I please request additional information from the Stellenbosch Municipality to ensure that we do not misrepresent progress since our initial engagements started formally with the Council back in November 2019.

- This response immediately below speaks to the proposed long term lease to the flying school, and not to the application for land adjacent to the airfield. Has the latter been considered at all?
Please refer to my earlier correspondence (before or in March) as ai think the different processes was clearly indicated there – the land adjacent to the airfield is a separate application and has not been considered. It is the 2nd or 3rd phase of the school and cannot be considered before the long term lease of the flying school has been dealt with.
- May we request the timelines for the public participation process for the proposed long term lease to the flying school (which you confirm includes a sub-lease to the WCED). Has it started, how long will it run for and when can we realistically expect a decision?
I do not have the exact dates with me. Mr Smit will be able to provide you with that. The process has started and to the best of my knowledge the advertisement as placed in May. It has a time line of at least 30 days for public to provide inputs and then inputs will be consolidated and it will be taken back via Mayco to Council. I am unable to give you dates of these meetings at this stage.
- As it is still reported to me as being unanswered, should we expect that the Stellenbosch Municipality will provide a formal response to the letters issued by the WCED on 26 February 2020 from the office of the DDG for Education Planning (to the Honourable Executive Mayor) and a follow up on 20 April 2020 (from the office of the Director: Infrastructure Planning to the Municipal Manager)
I will take it up with the administration in these offices. I was under the impression that responses were done.
- In the anticipated response, may we please request what, if any, consideration has been given to the input that the WCED has provided via Mr. Coetzee's office to support the call for comments process.
I am not clear on the request. If Mr Coetzee made comments on the advertisement that was published – it has not been considered. It will be done when the rest of the comments are considered after closure of the 30 days. If he made comments outside the process it would not have been considered on its own as no final decision has been made. It is requested that he resubmits the comments as comments under the advertisement.

Thanks in advance,

Kind regards

Salie Abrahams
Deputy Director-General: Education Planning
Western Cape Education Department

Grand Central, Cape Town

E-mail: salie.abrahams@westerncape.gov.za

Website: wcedonline.westerncape.gov.za



From: Annalene De Beer [<mailto:Annalene.DeBeer@stellenbosch.gov.za>]
Sent: Wednesday, June 24, 2020 8:39 AM
To: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>
Cc: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <ian.devega@westerncape.gov.za>
Subject: RE: Aeronautical school, Stellenbosch

Hallo Gerrit

The public participation process around the proposed long term lease to the flying school with the inclusion of a sub-lease to you is currently in the public participation phase since we could start with that process again after strict lock down.



Kind regards,

Annalene de Beer

Director: Corporate Services

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

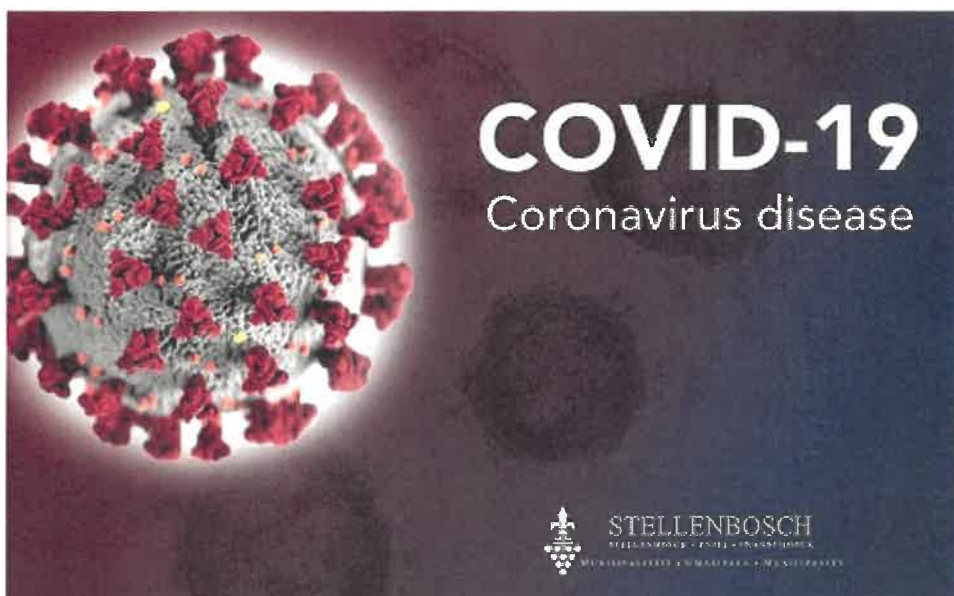
Annalene.deBeer@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600

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From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>

Sent: 23 June 2020 08:43 PM

To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>

Cc: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <ian.devega@westerncape.gov.za>

Subject: [EX] RE: Aeronautical school, Stellenbosch

Annalene

Has there been any further development regarding this project. Have you been able to advertise and when does the consultation process close?

If not yet advertised, when do you expect to be in a position to advertise?

Attached again is our comment as submitted previously. If needed we are more than willing to address council to provide clarity on the proposed project.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

Sanlam Building (Golden Acre), 23d Floor, Rm 23-03

Private Bag X9114, Cape Town, 8000, South Africa

Tel: +27 21 467 9261

Fax: 021 467 2565

Cell: 0844224334

E-mail: Gerrit.Coetzee@westerncape.gov.za

Website: www.westerncape.gov.za



Western Cape
Government
Education



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From: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>
Sent: 22 April 2020 12:43 PM
To: Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>
Cc: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <ian.devega@westerncape.gov.za>
Subject: RE: Aeronautical school, Stellenbosch

Hallo Gerrit

Will do so.



Kind regards,

Annalene de Beer

Director: Corporate Services

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

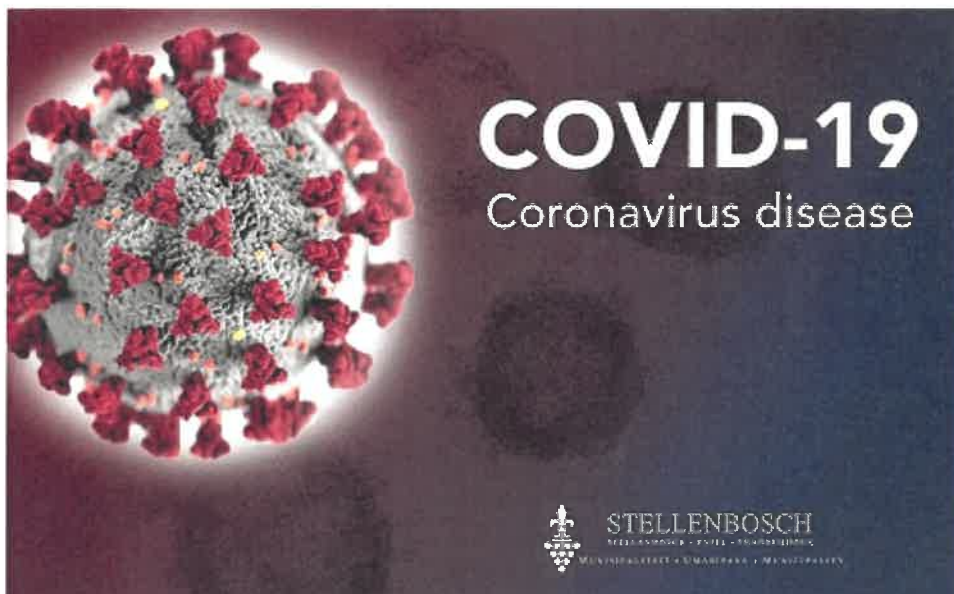
Annalene.deBeer@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

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From: Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>

Sent: 21 April 2020 05:13 PM

To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>

Cc: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <ian.devega@westerncape.gov.za>

Subject: [EX] RE: Aeronautical school, Stellenbosch

Hello Annalene en Gerrit,

The e-mails are noted. Annalene, please keep us in the loop after lockdown. Much appreciated.

Stay safe and take care.

Adv. Lynn Coleridge-Zils
 Director: Policy Co-ordination
 Western Cape Education Department
 Tel: +27 21 467 2299
 Room: 26-18
 18th Floor
 Golden Acre Building
 Cape Town
 Email: Lynn.Coleridge-Zils@westerncape.gov.za
 Website: wcedonline.westerncape.gov.za



From: Annalene De Beer [<mailto:Annalene.DeBeer@stellenbosch.gov.za>]
Sent: Tuesday, April 21, 2020 1:44 PM
To: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>
Cc: Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Limeez Joseph <Limeez.Joseph@westerncape.gov.za>
Subject: RE: Aeronautical school, Stellenbosch

Hallo Gerrit

Ons kon nie advertensies plaas vir openbare deelname gedurende die lock down periode nie.



Kind regards,

Annalene de Beer

Director: Corporate Services

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

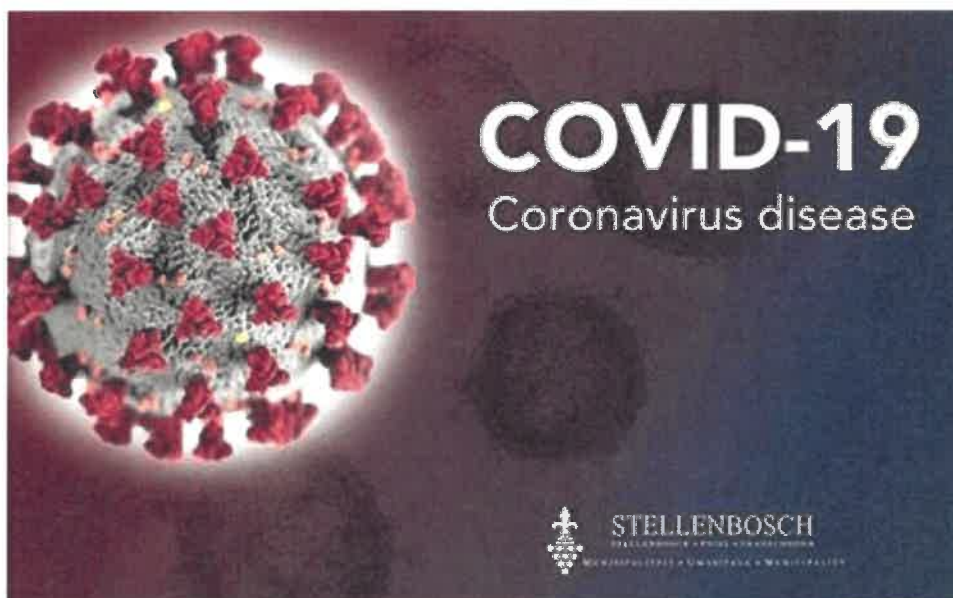
Annalene.deBeer@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600

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From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>

Sent: 21 April 2020 01:19 PM

To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>

Cc: Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Limeez Joseph <Limeez.Joseph@westerncape.gov.za>

Subject: [EX] RE: Aeronautical school, Stellenbosch

Annalene, Piet

Ek glo en vertrou alles is wel met julle gedurende die tyd van lock-down en dat julle veilig by die huis is.

Voor lock-down het ons bespreek om 'n kommentaar vanaf WKOD as deel van die publieke deelname proses op die aansoeke in te dien. Ek hoop nie dat ons te laat is vir dit nie en vertrou dat die aangehegte skrywe in ag geneem sal word tydens die volgende sitting van die Raad. Laat weet my asseblief indien ons van veredere hulp kan wees om die aansoeke geprosesseer te kry.

Groete
Gerrit Coetzee
0844224334

From: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>

Sent: 10 March 2020 08:25 AM

To: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>

Cc: Rikus Badenhorst <Rikus.Badenhorst@stellenbosch.gov.za>; Nolonwabo Vane (Mayco Assistant) <Mayco.Assistant@stellenbosch.gov.za>

Subject: RE: Aeronautical school, Stellenbosch

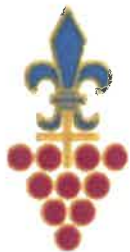
Hallo Gert

Probably in the May round of meetings given the public participation process. Can you please talk to the Flying club in regard to phase 1.

Kind regards,

Annalene de Beer

Director: Corporate Services



T: +27 21 808 8018 | C: +27 83 305 3685

Email:

Annalene.deBeer@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600

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From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>

Sent: 10 March 2020 07:31 AM

To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>

Subject: [EX] FW: Aeronautical school, Stellenbosch

Annalene, Piet

Could you please provide us with the dates when the three related applications will serve again before Mayco / Council.

Dates are becoming critical for us in terms of our planning for the establishment of this school.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

Sanlam Building (Golden Acre), 23d Floor, Rm 23-03

Private Bag X9114, Cape Town, 8000, South Africa

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Fax: 021 467 2565

Cell: 0844224334

E-mail: Gerrit.Coetzee@westerncape.gov.za

Website: www.westerncape.gov.za



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From: Salie Abrahams
Sent: 09 March 2020 03:09 PM
To: Gerrit Coetzee; Limeez Joseph
Cc: Lynn Coleridge-Zils; Lesline Mcglen
Subject: Re: Aeronautical school, Stellenbosch

Dear Gerrit

Thanks for the update.

When do the various related matters serve again in the Mayco.

Regards
 Salie

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From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>
Sent: Monday, March 9, 2020 2:42:26 PM
To: Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Limeez Joseph <Limeez.Joseph@westerncape.gov.za>
Cc: Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Lesline Mcglen <Lesline.Mcglen@westerncape.gov.za>
Subject: FW: Aeronautical school, Stellenbosch

Salie

I followed up with Stellenbosch Municipality last week regarding our further application for the adjacent municipal land for the establishment of the aeronautic school and the feedback received from Annalene De Beer (Director: corporate Services) were as follows:

- The two items at council at the moment is the following:
 - Application for a long term lease between Stellenbosch Flying Club and Municipality;
 - The sub-lease of the Stellenbosch Flying Club to WCED for the aviation school.
- The sub-lease of the Flying club to WCED is not subject to a public participation process. The new application for the adjacent property is.
- The flying club's long term lease is also subject to a public participation process. Legislation requires a process before council takes a decision in principle – that process has been resolved on. When an in-principle decision is taken on the term and money involved a further process on those two aspects will follow.
- This was part of Item 11.2.3. of council meeting 26 February;
- Despite the letter from the flying club indicating their preference, not to accommodate the proposed school on the flying club's premises (hanger or land for mobile classes), but rather on adjacent property, it is the Stellenbosch municipality's intention to make the accommodation of Working-on-Fire and WCED in as far as possible part of the lease conditions. This would be subject to input during the current process and the process to follow.

- Annalene De Beer from the Municipality therefor advised that as part of the public participation process, WCED make an input as part of the call for comments and refer to the possible accommodation of the aeronautical school on or near the premises currently being leased by the flying club. The input would relate to the noise impact in particular and the need for the school. Refer specifically to the fact that not all learners will become pilots, but rather that some will become mechanics etc. Not all will fly, limiting the impact on noise etc.
- The request from WCED for the leasing or acquisition of the adjacent municipal property will serve before Mayco and Council at the same time as the return item on the renewal of the Flying Club lease.

Regards

Gerrit Coetzee Pr.Plh A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

Sanlam Building (Golden Acre), 23d Floor, Rm 23-03

Private Bag X9114, Cape Town, 8000, South Africa

Tel: +27 21 467 9261

Fax: 021 467 2565

Cell: 0844224334

E-mail: Gerrit.Coetzee@westerncape.gov.za

Website: www.westerncape.gov.za



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From: Annalene De Beer [<mailto:Annalene.DeBeer@stellenbosch.gov.za>]

Sent: 09 March 2020 08:34 AM

To: Gerrit Coetzee

Cc: Piet Smit

Subject: RE: Aeronautical school, Stellenbosch

Hallo Gerrit

My comments in red below for easy reference.



Kind regards,

Annalene de Beer

Director: Corporate Services

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

Annalene.deBeer@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600

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From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>

Sent: 09 March 2020 08:21 AM

To: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>

Cc: Piet Smit <Piet.Smit@stellenbosch.gov.za>

Subject: [EX] Aeronautical school, Stellenbosch

Annalene

Our telephone conversation last week refers.

Thank you for the clarification. Can I please confirm the following regarding our conversation:

- The two items at council at the moment is the following:
 - Application for a long term lease between Stellenbosch Flying Club and Municipality;
 - The sub-lease of the Stellenbosch Flying Club to WCED for the aviation school.
- Council recommended the sub-lease of the Flying club to WCED be subject to a public participation process.
The sub-lease is not subject to public participation. Your new application will be.
- The flying club's long term lease is also subject to a public participation process.
Legislation requires a process before council takes a decision in principle – that process has been resolved on. When an in principle decision is taken on the term and money involved a further process on those two aspects will follow.
- Item 11.2.3. of council meeting 26 February
- Despite the letter from the flying club indicating their preference, not to accommodate the proposed school on the flying club's premises (hanger or land for mobile classes), but rather on adjacent property, the Stellenbosch municipality will still recommend that, **as a condition of approval**, the Stellenbosch Flying Club to accommodate the phase 1 and 2 of the school on the Flying Clubs premises (either in a hanger or land for mobile classrooms).
It is the intention to make the accommodation of the businesses there, the working for fire and WCED in as far as possible part of the lease conditions. This is subject to input during the current process. And the process to follow.
- You also advised that as part of the public participation process, WCED submit comments to the Stellenbosch Municipality, regarding the proposal and the need for the school and limited impact on the flying clubs activities; As mentioned not all learners at the school will fly and become pilots;
I advised that you make an input as part of the call for comments refers to the possible accommodation of the aeronautical school on or near the premises currently been lease

by the flying club. What that input would be you should determine. My understanding is that a group of learners pilots may have a noise impact in particular.

- The request from WCED for the leasing or acquisition of the adjacent municipal property will only be considered once the public participation process is concluded and a decision made regarding the sub-lease of the flying club property to the WCED, for the establishment of either a mobile school (if the decision is not to sub-lease to WCED) or a permanent school if the sub-lease is approved and WCED is accommodated in a hanger on the flying clubs land.

A revised item taking into account the latest proposal from WCED will serve before Mayco and Council at the same time as the return item on the renewal of the Flying club lease.

I tried to summarise our conversation as best I could. I will appreciate any corrections before I inform my superiors.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

Sanlam Building (Golden Acre), 23d Floor, Rm 23-03

Private Bag X9114, Cape Town, 8000, South Africa

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Cell: 0844224334

E-mail: Gerrit.Coetzee@westerncape.gov.za

Website: www.westerncape.gov.za



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APPENDIX 6



20 January 2020

The Director Corporate Services
Stellenbosch Municipality
P O Box 17
Stellenbosch
7600

Attention: Director Annalene De Beer
Cc: Mr Piet Smit
Councillor Rikus Badenhorst

Dear Director De Beer

APPLICATION FOR LEASE RENEWAL: STELLENBOSCH FLYING CLUB

Subsequent to the receipt by the Stellenbosch Municipality of the Western Cape Education Departments PROPOSAL TO SUBLEASE THE MUNICIPAL PROPERTY FROM THE STELLENBOSCH FLYING CLUB dated 7 November 2019 the Stellenbosch Flying Club was advised to submit an updated lease renewal motivation for submission to council.

The Club was similarly advised at that time that application should be made for a new lease period of 30 years and our revised motivation was therefore prepared to include this period.

We do however understand that there are certain challenges and technical complexities in applying for a lease of such a long period and we would therefore like to adjust our previously stated position. While we would like to be able to renew for the longest period possible, we request instead that the Stellenbosch Municipality considers renewing the Stellenbosch Flying Club's lease of portion 502L by whatever shorter period the Municipality is able to.

Sincerely

Dr Jurie Steyn

Chairman

APPENDIX 7



2020-05-07

The Head of the Department
The Department of the National Treasury
Private Bag X115
Pretoria
0001

Dear Sir/Madam

INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

1. Introduction

In terms of Regulation 35(b) of the Asset Transfer Regulations, if a Municipal Council has in terms of Regulation 34 (a) authorized the Accounting Officer to conduct a public participation process, the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1) (b) is to be considered, *inter alia*, solicit the views and recommendation of National Treasury or the Provincial Treasury on the matter.

The purpose of this letter is therefor to provide you with an opportunity to commend/make recommendations on the proposed, long term lease with the Stellenbosch Flying Club.

2. Background

2.1 Existing lease agreement

On 10 February 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renew) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021. The current Lease Agreement does not allow for an automatic renewal and/or extension of the term.

2.2 Application for renewal of Lease Agreement

Seeing that the contract expires on 31 March 2021, the Stellenbosch Flying Club has requested that a new, long term lease be concluded with the Municipality. Stellenbosch Municipal Council must still consider the application.

3. DISCUSSION

3.1 Public participation process

In terms of Regulation 34 of the ATR, before Council can make a final decision on whether to award rights in Municipal property, i.e. to enter into a long term Lease Agreement, the Municipal Manager must first conduct a public participation process contemplated in Regulation 35. On 24 April 2020 the Executive Mayor (in terms of delegated authority) considered the application and decided, *inter alia*, to authorise the Municipal Manager to follow the prescribed public participation process.



3.2 Information Statement

In terms of Regulation 35, the Municipal Manager, when making public the proposal to grant the relevant long term right(s), must also make available an Information Statement referred to in Regulation 34.

Please find hereto attached as **APPENDICES 1 and 2 the Information Statement**, as contemplated in Regulation 34(3)(b) of the ATR as well as the **agenda item** that served before the Executive Mayoral Committee.

3.3 Request to submit comment/makes recommendations

You are hereby requested in terms of Regulations 35(b) of the ATR to provide Stellenbosch Municipality with your views and/or recommendations on this matter before 30 May 2020.

Should you require further information/background, please feel free to contact the undersigned at:

- E-mail: piet.smit@stellenbosch.gov.za
- Cell phone: 0845065065
- Landline: 021-8088189

I await your inputs/recommendations.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

Annalene De Beer

From: Piet Smit
Sent: 06 August 2020 04:13 PM
To: Annalene De Beer
Subject: FW: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

FYI

From: Nondumiso Nyuswa [mailto:Nondumiso.Nyuswa@treasury.gov.za]
Sent: 08 May 2020 12:46 PM
To: Piet Smit
Cc: Lorelle Adams
Subject: [EX] RE: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

Good morning

This email serves to acknowledge receipt of your email. Please note that I am still checking with our colleagues if this is for IGR. Will revert back to you shortly.

Regards

Nondumiso Nyuswa
Executive Assistant: Office of the DDG: IGR
Tel: 012 395 6557 Email: Nondumiso.Nyuswa@treasury.gov.za



national treasury
Department
National Treasury
REPUBLIC OF SOUTH AFRICA



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From: Piet Smit <Piet.Smit@stellenbosch.gov.za>

Sent: Friday, 08 May 2020 09:16

To: Nondumiso Nyuswa <Nondumiso.Nyuswa@treasury.gov.za>

Cc: Lorelle Adams <Lorelle.Adams@stellenbosch.gov.za>

Subject: FW: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

Hi Nondumiso,

Please find hereto attached a self-explanatory letter addressed to the National ,s well as Appendices 1 and 2 referred to in the letter.

Please acknowledge receipt of this correspondence, or provide me with the correct contact details to whom I should submit it.



Kind regards,

Piet Smit

Manager: Property Management

Human Settlement & Property

Management

T: +27 21 808 8750 | 084 5065065
3rd Floor, Oude Bloemhof building,
Corner of Plein Street and Rhyneveld
Street, Stellenbosch, 7600
www.stellenbosch.gov.za

Annalene De Beer

From: Piet Smit
Sent: 06 August 2020 04:16 PM
To: Annalene De Beer
Subject: FW: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT
Attachments: Provincial Treasury.docx; Long term lease agreement Flying Club.pdf; INFORMATION STATEMENT IN RELATION TO LEASE FARM 502L.annexure c.pdf

FYI

From: Piet Smit
Sent: 08 May 2020 09:13 AM
To: 'janine.hendricks@westerncape.gov.za'
Cc: Lorelle Adams
Subject: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

Hi Janine,

Please find hereto attached a self-explanatory letter addressed to the Provincial Treasury as well as Appendices 1 and 2 referred to in the letter

Please acknowledge receipt of this correspondence, or provide me with the correct contact details to whom I should submit it.



Kind regards,

Piet Smit

Manager: Property Management
**Human Settlement & Property
Management**

T: +27 21 808 8750 | 084 5065065
3rd Floor, Oude Bloemhof building,
Corner of Plein Street and Rhyneveld
Street, Stellenbosch, 7600
www.stellenbosch.gov.za



2020-05-07

The Western Cape Provincial Treasury
Private Bag X9165
Cape Town
8000

Dear Sir/Madam

INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

1. Introduction

In terms of Regulation 35(b) of the Asset Transfer Regulations, if a Municipal Council has in terms of Regulation 34 (a) authorized the Accounting Officer to conduct a public participation process, the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1) (b) is to be considered, *inter alia*, solicit the views and recommendation of National Treasury or the Provincial Treasury on the matter.

The purpose of this letter is therefor to provide you with an opportunity to commend/make recommendations on the proposed, long term lease with the Stellenbosch Flying Club.

2. Background

2.1 Existing lease agreement

On 10 February 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renew) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021. The current Lease Agreement does not allow for an automatic renewal and/or extension of the term.

2.2 Application for renewal of Lease Agreement

Seeing that the contract expires on 31 March 2021, the Stellenbosch Flying Club has requested that a new, long term lease be concluded with the Municipality. Stellenbosch Municipal Council must still consider the application.

3. DISCUSSION

3.1 Public participation process

In terms of Regulation 34 of the ATR, before Council can make a final decision on whether to award rights in Municipal property, i.e. to enter into a long term Lease Agreement, the Municipal Manager must first conduct a public participation process contemplated in Regulation 35. On 24 April 2020 the Executive Mayor (in terms of delegated authority) considered the application and decided, *inter alia*, to authorise the Municipal Manager to follow the prescribed public participation



process.

3.2 Information Statement

In terms of Regulation 35, the Municipal Manager, when making public the proposal to grant the relevant long term right(s), must also make available an Information Statement referred to in Regulation 34.

Please find hereto attached as **APPENDICES 1 and 2 the Information Statement**, as contemplated in Regulation 34(3) (b) of the ATR as well as the **agenda item** that served before the Executive Mayoral Committee.

3.3 Request to submit comment/makes recommendations

You are hereby requested in terms of Regulations 35(b) of the ATR to provide Stellenbosch Municipality with your views and/or recommendations on this matter before 30 May 2020.

Should you require further information/background, please feel free to contact the undersigned at:

- E-mail: piet.smit@stellenbosch.gov.za
- Cell phone: 0845065065
- Landline: 021-8088189

I await your inputs/recommendations.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

7.3	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
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7.3.1	MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 30 JUNE 2020, MFMA S116(2)(d) REPORT
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Collaborator No: 689917

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 August 2020

1. SUBJECT:MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 30 JUNE 2020, MFMA S116(2)(d) REPORT

2. PURPOSE

To report in accordance with MFMA, Section 116(2)(d) on the management of contracts or agreements and the performance of contractors.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL)

None

4. EXECUTIVE SUMMARY

The report indicates the performance of service providers who active on contract secured by means of a competitive bidding process for the period 01 July 2019 to 30 June 2020.

5. RECOMMENDATION

that the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 July 2019 till 30 June 2020 be noted

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Oversight role of council

The Council must maintain oversight over the implementation of the SCM Policy and Chapter 11 of the MFMA. For the purpose of such oversight the accounting officer must regularly submit a report on the management of contracts or agreements and the performance of contractors to the Council of the municipality in terms of MFMA S116(2)(d).

6.1.2 Legislative Requirement

MFMA S116(2)(d):

“The accounting officer of a municipality or municipal entity must-

- (d) regularly report to the council of the municipality or the board of directors of the entity, as may be appropriate, on the management of the contract or agreement and the performance of the contract.”*

6.2 Discussion

As at 30 June 2020 Stellenbosch Municipality has a total of 435 “active” contracts secured by means of **competitive bidding process** (i.e. contracts which valid and able to be used), identified and linked to responsible contract managers.

Of these 435 contracts 395 were actively used during the 2019/2020 financial year. These contracts are captured on the contract monitoring tool, and also detail the performance of the various contractors/vendors against the contract requirements. The overall summary related to contract performance is as follows:

#	Description	Total
1	Satisfactory: The quality of service or goods delivery is in compliance with the agreement. Where needed, corrective or preventative action has been taken or agreed upon.	390
2	Average: The quality of the service is fair but needs monitoring and improvement to move to satisfactory standard	0
3	Unsatisfactory: Quality of service or goods delivery is unacceptable. Council either has or must consider termination of the agreement and all services if not improved urgently.	5

When user departments fail to find amicable solutions for contract management issues, it will be referred to our legal services department for assistance and resolution. Comments of Manager: Compliance and Contract Management underneath that refer to these respective contracts:

#	Tender nr:	Tender Description	Actions being taken
1	B/SM 004 19	Parking management system for Stellenbosch Municipality for a contract period ending 30 June 2021.	Referred to legal services
2	B/SM 111 18.13	(a) Supply of materials and (b) hire of equipment for roads, stormwater and other infrastructure requirements, for a contract period of 2 years. Materials such as bitumen, sand, gravel, road stone, stormwater pipes, manhole covers and frames, traffic signage, road marking paints, bollards, bicycle stands, herbicides and equipment such as excavators, digger loaders, jetvac machines, road rollers etc.	Referred to legal services
3	B/SM 102 18.1	Appointment of attorneys for the rendering of conveyancing services: transfer of subsidized housing units for a period up to 30 June 2021 for the title DEEDS RESTORATION PROJECT (TRP) and any other low cost housing transfers	Referred to legal services

		during this period	
4	B/SM 87 18	Rendering of security services for various areas within the WC024 municipal jurisdiction, until 30 June 2021.	Referred to legal services: Penalties imposed as per contractual agreement. Non-performance related to the complexity of security services, issues resolved after last rating.
5	B/SM 039 18.5	The establishment of a roster for professional Engineering services, for a contract period, ending 30 June 2020	Referred to Legal services poor performance rating improved with last rating.

6.3 Financial Implications

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

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

RECOMMENDATIONS FROM FINANCIAL SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-08-11: ITEM 5.1.1

that the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 July 2019 till 30 June 2020, be noted

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@ Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	

7.3.2	INTERIM EMERGENCY EXPENDITURE REPORT IN RESPONSE TO THE COVID 19 PANDEMIC
--------------	--

Collaborator No: 689918

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 August 2020

1. SUBJECT: INTERIM EMERGENCY EXPENDITURE REPORT IN RESPONSE TO THE COVID 19 PANDEMIC

2. PURPOSE

To inform council of the interim emergency expenditure that was incurred in response to the COVID 19 pandemic.

3. DELEGATED AUTHORITY

Council

For noting

4. EXECUTIVE SUMMARY

On 15 March 2020, President Cyril Ramaphosa announced the declaration of a national state of disaster following the World Health Organisation declaring the COVID-19 outbreak as a pandemic as well as measures that must be implemented in South Africa. On 05 June 2020 the national state of disaster was extended to 15 July 2020 and on 13 July 2020 it was further extended to 15 August 2020.

On 18 March 2020, the regulations under the Disaster Management Act, 2002, regarding steps to prevent an escalation of the disaster or to alleviate contain, minimize the effects of the Disaster were gazetted in Government Notice No. 318 of 18 March 2020 as amended and substituted from time to time. The

During the national state of disaster, municipalities were expected to deliver emergency essential services. These services include:

- Fire, Rescue and Disaster Management
- Law Enforcement and Security
- Traffic Control
- Electro-Technical Services (Electricity)
- Waste Removal
- Water and Sanitation
- Sanitizing of public areas

Municipalities were also required to institute additional measures to prevent the spread of the COVID-19 virus and were required to equip essential staff with necessary Personal Protective Equipment (PPE). The provision of emergency essential services and the implementation of measures to limit the spread of the COVID 19 virus require that an emergency procurement process be followed.

Direction 6.7.3 (h) issued in terms of section 27 (2) of the Disaster Management Act requires the municipality to report all procurement undertaken during the period of the state of disaster to the first council meeting after the lapsing or the termination of the state of disaster.

This item serves as an interim report of the emergency expenditure (**APPENDIX 1**) incurred in response to the COVID 19 pandemic and a complete report will be submitted to council after the lapsing or the termination of the state of disaster.

5. RECOMMENDATION

that Council take note of the interim emergency expenditure, hereto attached as **APPENDIX 1**.

6. DISCUSSION / CONTENTS

6.1 Legislative Framework

DISASTER MANAGEMENT ACT, 2002

Section 27: Declaration of national state of disaster

27.

(1) In the event of a national disaster, the Minister may, by notice in the Gazette declare a national state of disaster if--

(a) existing legislation and contingency arrangements do not adequately provide for the national executive to deal effectively with the disaster: or

(b) other special circumstances warrant the declaration of a national state of disaster

(2) If a national state of disaster has been declared in terms of subsection (1) the Minister may, subject to subsection (3), and after consulting the responsible Cabinet member make regulations or authorise the issue directions concerning

(a) the release of any available resources of the national government, including stores, equipment, vehicles and facilities;

(b) the release of personnel of a national organ of state for the rendering of emergency services;

(c) the implementation of all or any of the provisions of a national disaster management plan that are applicable in the circumstances;

(d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life;

(e) the regulation of traffic to from or within the disaster-stricken or threatened area;

(f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;

(g) the control and occupancy of premises in the disaster-stricken or threatened area;

(h) the provision, control or use of temporary emergency accommodation;

(i) the suspension or limiting of the sale, dispensing or transportation of alcoholic beverages in the disaster-stricken or threatened area

(j) the maintenance or installation of temporary lines of communication to, from or within the disaster area;

(k) the dissemination of information required for dealing with the disaster:

(l) emergency procurement procedures;

(m) the facilitation of response and post-disaster recovery and rehabilitation:

(n) other steps that may be necessary to prevent an escalation of the disaster or to alleviate contain and minimise the effects of the disaster; or

(o) steps to facilitate international assistance

Government Gazette No 43096: Classification of National Disaster

Government Gazette No 43096, Dr Nkosazana Dlamini Zuma, the Minister of Cooperative Governance and Traditional Affairs, as designated under Section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act"), in terms of sections 27 (1) declared a national state of disaster.

Government Gazette No 43147: Disaster Management Act (57/2002): Directions made in terms of Section 27 (2) by the Minister of Corporate Governance and Traditional Affairs.

The government gazette No. 43147 directs municipalities and provinces in respect of the following matters in response to COVID 19:

- (a) Provision of water and sanitation services;
- (b) Hygiene education, communication and awareness;
- (c) Waste management, cleansing and sanitization;
- (d) Municipal public spaces, facilities and offices;
- (e) Customary initiations and cultural practices
- (f) Isolation and quarantine;
- (g) Monitoring and enforcement;
- (h) Municipal operations and governance;
- (i) Institutional arrangements and development of COVID -19 response plans; and
- (j) Precautionary measures to mitigate employee health and safety risks.

Disaster Management Act, 2002: Regulations issued in terms of Section 27(2) of the Act: Regulation 9 (b)

*Emergency procurement for institutions is subject to —
The Municipal Finance Management Act (MFMA), 2003 (Act No. 56 of 2003), and the applicable emergency provisions in the Regulations made under that Act.*

Government Gazette No 43184: Directives issued in terms of Section 27(2) of the Disaster Management Act: Direction 6.7.3 (h) (Appendix 2)

*Municipalities are directed to:
Report all procurement undertaken during the period of the state of disaster to the first council meeting after the lapsing or the termination of the state of disaster.*

Government Gazette No 43408: Extension of a National State of Disaster (COVID 19)

In terms of Section 27 (5) (c) of the Disaster Management Act the national state of disaster was extended to 15 July 2020.

Government Gazette No 43524: Further extension of a National State of Disaster (COVID 19) (APPENDIX 3)

In terms of Section 27 (5) (c) of the Disaster Management Act the national state of disaster was extended to 15 August 2020.

Municipal Supply Chain Management Regulations: Deviation from and ratification of minor breaches of, procurement processes

36.

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

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

- (i) in an emergency;
 - (ii) if such goods or services are produced or available from a single provider only;
 - (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iv) acquisition of animals for zoos; or
 - (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
- (b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

6.2 Discussion

On 15 March 2020, President Cyril Ramaphosa announced the declaration of a national state of disaster following the World Health Organisation declaring the COVID-19 outbreak as a pandemic as well as measures that must be implemented in South Africa.

On 18 March 2020, the regulations under the Disaster Management Act, 2002, regarding steps to prevent an escalation of the disaster or to alleviate contain, minimize the effects of the Disaster were gazetted in Government Notice No. 318 of 18 March 2020 as amended and substituted from time to time.

During the national state of disaster, municipalities were expected to deliver emergency essential services. These services include:

- Fire, Rescue and Disaster Management
- Law Enforcement and Security
- Traffic Control
- Electro-Technical Services (Electricity)
- Waste Removal
- Water and Sanitation
- Sanitizing of public areas

Municipalities were also required to institute additional measures to prevent the spread of the COVID-19 virus and were also required to equip essential staff with the necessary Personal Protective Equipment (PPE). The provision of emergency essential services and the implementation of measures to limit the spread of the COVID 19 virus requires that an emergency procurement process be followed.

Regulation 9 of the DMA regulations provide that emergency procurement for institutions is subject to the MFMA and the applicable emergency provisions in the Regulations made under the act. Furthermore National Treasury issued guidance in the form of MFMA Circular 102 that allows the Municipal Manager of the municipality to deviate in terms of regulation 36 of the Municipal Supply Chain Regulations. The MFMA Circular further states that the COVID-19 pandemic justifies the use of the emergency procurement provisions.

In line with Regulation 9 of the DMA and National Treasury's guidance, the Municipal Manager approved deviation 18/20 to ensure the effective delivery of emergency essential services and the implementation of measures to limit the spread of the COVID 19 virus.

Direction 6.7.3 (h) issued in terms of section 27 (2) of the Disaster Management Act requires the municipality to report all procurement undertaken during the period of the state of disaster to the first council meeting after the lapsing or the termination of the state of disaster.

This item serves as an interim report of the emergency expenditure incurred in response to the COVID 19 pandemic and a complete report will be submitted to council after the lapsing or the termination of the state of disaster.

A detailed report of emergency expenditure that was incurred to date, is hereto attached as **APPENDIX 1**.

6.3 Financial Implications

The emergency expenses relating to the COVID-19 were incurred from savings that was identified in the budget. An adjustment budget was tabled in council to approve the emergency expenditure relating to COVID 19.

6.4 Legal Implications

The item is compliant with the following legislation:

- Municipal Finance Management Act and the applicable Regulations issued under the Act
- Disaster Management Act and the applicable Regulations issued under the Act

6.5 Staff Implications:

Equip staff with the necessary Personal Protective Equipment.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

Prevent the spread of the COVID-19 virus.

6.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.8.1 Municipal Manager

Supports the recommendations.

RECOMMENDATIONS FROM FINANCIAL SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-08-11: ITEM 5.1.2

that Council take note of the interim emergency expenditure, hereto attached as **APPENDIX 1**.

FOR FURTHER DETAILS CONTACT:

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

APPENDIX 1

Category	March 2020	April 2020	May 2020	June 2020	Total
Emergency Essential Services	-	459 455	100 677	37 433	597 565
Food security	771 932	-	-	-	771 932
Personal Protective Equipment	890 213	843 190	529 228	-	2 262 631
Social Of Distress Resources	52 475	73 485	-	-	125 960
	1 714 620	1 376 131	629 904	37 433	3 758 088

Order Date	Order number	Service Provider	Item description	Category	Rand Value
16.03.2020	359581	Caprichem	500ml Sanitizer	Personal Protective Equipment	R 111 349.44
18.03.2020	359610	Epping Industrial Suppliers	Sanitizer wipes (160 wipes in bottle)	Personal Protective Equipment	R 137 635.68
23.03.2020	359705	Caprichem	250ml PET bottles	Personal Protective Equipment	R 1 138.50
23.03.2020	359705	Caprichem	250ml Atomizer	Personal Protective Equipment	R 931.50
25.03.2020	359740	Pienaar Bros	Disposable overalls	Personal Protective Equipment	R 27 600.00
26.03.2020	359747	Pienaar Bros	Nitrile gloves	Personal Protective Equipment	R 11 500.00
26.03.2020	359747	Pienaar Bros	Goggles	Personal Protective Equipment	R 25 392.00
26.03.2020	359747	Pienaar Bros	Shoe covers	Personal Protective Equipment	R 28 750.00
26.03.2020	359747	Pienaar Bros	Wet disposable Overall	Personal Protective Equipment	R 20 872.50
26.03.2020	359747	Pienaar Bros	Dry disposable Overall	Personal Protective Equipment	R 4 140.00
26.03.2020	359747	Pienaar Bros	Waiders	Personal Protective Equipment	R 36 225.00
26.03.2020	359747	Pienaar Bros	Rainsuits	Personal Protective Equipment	R 27 312.50
26.03.2020	359747	Pienaar Bros	Overall	Personal Protective Equipment	R 49 041.61
26.03.2020	359770	Startune	PVC elbow length gloves	Personal Protective Equipment	R 1 924.07
26.03.2020	359770	Startune	Radiation suits	Personal Protective Equipment	R 88 073.90
26.03.2020	359741	Pienaar Bros	Crayfish gloves	Personal Protective Equipment	R 28 980.00
26.03.2020	359768	Stelkor Pharmacy	Dusts Masks	Personal Protective Equipment	R 6 325.00
30.03.2020	Petty Cash	Seasons Find 1350	Surgical masks	Personal Protective Equipment	R 5 000.00
30.03.2020	359780	Caprichem	5L Sanitizer	Personal Protective Equipment	R 278 021.70
30.03.2020	359778	Nokhala Cleaning Services	Hot meals	Food security	R 450 000.00
30.03.2020	359777	Polarama Wholesalers	Blankets	Social Of Distress Resources	R 52 475.00
30.03.2020	359776	Nokhala Cleaning Services	Hot meals - supper	Food security	R 187 956.00
30.03.2020	359775	Nokhala Cleaning Services	Hot meals - brunch	Food security	R 75 141.00
30.03.2020	359774	Nokhala Cleaning Services	Transport	Food security	R 58 834.80
Total					R 1 714 620.20

Order Date	Order number	Service Provider	Item description	Category	Rand Value
01.04.2020	359792	Epping Industrial Suppliers	Crayfish gloves	Personal Protective Equipment	R 1 885.31
01.04.2020	359792	Epping Industrial Suppliers	Nitrile gloves	Personal Protective Equipment	R 7 048.93
01.04.2020	359792	Epping Industrial Suppliers	Wet Disposable overalls	Personal Protective Equipment	R 4 238.90
01.04.2020	359793	Startune	Surgical masks (50 in box)	Personal Protective Equipment	R 220 800.00
01.04.2020	359793	Startune	Nitrile gloves	Personal Protective Equipment	R 28 931.70
01.04.2020	359793	Startune	Dry Disposable overalls	Personal Protective Equipment	R 37 375.00
01.04.2020	359793	Startune	Radiation risk suits	Personal Protective Equipment	R 163 187.76
05.04.2020	359802	Malakhiwe Akohlulwa Onwaba	Matrasses	Social Of Distress Resources	R 73 485.00
07.04.2020	359805	VW Civil Engineering Supplies	80mm brass hydrant tampered proof	Emergency Essential Services	R 1 633.00
07.04.2020	359806	Mr Moosa t/a Western Cape Stationers	Surgical 3ply masks (50 per box)	Personal Protective Equipment	R 58 650.00
07.04.2020	359808	Rovic and Leers	Rovic 16L Knapsack sprayer	Personal Protective Equipment	R 40 250.00
08.04.2020	359818	Cape Concrete	Complete toilets	Emergency Essential Services	R 365 125.00
09.04.2020	359838	Jemaha	Gloves latex surgical (box of 100)	Personal Protective Equipment	R 8 970.00
09.04.2020	359837	Arc Technology	Crayfish gloves	Personal Protective Equipment	R 45 000.00
09.04.2020	359836	North safety Products	Gloves nitrile	Personal Protective Equipment	R 14 421.00
09.04.2020	359839	Ysterplaat Medical Supplies	Face shields	Personal Protective Equipment	R 55 200.00
09.04.2020	359843	Visser Engineering	Fittings for truck in order to do cleansing	Emergency Essential Services	R 29 486.00
15.04.2020	359854	J Maree Construction	Repairs at Van der Stell Gym	Emergency Essential Services	R 51 331.23
15.04.2020	359859	A and S Supplies	Knapsack sprayers	Emergency Essential Services	R 3 240.00
15.04.2020	359861	Startune	Mask surgical (50 per box)	Personal Protective Equipment	R 98 612.50
22.04.2020	359913	FG Uniforms	Uniforms for 19 Law Enforcement staff	Personal Protective Equipment	R 58 619.18
23.04.2020	359916	A and S Supplies	Knapsack sprayers	Emergency Essential Services	R 8 640.00
Total					R 1 376 130.51

Order Date	Order number	Service Provider	Item description	Category	Rand Value
04.05.2020	360023	Zonart	Reflective tape 50m	Personal Protective Equipment	R 7 130.00
05.05.2020	350025	Startune	Latex gloves	Personal Protective Equipment	R 17 825.00
06.05.2020	360027	Paper Boss	Infra red thermometers	Personal Protective Equipment	R 132 825.00
06.05.2020	360028	Bemet	Infra red thermometers	Personal Protective Equipment	R 48 300.00
08.05.2020	360032	Lynne Stokes	Cloth Masks	Personal Protective Equipment	R 157 320.00
08.05.2020	360036	Startune	Disposable dry one piece overall	Personal Protective Equipment	R 88 533.90
12.05.2020	360056	Pest Control	Sanitizing of Main building	Emergency Essential Services	R 11 500.00
13.05.2020	360084	Visser Engineering	Conversion of truck	Emergency Essential Services	R 61 835.50
13.05.2020	360087	ASR Glass repairs	Protective screen for Traffic Depart.	Personal Protective Equipment	R 53 668.20
13.05.2020	360089	ASR Glass repairs	Protective screen for Devon Valley Waste Water	Personal Protective Equipment	R 23 625.60
14.05.2020	360100	Pest Control Boland	Sanitizing of Beltana Electrical Offices	Emergency Essential Services	R 1 949.27
18.05.2020	360133	Pest Control Boland	Sanitizing of Beltana and Municipal Offices	Emergency Essential Services	R 25 392.00
Total					R 629 904.47

Order Date	Order number	Service Provider	Item description	Category	Rand Value
04.06.2020	360341	Pest Controle boland	Emergency disinfecting misting treatment	Emergency Essential Services	R 37 432.50
Total					R 37 432.50

APPENDIX 2



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11073

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. R. 432

30 MARCH 2020

DISASTER MANAGEMENT ACT, 2002**DIRECTIONS ISSUED IN TERMS OF
SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002
(ACT NO. 57 OF 2002)**

I, Dr Nkosazana Dlamini Zuma, the Minister of Cooperative Governance and Traditional Affairs, hereby, in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), issue the directions in the schedule hereto, to address, prevent and combat the spread of COVID-19 in South Africa.



**DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

30.03.2020

SCHEDULE**Definitions**

1. In these directions, "Directions" means the directions published by Government Notice No. 399 of 25 March 2020.

Amendment of the Directions

2. **Direction 6.7 of the Directions is hereby amended by the substitution with the following Direction:**

"6.7. Municipal operations and governance

6.7.1 Municipalities are required to perform various legislated functions, including consultation processes, the passing of budgets and the adoption of integrated development plans (IDPs).

6.7.2 Only meetings of the Metropolitan and District Command Centres may be undertaken during the initial 21 Day Lockdown period, or any other extended period of Lockdown that may be declared.

6.7.3 Municipalities are directed to:

- (a) Suspend all council meetings during the initial 21 Day Lockdown period, or any other extended period of Lockdown that may be declared.
- (b) Not convene any meetings, including the IDP community and consultation processes and the consideration and passing of budgets, during the initial 21 Day Lockdown period, or any other extended period of Lockdown that may be declared.
- (c) Ensure that after the Lockdown period or any other extended period of Lockdown, but still during the national state of disaster, meetings requiring more than 100 persons to be present, make appropriate alternative arrangements for meetings to proceed. These arrangements may include the viewing of proceedings from different venues, and then casting their votes in the council chambers in groups, which do not exceed the 100-person limit at any given time, or counting the

votes made in the different venues and then such votes added to inform decision-making.

- (d) Undertake emergency procurement within the framework of the Disaster Management Act, 2002 and the transversal contracts issued by the National Treasury, that have been finalised by the Municipal Infrastructure Support Agent prior to the pandemic. (please just make sure that these are indeed transversal contracts) see PFMA and MFMA.
- (e) Adhere to all applicable National Treasury Regulations and MFMA Circular 100, *Emergency Procurement in Response to COVID-19 Pandemic*, that were issued by the National Treasury in terms of the *Municipal Finance Management Act, 2003 (Act No. 56 of 2003)*.
- (f) Ensure that during the initial 21 Day Lockdown period, or any other extended period of Lockdown that may be declared, notwithstanding any requirements in terms of any systems of delegation of municipalities, decision-making that would have required the approval of councils, council committees, mayoral or executive committees, will be made by the Municipal Manager on written recommendation of the Chief Financial Officer and with approval or concurrence of the mayor or executive mayor.
- (g) Ascertain that decisions taken in respect of paragraph (f) above must be of an emergency nature and which may not be able to be deferred to after the Lockdown, are reported and ratified in the first meeting of the relevant structure as per the systems of delegation of the municipality.
- (h) Report all procurement undertaken during the period of the state of disaster to the first council meeting after the lapsing or the termination of the state of disaster.

6.7.4 Municipal entities are directed to:

- (a) Ensure that during the initial 21 Day Lockdown period, or any other extended period of Lockdown that may be declared, notwithstanding any requirements in terms of any systems of delegation of municipalities, decision-making that

would have required the approval of councils, council committees, mayoral or executive committees, will be made by the Accounting Officer of the Entity on written recommendation of the Chief Financial Officer and with approval or concurrence of the Chairperson of the Board of the Entity.

- (b) Ascertain that decisions taken in respect of paragraph (a) above must be of an emergency nature and which may not be able to be deferred to after the Lockdown, are reported and ratified in the first meeting of the relevant structure as per the systems of delegation of the municipality.

APPENDIX 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 765

13 JULY 2020

DISASTER MANAGEMENT ACT, 2002**FURTHER EXTENSION OF A NATIONAL STATE OF DISASTER (COVID-19)**

I, the Minister of Cooperative Governance and Traditional Affairs, as designated under Section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act"), in terms of section 27(5)(c) of the Act, hereby further extends the national state of disaster that I declared on 15 March 2020 by Government Notice 313, published in Government Gazette 43096, to 15 August 2020, taking into account the need to continue augmenting the existing legislation and contingency arrangements undertaken by organs of state to address the impact of the disaster.

**DR NKOSAZANA DLAMINI ZUMA, MP****MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

DATE: 10.07.2020

7.4	HUMAN SETTLEMENTS: (PC: CLLR W PETERSEN (MS))
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7.4.1	PROGRESS REPORT:KAYAMANDI TOWN CENTRE DEVELOPMENT
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Collaborator No: 690367
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT:PROGRESS REPORT: KAYAMANDI TOWN CENTRE REDEVELOPMENT

2. PURPOSE

To provide Council with a progress report regarding the Kayamandi Town Centre redevelopment.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)

Council

4. EXECUTIVE SUMMARY

The feasibility studies were completed in December 2017 and Council approved the development at the 16th Council Meeting dated 28 March 2018. The Environmental and Heritage studies have now been completed for the Town Centre and draft layouts and draft house typologies have been concluded.

A Geotechnical Assessment of the area has been conducted and a funding application has been submitted to the Provincial Department of Human Settlements (PDoHS) for detailed planning for 1854 units. The public participation process is on-going.

The application and objective thereof is to:

- (a) prepare and submit a detailed planning application for the Town Centre of Kayamandi;
- (b) determine the civil services bulk capacity for the Kayamandi Town Centre;
- (c) compile engineering design and submit for approval; and
- (d) apply for funding approval to install services and build multi-storey top structures.

5. RECOMMENDATIONS

- (a) that the progress of the Kayamandi Town Centre be noted; and
- (b) that planning layout be approved

6. DISCUSSION / CONTENTS

6.1 Background

Jubelie Projects (Pty) Ltd was appointed by Stellenbosch Municipality to appoint the necessary multi-disciplinary team of professional consultants required to conduct a feasibility study to assess the redevelopment of the town centre of Kayamandi. Jubelie has entered into a Service Level Agreement (SLA) with Stellenbosch Municipality in respect of the Project and an order to perform work in terms thereof has been issued to Jubelie.

The specific site has been discussed and subsequently approved by the Stellenbosch Municipality for the redevelopment of the town centre of Kayamandi, Stellenbosch.

Jubelie Projects (Pty) Limited appointed TV3 Architects and Town Planners as 'Town Planner' for the feasibility assessment for the Kayamandi Town Centre Redevelopment Feasibility Study in Stellenbosch. The scope of services TV3 was responsible for during the feasibility phase consists of the following tasks and duties:

- Determining the existing status quo
- Contextual assessment (baseline assessment) of the site
- Planning policy directives
- Site development plan with house placing thereon, indicating development patterns, and proposed land uses, residential densities, etc.

The feasibility study was done and completed in December 2017 and Council approved the feasibility on the 28 March 2018.

Extensive engagement with the community has taken place but there were issues which have delayed the implementation of the process among others:

- Community buy-in as to the extent of the study area
- Incorporation of the business nodes whether centralised or decentralised
- COVID-19 Pandemic

6.2 Discussion

The request is for Council to discuss and approve the recommendations of the feasibility and proceed to implementation of the redevelopment.

Stellenbosch Municipality appointed Jubelie Projects to conduct a feasibility study for the Kayamandi Town Centre in March 2017. This work was finalized and submitted in December 2017 and the Municipality approved the feasibility.

The proposed town planning layout consists of 738 BNG and 1116 Walk up units total 1854 units with erf sizes of between 124m² and 80m² all designed to accommodate a mix of housing typologies to suit the demand and the need. Semi-detached double storey top structure units are proposed at a density of 174 units per hectare. The house typologies or layouts such as "blocks of flats" or units' representative of the "Joe Slovo" model developed as part of the N2 Gateway project.

The units will encompass the formalised structures and characteristics of the urban form, such as new or better building materials, facades, and fenestration to, at a broader scale, housing type, street type, and their spatial arrangement or layout. It will also address the issue of densification.

The proposed typology mix is such that it will enhance the beauty and character of the Kayamandi Town Centre in that it will provide for a mix of typologies to accommodate the old and the young. The proposal for walk up units is also to provide maximum densification within the available limited space. This is based on the Joe Slovo Model implemented in the N2 Gateway Project in Cape Town.

The relocation strategy the community agreed upon was that a “block approach” must be followed to effectively address the challenges facing Kayamandi.

The aim would be to unpack the developmental opportunities of Kayamandi and recommend a relocation strategy for the families moving to the temporary units/site that has been earmarked for this process (Northern Extension).

Following extensive public participation leading up to a site visit to the N2 Gateway Project in Langa, Cape Town on 19 February 2020, the participants were derived from Kayamandi Town Centre Councillors, community leaders and members, and Stellenbosch Municipal officials including the Deputy Mayor and the Consultant. This visit yielded positive results and most of the attendees supported this concept.

The progress to date is the following milestones:

- Feasibility studies were completed in December 2017 and the Council passed a resolution – 16th Council Meeting dated 28 March 2018
- The Environmental and Heritage Studies have been completed for the Town Centre.
- Draft Layouts and draft house typologies have been done
- Geotechnical Assessment has been conducted
- Public participation is on an ongoing process
- Funding application has been submitted to the Provincial Department of Human Settlements (PDoHS) for detailed planning for 1854 units.

The proposed land uses in the feasibility study/urban design concept can be accommodated within this zoning. It is therefore proposed that this zoning is used when the study is rezoned during the land use planning application processes.

The proposed land use concept takes into consideration the following issues;

- The general slope of the area – the gradient is such that it has an impact on the number of opportunities
- The safety concerns with regards to the communal living
- The impact of the COVID-19 pandemic – social distancing requirements.

The major issues of concern have been dealt with and the only item is to proceed to Planning Application with greater consultation in terms of Social facilitation.

The Planning Application process is anticipated to be completed within a period of nine to twelve months.

6.3 Financial Implications

Funding application has been submitted to Provincial Department of Human Settlements for the second phase of the planning process.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:**16TH COUNCIL MEETING: 2018-03-28: ITEM 7.5.3****RESOLVED** (nem con)

- (a) that the recommendations of the feasibility report be implemented with regard to the:
- detailed planning and land use rights;
 - detailed engineering designs;
 - installation of civil and electrical engineering;
 - high density residential development layout; and
- (b) that funding be sourced from the Provincial Department of Human Settlements (PDoHS) to implement the project.

6.7 Risk Implications

The risk for this project is the acceptance from the relevant communities with regards to a high density development concept. The further risk would be the legality linked to ownership of high density development.

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

Supported

ANNEXURES

Annexure A: Kayamandi Town Centre proposed zoning

Annexure B: Kayamandi Town Centre - Effect of COVID-19

FOR FURTHER DETAILS CONTACT:

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POSITION	<i>Manager: Housing Development</i>
DIRECTORATE	<i>Planning & Economic Development</i>
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REPORT DATE	<i>05 August 2020</i>

ANNEXURE A

KAYAMANDI TOWN CENTRE PROPOSED ZONING - BUSINESS AND HOME OCCUPATION WITHIN KAYAMANDI TOWN CENTRE REDEVELOPMENT

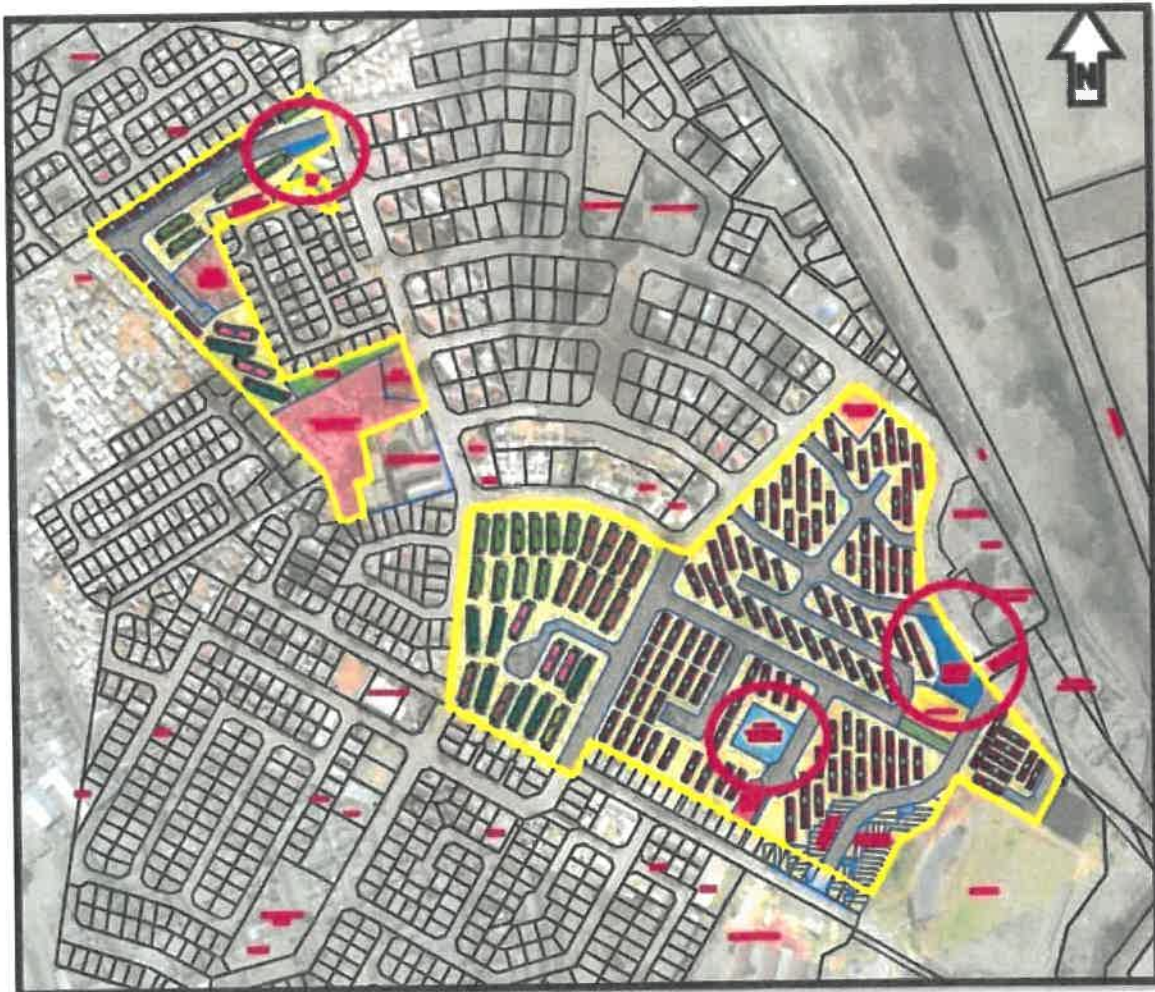
During the public participation a question arose regarding existing businesses in Kayamandi and how it would be accommodated in the new redeveloped layout.

The feasibility study provided for a centralised business premises at the entrance of Kayamandi and adjacent to the taxi rank. It is located where numerous existing business are located and it is suitable locale for commercial land uses.

There is also a smaller business site located to the north of the study area and a central site for early childhood development and crèche purposes that could be used by multiple day care workers.

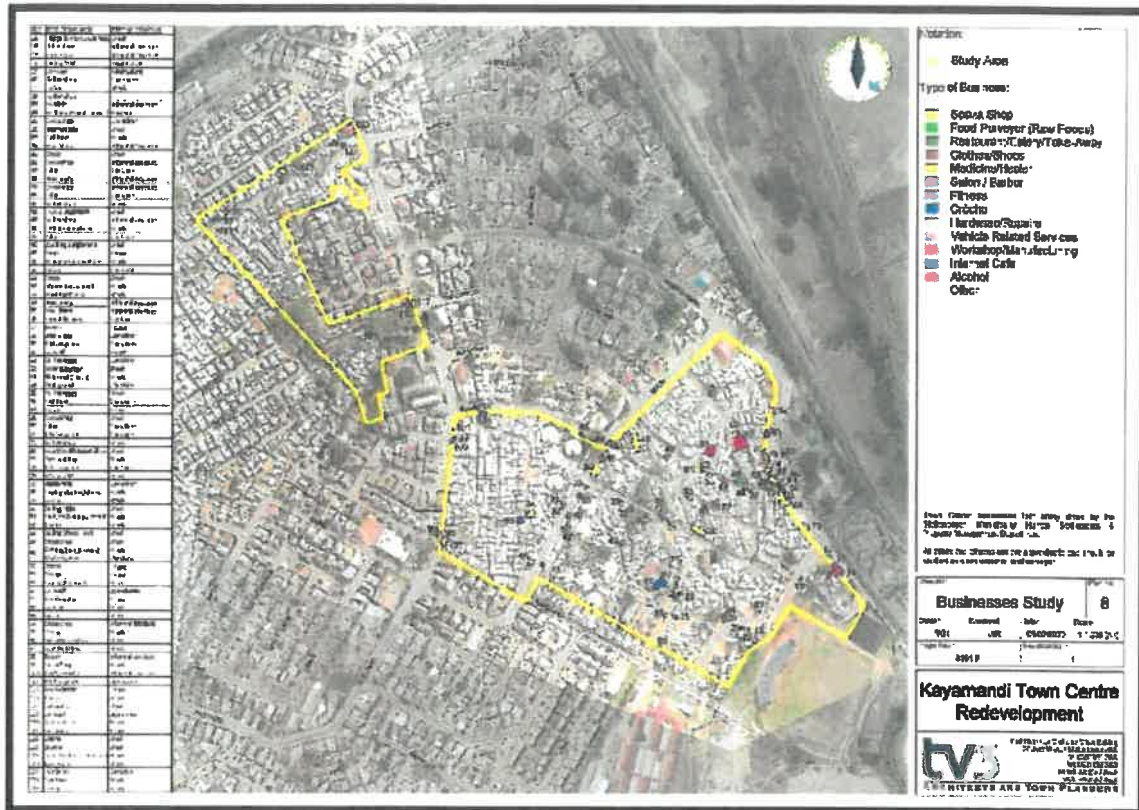
The 2 commercial and one crèche (see image below) site can accommodate for these businesses however, the community asked what will happen to the smaller existing businesses that are operating in close proximity to their clients and with a client base that was built up over the life span of the business.

Image A: Location of 2 commercial and one crèche on the adjusted feasibility concept.



With this input in mind, the human settlements department at the Stellenbosch Municipality conducted a field survey to locate and map all the small businesses in Kayamandi Town Centre. TV3 Projects then created a map depicting the department's findings, see image below.

Image B: Business Study for Kayamandi Town Centre.



How we can accommodate for these business as well as potential future business will be discussed below.

Before the Stellenbosch Municipality adopted the new Stellenbosch Integrated Zoning Scheme (IZS), the Kayamandi township had its own Zoning Scheme Regulations. The Kayamandi Zoning Scheme Regulations were incorporated in the IZS as the Less Formal Residential Zone.

Below is an extract of the IZS zoning map, and it is clear that almost the entire Kayamandi township is now zoned as Less Formal Residential Zone (in bright yellow).

Image C: Zoning Map of Kayamandi (Bright yellow depicting Less Formal Residential Zone).



The Stellenbosch Integrated Zoning Scheme and its subsequent zoning regulations was thoroughly investigated and underwent an extensive public participation by the Stellenbosch Municipality.

The purpose of the Less Formal Residential Zone is to make provision for:

- (a) The use of land for informal and/or subsidised housing, as well as group housing where more than one dwelling house may be permitted on the same cadastral land unit;
- (b) Settlement of people in an informal manner for emergency purposes;
- (c) Incremental upgrading of informal settlements;
- (d) Where conditions so dictate, to accommodate persons residing in areas where financial constraints require that less stringent land use management and building development management provisions be applied;
- (e) The stimulation of informal-sector economic activity by making provision for an increased and appropriate mix of land use activities within residential areas; and
- (f) The Municipality to take the necessary steps needed to exempt the National Building Regulations from applying in this zone.

Less Formal Residential Zone makes the most sense for this project as can be seen in land uses permitted in the table below.

Table A: The land uses permitted within this zone.

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Dwelling house • Group housing • Second dwelling • Shelter • Bed and breakfast establishment • Home day care centre • Home occupation practice • House shop • Home lodging • Occasional use (one event/year) • Other social, educational, religious, occupational or business purposes • Private road 	<ul style="list-style-type: none"> • Additional uses exceeding threshold in this chapter 	<ul style="list-style-type: none"> • Business premises • Community residential building • Commune • Day care centre • Extramural facility • Flats • Guest house • Hostel • House tavern • Occasional use (>one event/year) • Place of education • Place of worship • Tourist dwelling unit • Welfare institution

It is clear from the table above, that all the proposed land uses in the feasibility study/urban design concept can be accommodated within this zoning. It is therefore proposed that this zoning is used when the study is rezoned during the land use planning application processes.

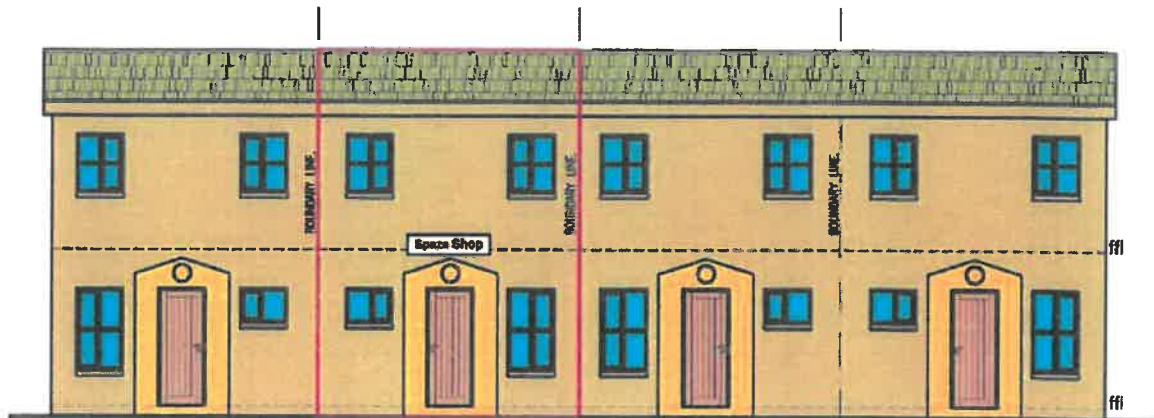
See illustrations below based on the typologies from the feasibility study of how home occupation businesses can look on multi storey buildings.

Image D: Typical Elevation



TYPICAL ELEVATION

Image E: Typical Elevation



TYPICAL STREET ELEVATION

In conclusion, the Less Formal Residential Zone will allow for all the existing and future business to operate from within the proposed residential units as a home occupation or other land uses as listed above.

However, should the Stellenbosch Municipality deem some of the businesses not to be appropriate for a specific site, then it should be moved to a more favourable location (depending on the type of business).

ANNEXURE B

Kayamandi Town Centre Impact of COVID-19 on the Development

In terms of urban design there are a few points to consider.

- High density residential may cause its problems, but considering other options aren't viable. There are no official regulation as to which densities would be acceptable and which not. The cost of land and low density development is extremely high and would not be possible for the existing population. Higher densities greatly improves the efficiency and reduces the cost of civil services per housing opportunity ultimately making it more affordable and accessible to everyone. The lower the densities the more agricultural land would also be needed to house the same amount of people.
- The Kayamandi redevelopment project focuses on the existing housing demand and one consideration in all of these reports is housing which include social and affordable housing. Most of the redevelopment area is currently informal settlement, the provision of housing will greatly enhance the residents quality of life which intern will better there existing living conditions and hygiene which will combat the spread of COVID-19.
- All measures to address existing problems should be based on relevant data and expert knowledge, while decisions should be made with broad consulting with all stakeholders.
- Public open spaces should be accessible to all and should promote social distancing, this can be achieved with building design and allocation of open spaces in close proximity to housing opportunities.
- Accessibility to core services should be and will be improved by this redevelopment.
- Good and effective sanitation has been and is still the biggest combatant of COVID-19, this project will create much better sanitation overall. Stormwater and sewerage lines will be installed and upgraded. All residents will have their own bathrooms as well as clean running water, compared to the existing public toilets and hostels living this is a huge improvement in sanitation.
- Education is very important to combat COVID-19 as well as any other diseases. The existing feasibility proposes new public facilitates, the upgrading of existing facilities and possible expansion of the existing school which will greatly improve the education that's needed.
- Sustainable and safe urban mobility is also off importance. The development of safe public transportation and means of getting around the city, as well as cycling and pedestrian infrastructure. These are all part of the proposal.

7.4.2	LONGLANDS HOUSING PROJECT- CRITERIA FOR THE SELECTION OF BENEFICIARIES
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Collaborator No: 690383
IDP KPA Ref No: Good governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT: LONGLANDS LOW COST HOUSING PROJECT - CRITERIA FOR THE SELECTION OF BENEFICIARIES

2. PURPOSE

The main objective of the report is to obtain approval from Council for the criteria to be used for the selection of beneficiaries to be allocated houses/ Enhanced Serviced sites /Erven in the TRA in the Longlands Low Cost Housing Project.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The application is for Council to approve the beneficiary selection criteria to be used for the selection of beneficiaries and the allocation for the 144 Erven Low Cost Housing Project in Longlands.

5. RECOMMENDATIONS

- (a) that 60 Erven with Top Structures of the 144 Erven
 - i. be allocated to beneficiaries residing in Longlands Property and the original list of Longlands Property to be used to determine these 60 beneficiaries;
 - ii. beneficiaries from Longlands Property who do not qualify be allocated Enhanced Serviced Sites, in which event these beneficiaries will be responsible to construct their own top structures
- (b) that 42 Erven with Top structures of the 144 Erven be allocated to potential beneficiaries on the Longlands Broader Community Housing Demand Database and priority be given to potential beneficiaries over the age of 40 years and households with applicant(s) or dependants with permanent disability in a registration ordered list and proof of such be obtained from SASSA;
- (c) that 4 of the 144 Erven be allocated to beneficiaries identified by Mr Kallie Kirsten as per agreement with the municipality;
- (d) that 38 Erven of the 144 Erven be developed into a Temporary Residential Area (TRA), 2 (Two) families be placed in each TRA Erf which will result into 76 opportunities and allocation be effected in the following manner:
 - i. 18 TRA sites be allocated to families residing in the Triangle and place 2 families in 1 (One) Erf. This will accommodate 35 families who currently reside in the Triangle;

-
- ii. that 10% of the sites in the project which is 14 sites be reserved for persons in WC024 who qualify for housing assistance in terms of the Emergency Housing Policy;
 - iii. that a further 6 of the sites will be reserved for persons in WC024 who are deemed as "SPECIAL CASES" and residing in conditions that are dangerous and deemed a health hazard due to medical conditions which have resulted into permanent disability and warrant better living conditions. A detailed report of such person(s) be submitted to the Municipal Manager for approval.

6. DISCUSSION / CONTENTS

6.1 Background

The Directorate: Planning and Economic Development has started with the development of Longlands Low Cost Housing. After intensive engagements with different stakeholders in the community, a Tripartite Agreement was entered into between Council, Western Cape Government and Longlands Village Proprietary Limited. The Longlands Project consists of 144 Erven of which 106 will have Top Structures constructed. The Western Cape Department of Human Settlements has already approved the funding for the implementation of the Low Cost Housing (**Funding Approval details are as follows: Project No 3110.01 and HSS No. W12030010**) that will make provision for 144 Serviced sites with 106 top structures, 38 Erven developed into a Temporary Residential Area (TRA) and on 18 TRA sites place 2 (two) families per site from "The Triangle" in the TRA.

6.2 Discussion

The Departments: Housing Development and Housing Administration held various public meetings with the Longlands community and Councillors in the lead up to this project. A Housing Committee will be elected by the potential beneficiaries on the housing demand database to represent their interests in the project once the criteria has been approved. It is imperative to note that various public meetings were held on 10 December 2019, 18 February 2020, 20 February 2020 and 17 March 2020 where the criteria as mentioned as per discussion point 5 above was discussed with the Longlands community. The Housing Administration department also arranged two respective sessions where the Longlands community was given an opportunity to update their details on the Housing Demand Database on 11 April 2019 and 14 March 2020 and also to verify the shack ownership in both Longlands Property and The Triangle.

Upon Council approval on the criteria a committee will be selected. This committee will be selected from Longlands Property, The Triangle and potential beneficiaries on the Broader Longland Housing Demand Database.

The selection of beneficiaries for the project will be from the original list of households in the Longlands Property, The Triangle (for the TRA) and potential beneficiaries on the Broader Longlands Demand Database who applied for housing assistance up to and including the year 2017. This list was published to allow persons who applied, but whose information did not appear on the list, to come forward so that the list could be updated and also to give the community an opportunity to submit objection if there were applicants on the Housing Demand Database who were not residing within the ward.

Western Cape Department of Human Settlements issued a Circular regarding Beneficiary Selection for housing projects giving directive to the following:

Upon instruction of the National Minister of Human Settlements, municipalities were advised that the Criteria as set out in the National Housing Code as well as the following be used:-

- In all housing project beneficiaries 40 years and older should be prioritised;
- Households with applicants or dependants living with permanent disabilities as confirmed by SASSA be prioritized;
- All beneficiaries in projects must have registered an application for housing on the WC024 Housing Demand Database. This includes aged and disabled persons, as well as farm workers.

Based on the aforementioned information it is recommended that beneficiary selection for the Longlands Housing Project be done from the Households living in Longlands Property, potential beneficiaries on the Housing Demand Database of applicants who reside within the Broader Longlands area in order of their date of application on the Housing Demand Database and The Triangle Households (to be allocated Erven in the TRA based on the original list of The Triangle).

It should also be borne in mind that, in terms of the existing Emergency Housing Policy, 10% of the project will have to be reserved for persons who have been evicted by a court of law residing in WC024 and further 6 of the sites be reserved for beneficiaries deemed to be "Special Cases" which will be approved by the Municipal Manager upon submission of a detailed report by Housing Administration Department.

6.3 **Financial Implications**

There is no financial implications should the recommendations as set out in the report be accepted.

6.4 **Legal Implications**

Although not exhaustive, the following legislation and policies apply to this draft submission:

- ❖ Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)
- ❖ National Housing Act 107 of 1997;
- ❖ National Housing Code 2009.
- ❖ Stellenbosch Emergency Housing Policy.

6.5 **Staff Implications**

This report has no staff implications to the Municipality.

6.6 **Risk Implications**

This report has no risk implications for the Municipality.

FOR FURTHER DETAILS CONTACT:

NAME	ROTANDA NONA SWARTBOOI
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DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
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REPORT DATE	

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
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7.5.1	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON PARKING
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Collaborator No: 688647
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON PARKING

2. PURPOSE

That Council notes the Introduction of the Draft By-Law on Parking and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that are delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Parking within the jurisdiction of the Municipality, the Council may define and regulate activities and functions on roadways, walkways and other spaces within road reserves or areas dedicated for parking.

The proposed By-Law on Parking aims to promote a safe environment for the benefit of all road- and sidewalk users and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges and dedicated parking areas.

This report serves to request the introduction of the new Draft Parking By-Law and to publish this By-Law for Public Participation.

5. RECOMMENDATIONS

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

6. DISCUSSION / CONTENTS**6.1 Background**

Stellenbosch Municipality's first By-Law on Parking was promulgated in 1935, by Public Notice. The most recent Parking By-Law was promulgated as item 7146 on 5 July 2013 in the Provincial Gazette.

The Directorate Infrastructure Services revised the By-Law on Parking by utilising aspects of older ordinances, and new legislation has also been incorporated into the draft By-Law.

6.2 Discussion

Relevant existing internal By-Laws and Policies such as the existing Parking By-Law, the Draft Parking By-Law and the NMT Policy were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to Parking) were also carried out. Relevant legislation, such as older Municipal and Road Ordinances, and newer legislation such as the Draft Western Cape Provincial Infrastructure Bill 2020, and the National Road Traffic Amendment Bill, were analysed. Relevant sections were incorporated, new sections drafted and enhancements and technical editing was made to the existing By-Law.

Along with improving safety for all road- and sidewalk users, and promoting universal accessibility within the Road Reserve and public parking areas, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the road reserve.

6.3. Financial Implications

None

6.4 Legal Implications

The revised By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within the road and street reserves.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

Stellenbosch Municipality's By-Law on Parking was promulgated in June 2013, Provincial Gazette 7146.

6.7 Risk Implications

None

RECOMMENDATIONS FROM JOINT INFRASTRUCTURE AND COMMUNITY AND PROTECTION SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-08-06: ITEM 5.1.1

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	<i>15 July 2020</i>

ANNEXURE A

STELLENBOSCH MUNICIPALITY PARKING BY-LAW, 2018

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 5 to the Constitution lists traffic and parking as a local government matter to the extent set out in section

155(6)(a) and (7);

AND WHEREAS the Stellenbosch Municipality seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

AND NOW THEREFORE, BE IT ENACTED by the Council of the Stellenbosch Municipality, as follows—

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Definitions

1. (1) In this By-law, unless the context otherwise indicates:

“animal” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile

which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under the control of a person;

“approved” means approved by the Municipality, and “approval” has a corresponding meaning;

“authorised officer” means an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer, and includes any other person appointed as an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996(Act No. 93 of 1996), and includes any person nominated by any organisation and authorised by the Municipality;

“**authorized official**” means any employee of the Municipality who is acting within the scope of his or her duties on behalf of the Municipality and who is in uniform with a distinctive permit and appointment certificate of office;

“**authorised person**” means a person nominated by an organization and authorized by the Municipality;

“bridge” means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

“bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 34 persons, including the driver, and includes a bus train;

“bus stop” means a demarcated place or stand where passengers may board or alight from a bus, and which is distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the bus stop;

“bus train” means a bus which—

(a) consists of two sections that connect to form a unit;

(b) can swivel in a horizontal plane at the connections between such sections;

(c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and

(d) has a continuous passageway over its length;

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

“Chief Traffic Officer” means the Chief Traffic Officer of the Municipality to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

“Municipality” means the Stellenbosch Municipality established by Provincial Notice 479 of 2000, and includes any political structure, political office bearer, duly authorised agent thereof or any employee acting in terms of delegated or sub-delegated authority; ;

“Parking card” means any document or card, irrespective of the form thereof, issued by the Municipality in order to be used as a method of payment for parking;

“permit/disc” means official document, whether electronic or not, which either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, and includes any device approved by the Municipality from time to time;

“dealer” means a person who, for gain, carries on the business of selling, buying, exchanging or garaging vehicles;

“**decal**” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a taxi permit;

“driver” means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle and “drive” or any like word has a corresponding meaning;

“event” means—

(a) any sporting, recreational or entertainment event, including live acts;

(b) any educational, cultural or religious event;

(c) any business event, including marketing, public relations and promotional or exhibition events;

(d) any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or along a route or its precinct that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person in his or her private capacity at any venue, or filming staged in terms of the by-law relating to Filming;

“footpath” means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“goods vehicle” means a motor vehicle, designed or adapted for the conveyance of goods on a public road;

“heavy motor vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

“holding area”, in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

“marshal” means a person who arranges passenger and vehicle-related procedures at taxi facilities;

“mechanically or otherwise controlled parking ground” means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined by the Municipality in the annual schedule of tariffs;

“metered parking bay” means a parking bay in respect of which a parking meter has been installed or in respect of which a ~~hand held~~handheld device is used or electronic payment system has been implemented;

“metered parking ground” means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;

“midi-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 16 but less than 35 persons, including the driver;

“mini-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than nine but not more than 16 seated persons, including the driver;

“minibus-taxi” means a motor car, a midi-bus or a mini-bus with an operating licence authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area;

“Minister” means the National or Provincial Minister of Transport;

“motor vehicle” means any self-propelled vehicle and—

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include—

(i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“operate”, in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

“operating license” means an operating licence contemplated by the National Land Transport Act, 2009 (Act 5 of 2009);

“operator” means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;

“organization” means a group of people, company, association or body representing parking marshals that operates a parking marshal service or a parking management service in certain geographical areas as approved by the Municipality;

“owner” in relation to a vehicle, means—

(a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;

(b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and

(c) a person who is registered as such in accordance with regulations issued under section 4 of the National Road Traffic Act, 1996 (Act 93 of 1996);

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

“parking attendant” means a person rendering a parking service for his or her own account;

“parking marshals” means a person in the employ of an organization to render a parking management service to drivers in a public place or on a public road;

“parking bay” means a demarcated area within which a vehicle is to be parked in terms of this By-law, demarcated as such by the Municipality upon the surface of a parking ground or a public road;

“parking ground” means any area of land or any building set aside by the Municipality as a parking ground or garage for the parking of vehicles by members of the public, whether or not charges are prescribed by this By-law for the use thereof;

“parking meter” means a device commissioned in terms of this By-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a service provider approved by the Municipality;

“parking period” means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

“passenger” means any person in or on a vehicle, but does not include the driver or the conductor;

“pay-and-display machine” means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;

“pay-and-display parking ground” means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

“pedal cycle” means any bicycle or tricycle designed for propulsion solely by means of human power;

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

“prescribed fee of the denomination indicated on the parking meter concerned and includes debit, credit or Municipality cards and any other method of payment as may be approved and prescribed by the Municipality from time to time;

“public place” means any square, park, recreation ground, sports ground, or open space which has—

(a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used by the public without interruption for a period of at least 30 years; or

(d) at any time been declared or rendered as such by the Municipality or other competent authority;

“public road” means any road, street, cycle path, thoroughfare, parking ground, dedicated busway, parking bay or any other similar ~~place, and place, and~~ includes—

- (a) the verge of any such public road;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such public road;
- (d) any other object belonging to such public road, which has at any time been—
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least 30 years;
 - (iii) declared or rendered as such by the Municipality or other competent authority; or
 - (iv) constructed by a local authority; and
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on—
 - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon; or
 - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor

General’s office, unless such land is on such plan or diagram described as a private public road;

“rank access token” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a valid operating licence;

“regulation” means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

“residence” means a building, or part of a building, that is—

- (a) fixed to land;
- (b) designed or approved by the Municipality, for human habitation by a ~~single-family~~single-family unit; and
- (c) used for residential purposes;

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

“sidewalk” means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

“special parking place” means a rank, stand or bus stop established by the Municipality on a public road within the Municipality for the parking or standing of a taxi or a bus;

“stand” in relation to a bus, means the place where a bus route starts or ends;

“stop” in relation to a taxi stopping in a stopping place on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

“stopping place” in relation to—

(a) a taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and

(b) a bus, means a bus stop;

“tare” in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of—

(a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;

(b) anything which is a permanent part of the structure of such vehicle;

(c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and

(d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—

(i) fuel; and

(ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

“taxi” means a motor vehicle which plies for hire, is operated for reward, and includes—

(a) a mini-bus, a midi-bus, motor tricycle or motor ~~quadru~~quadr~~cycle~~cycle, and includes a minibus-taxi; and

(b) a metered taxi;

“taxi association” means a taxi association recognized as such by the Municipality and the Western Cape Provincial Government;

“taxi facility” means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designate by the Municipality for the exclusive use of taxis and, regarding a minibus-taxi making use of a bus stop in terms of section 5, includes a bus stop;

“taxi operator” means the person responsible for the use of a taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

“taxi rank” means a taxi facility identified by the Municipality where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“temporary taxi facility” means a taxi facility contemplated in section 49(2);

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

“tri-cycle” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

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

“vehicle” means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged, other than such a device which moves solely on rails.

(2) In this By-law, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning, unless the context otherwise indicates.

Purpose

2. The purpose of this By-law is to control parking within the area of jurisdiction of the Stellenbosch Municipality in order to provide a safe environment.

CHAPTER 1

GENERAL PROVISIONS RELATING TO PARKING

Part 1: General provisions

Control of parking

3. (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.

(2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.

(3) No person may without the prior written approval of the Municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.

(4) The Municipality may operate a parking management system in areas and during times determined by the Municipality from time to time.

(5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

Parking in a loading zone

4. (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone—

(a) between the hours of 07:00 and 19:00 on Mondays to Saturdays,

(b) between the hours of 09:00 to 17:00 on Sundays, or

(c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.

(2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone, except while actually loading or off-loading goods and while a licensed driver is in attendance at the vehicle.

(3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously, except while the vehicle is being actually loaded or off-loaded.

(4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised officer (5) A person who contravenes a provision of this section commits an offence.

Parking at a bus stop or public transport facility

5. (1) No person who operates or who is in charge of a vehicle on a public road may—

(a) in the case of a vehicle other than a bus or a minibus-taxi, allow the vehicle to remain stationary at a bus stop or public transport facility;

(2) Subsection (1)(a) does not apply to a driver or person in charge of a vehicle who allows such vehicle to remain stationary at a bus stop where that bus stop is located in a driving lane of a public road, where the vehicle is kept stationary in order to comply with a traffic signal or for another reason linked to road safety; Provided that such driver or person in charge does not allow passengers to board or alight from the vehicle.

(3) A person who contravenes subsection (1) commits an offence.

Parking in a public road

6. (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

(2) No person may leave a vehicle in the same place in a parking bay for a continuous period of more than seven days.

(3) No person may park a heavy motor vehicle designed, adapted or used for the conveyance of goods anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

(4) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road causing obstruction or danger to other road users,

(5) No person who operates or who is in charge of a vehicle on a public road may park the vehicle on an area that is demarcated as a no-stopping area by means of a red line or no-stopping road sign, (6) A person who contravenes a provision of this section commits an offence.

Parking upon a traffic island

7. (1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised ~~officer~~-officer.

(2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

Parking by a dealer or seller of a vehicle

8. (1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is for sale or for rental, whether advertised as such or not.

(2) A dealer or seller who contravenes subsection (1) commits an offence.

Parking of a vehicle under repair

9. (1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.

(2) A person who contravenes subsection (1) commits an offence.

Parking of heavy vehicles and caravans

10. (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area—

(a) a motor vehicle with a tare exceeding 3500 kg;

(b) a trailer not attached to a vehicle;

(c) a semi-trailer, or

(d) a caravan not attached to a vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.

(3) A person who contravenes subsection (1) commits an offence.

Exemption of medical practitioners from parking restrictions

11. (1) (a) Registered general medical practitioners to whom a permit/disc has been issued in terms of subsection (3)(a) are exempt from the provisions of this By-law, subject to paragraph (b), when using, on a bona fide professional domiciliary visit, a motor vehicle on which is displayed a permit/disc conforming with the requirements of subsection (2) issued to him or her by the Municipality.

(b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.

(2) (a) The permit/disc must be a windscreen sticker permit/disc displaying on the face thereof—

(i) a serial number; and

(ii) the name of the person to whom it is issued.

(b) The permit/disc must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the permit/disc is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.

(c) The address referred to in paragraph (b) must be the same street or a street adjoining and in close proximity to the place where the vehicle is parked.

(3) (a) Written application for the issue of a permit/disc must be made to the Municipality and if the Municipality approves the application, it must issue a permit/disc bearing a registered serial number to the applicant.

(b) The Municipality must keep a register in which it records—

- (i) The permit/disc issued by it;
- (ii) the serial number allocated to a permit/disc; and
- (iii) the name of the holder of a permit/disc.

(c) The Municipality may issue a duplicate permit/disc.

(d) Where the Municipality has reason to believe that any holder of a permit/disc is abusing a privilege conferred by the permit/disc it may withdraw the permit/disc from the holder and the privileges conveyed by the permit/disc shall thereupon cease.

(e) The Municipality may charge a fee for the issuing of a permit/disc or a duplicate thereof.

(f) The Municipality may prescribe the period for which a permit/disc will be valid.

(4) Application for a permit/disc must be made on a form provided for this purpose by the Municipality.

(5) A person who displays a forged permit/disc or a permit/disc which was not issued by the Municipality commits an offence.

Pick-up and set-down areas at schools

12.(1) The Municipality may by notice designate areas in the vicinity of schools and crèches as pick-up and drop-off, kiss and ride areas.

(2) No person may park in a pick-up and drop-off, kiss and ride area's for any longer that necessary to pick-up or drop-off learners.

(3) A person who contravenes subsection (2) commits an offence.

Outspanning in public roads

13. (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or off-loaded.

(2) A person who contravenes subsection (1) commits an offence.

Part 2: Parking permits

Resident parking permit

14. (1) Subject to any conditions the Municipality may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

- (a) who reside in a residence—

(i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time;

(ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and

(iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and

(b) whose residence does not have and cannot reasonably provide off-street parking.

(2) Subject to any conditions the Municipality may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

(a) who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and

(b) in circumstances where such an area is cordoned off or declared a zone where access is denied to vehicles, to enter and park a vehicle in such area, cordoned off or declared zone.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

Temporary parking permit

15. (1) Subject to any conditions the Municipality may impose and subject to section 17(1), a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space.

(2) A temporary parking permit may only be granted if the Municipality is satisfied that—

(a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the application relates; and

(b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity at the approved council tariffs.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

Work zone permit

16. (1) Subject to any conditions the Municipality may impose and subject to section 17(1) and (3), a work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the Municipality is satisfied that—

(a) the part of the road or other area referred in subsection (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and

(b) the carrying out of the building, construction or other work is lawful; and

(c) having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.

(2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties at the approved council tariffs.

(3) A person who parks a vehicle in contravention of subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.

Municipal works parking permit

17. (1) Subject to any conditions the Municipality may impose and subject to section 18(1), a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—

(a) an employee, contractor or agent of the Municipality; and

(b) parking the vehicle or vehicles in the space—

(i) for the purpose of carrying out work for or on behalf of the Municipality; and

(ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

Conditions and originality of parking permits

18. (1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.

(b) The Municipality may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the Municipality.

(2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—

(i) the road adjacent to the place of residence identified in the permit; or

(ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and

(b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.

(c) A resident parking permit is not specific to any particular vehicle.

(d) The Municipality may only issue a maximum of one parking space per residence.

(3) (a) A work zone permit must specify the part of the road to which the permit relates.

(b) The holder of a work zone permit must pay the prescribed fee, as determined by the Municipality, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.

(c) No person may stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.

(d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.

(e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorised officer.

(4) No person to whom a permit has been granted in terms of sections 13, 14, 15 and 16 may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.

(5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.

Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups

19. (1) The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the

Municipality, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility permits.

(2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.

(3) Any person who contravenes subsection (2) commits an offence.

CHAPTER 2

PAYMENT FOR PARKING

The installation of parking management devices or use of any other device to record the time parked

20. (1) The Municipality may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area—

- (a) a parking management device at a parking space demarcated as a parking bay;
- (b) a combined parking management device at a parking space demarcated as parking bays; or
- (c) any other device by which parking time can be recorded and displayed.

(2) The Municipality may install or operate a parking management device contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place in close proximity that serves the parking bay.

Method of parking

21. (1) No driver or person in charge of a vehicle may park the vehicle—

- (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
- (b) in a parking bay which is already occupied by another vehicle; or
- (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (d) In the verge or in an area where parking is prohibited.

(2) A person who contravenes the provisions of subsection (1) commits an offence.

Payment for parking

22. (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must—

(i) immediately inform the parking marshal which manage the parking bay in respect of the time period which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the device in operation either by inserting the prescribed time period in the appropriate parking device, or where applicable, in accordance with the instructions appearing on the parking device; or

(ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—

(i) immediately deposit or cause to be deposited in the parking device which adjoin the parking bays in respect of which they are installed the prescribed fee as indicated on the device for the period of time during which he or she desires to park his or her vehicle in the bays, and must, where applicable, set the device in operation either by inserting the prescribed time in the parking device, or where applicable, in accordance with the instructions appearing on the parking signage; or

(ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.

(d) A driver or person in charge of a vehicle may not utilise a parking bay without payment,

(e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.

(3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the sign or device, commits an offence.

(4) Subject to the provisions of section 14, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking device shows that—

(a) the time has expired; or

(b) that the parking device has not been set in operation either by the insertion of the prescribed time or, where applicable in accordance with the instructions appearing on the parking device,

and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

(5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking device when such vehicle was parked in the said parking bay, however if—

(a) the indicator shows that—

(i) the time has expired;

(ii) the parking device has not been set in operation; or

(b) a hood has been placed over the parking device as envisaged in section 19(4), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

Prevention of parking at a parking bay

23. An authorised official may display road traffic signs whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay—

(a) while the sign is so placed or erected; or

(b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provisions of this section commits an offence.

Tampering with a parking device

24. (1) No person may—

(a) misuse, damage, knock interfere with or tamper with;

(b) attempt to misuse, damage, knock interfere with or tamper with, the working operation or mechanism of a parking device.

(2) No person may, without authority from the Municipality and subject to any other by-law of the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking device.

(3) No person may paint, write upon or disfigure a parking device.

(4) No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.

(5) A person who contravenes a provision of this section commits an offence.

Unlawful operation of a parking device

25. (1) No person may operate or attempt to operate a parking device by any means other than as prescribed in this By-law.

(2) A person who contravenes subsection (1) commits an offence.

Unlawful parking and clamping or removal of unlawfully parked vehicles

26. (1) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.

(2) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.

(3) The Municipality may—

(a) attach a wheel clamp to any unlawfully parked vehicle;

(b) Instruct traffic officials appointed by the Municipality to attach a wheel clamp to any unlawfully parked vehicle;

(c) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and

(d) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.

(4) A person who contravenes subsection (1) commits an offence.

Exemptions

27. (1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:

(a) a vehicle used as an ambulance and being at the time used to attend to a ~~life threatening~~life-threatening situation;

(b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and

(c) a vehicle used by a member of the South African Police Service, the Traffic Service, the Law Enforcement, service providers identified by the municipality or any other division within the Municipality and being at the time used in connection with doing an operational function that is either in progress, an emergency or scheduled or with the collection or protection of evidence in the aftermath of a crime.

(2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, regulation or by-law, a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.

(3) A person who contravenes subsection (2) commits an offence.

CHAPTER 3

PARKING GROUNDS

Part 1: General provisions

The Municipality is not liable for loss or damage

28. The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

Interference with authorised officials, authorised officers and parking marshals

29. (1) No person may obstruct, hinder or in any manner interfere with an authorised official, authorised officer or a parking marshal in the performance of his or her duties under this By-law.

(2) A person who contravenes subsection (1) commits an offence.

Payment of prescribed fee

30. (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality.

(2) The Municipality may in respect of a parking ground controlled by the issue of permit/disc, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the permit/disc to park a vehicle in the ground, if a parking bay is available, at the times stated in the permit.

(3) The Municipality may issue to any of its officials a permit/disc which entitles the holder, when using a vehicle regarding the business of the Municipality, to park the vehicle in a parking ground specified, or any parking owned by the Municipality if space is available.

(4) A permit/disc issued under subsection (2) or (3)—

(a) may not, without the prior written consent of the Municipality—

(i) be transferred to any other person; or

(ii) be used in respect of any vehicle other than the specified vehicle;

(b) must be affixed by the holder of ~~the permit~~the permit/disc to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the permit/disc is readily legible from the outside of the vehicle; and

(c) will only be valid for the period stated on such permit/disc.

(5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the Municipality.

(6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a permit/disc was issued in terms of subsection (2) has lapsed, or who contravenes a provision of subsection (4) commits an offence.

Observance of signs

31. (1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.

(2) A person who contravenes subsection (1) commits an offence.

Manner of parking and removal of vehicle

32. (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official or as indicated by way of a sign, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.

(2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle—

(a) in a place on the parking ~~ground~~ground, which is not a demarcated parking bay, unless instructed to do so by the authorised official or marshal at the parking ground;

(b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or

(c) in a parking bay which ~~is already~~is already occupied by another vehicle.

(3) No person may park a vehicle on a roadway within a parking ground or on a sidewalk or in a manner restricting pedestrian movement on a sidewalk.

(4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.

(5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.

(6) A person who contravenes a provision of this section commits an offence.

Abandoned vehicle

33. (1) The Municipality may remove to the Municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.

(2) The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.

(3) The Municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle

before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:

(a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);

(b) the costs of removing the vehicle;

(c) the costs of publishing the notice of the auction;

(d) the costs of effecting the sale of the vehicle;

(e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;

(f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and

(g) any unpaid parking fees or unpaid traffic fines or unpaid licence fees in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

(5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.

(6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

Damage to notices

34. (1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, ~~notice board~~ noticeboard, sign or other thing placed by the Municipality on a parking ground.

(2) A person who contravenes subsection (1) commits an offence.

Negligent and dangerous driving and speed restriction

35. (1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.

(2) The Municipality may by sign indicate the maximum speed that may be travelled in a parking ground.

(3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

Entering or remaining in parking ground

36. (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or lawfully removing from the parking ground a vehicle, in

respect of which he or she has paid the prescribed parking fee, however this section does not apply to—

- (a) a person in the company of a person who is parking or removing a vehicle;
 - (b) officials of the Municipality engaged in official activities or on instruction from the Municipality; and
 - (c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes subsection (1) commits an offence.

Tampering with vehicle

37. (1) No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.

- (2) A person who contravenes subsection (1) commits an offence.

Defacing permit disc

38. (1) No person may, in a parking ground with intent to defraud the Municipality, forge, imitate, deface, mutilate, alter or make a mark upon a parking permit disc issued in terms of this By-law.

- (2) A person who contravenes subsection (1) commits an offence.

Defective vehicle

39. (1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground not exceeding seven days.

(2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it to be immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be effected, or removed within a reasonable time of seven days.

- (3) A person who contravenes subsection (1) or subsection (2) commits an offence.

Cleaning of vehicle

40. (1) No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground or parking bay.

- (2) A person who contravenes subsection (1) commits an offence.

Refusal of admission

41. (1) An authorised official may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

(2) A person who disregards an authorised officer's refusal of admission commits an offence.

Parking hours and classes of vehicles

42. (1) The Municipality may, subject to the provisions of this By-law, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.

(2) The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.

(3) The Municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.

(4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.

(5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.

(6) No person may, unless he or she is the holder of a parking permit disc issued in terms of this By-law authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.

(7) A person who contravenes subsection (4), (5) or (6) commits an offence.

Reservation by the Municipality

43. (1) The Municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff on the business of the Municipality.

(2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or for members of the Municipality's staff commits an offence.

Part 2: Mechanically controlled parking ground

Parking of a vehicle in a mechanically or otherwise controlled parking ground

44. (1) Subject to section 2, a person who—

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked, in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.

(2) A person contemplated in subsection (1) may not park a vehicle—

(a) except in a parking bay and in compliance with such directions as may be given by an authorised official /marshal or where no such bay has been marked, except in a place indicated by the authorised official or marshal;

(b) after an authorised official or marshal has indicated to the person that the parking ground is full;

(c) after the expiry of the parking period indicated on the parking coupon; or

(d) for a longer period than indicated as indicated by sign.

(3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the Municipality may implement a system where payment is required at the end of the parking period.

(4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes subsection (2) or (3) commits an offence.

Removal of a vehicle from a mechanically or otherwise controlled parking ground

45. (1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless—

(a) he or she has produced to the authorised official/marshal a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and

(b) he or she has paid to the authorised official/marshal the prescribed parking fee.

(2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the Municipality from time to time.

(3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official—

(a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the Municipality, which form has the effect of indemnifying the Municipality against claims of whatever nature by a person relating to the removal of that vehicle; and

(b) may require the person to furnish such security as may be determined by the Municipality.

(4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised official or marshal on demand.

(5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the Municipality is payable for the next parking period.

(6) A person who contravenes subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised official in terms of subsection (3)(a) or (b) commits an offence.

Part 3: Pay-and-display parking ground

Parking of a vehicle in a pay-and-display parking ground

46. (1) A person who—

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked, in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.

(2) The following must be indicated on the parking coupon vending machine:

(a) the period during which a vehicle may be parked in the pay-and-display parking ground; and

(b) the prescribed manner of payment to be used in respect of the parking period into or in connection with the pay and display machine.

(3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.

(4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.

(6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

(7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

(8) A person who contravenes subsection (3), (4) or (5) commits an offence.

Miscellaneous offences in respect of a pay-and-display parking ground

47. A person commits an offence if he or she—

(a) attempts to utilise counterfeit coupon into a parking coupon vending machine—

(i) a counterfeit method of payment;

(ii) where another kind of object is to be used, a false object;

(iii) a object which is not prescribed by the ~~Municipality~~;Municipality; or

(iv) any object which is not meant to be inserted into the parking coupon vending machine;

(b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or

(c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

CHAPTER 4

TAXIS AND BUSES

Part 1: Special parking places for taxis

Establishment of special parking places for taxis and taxi rank permits for these special parking places.

48. (1) The Municipality may, subject to any other by-law of the Municipality relating to taxis, establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a rank access token to use the parking place or to park a taxi has been issued.

(2) A rank access token may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.

(3) If no space is available in a special parking place at any particular time for the parking of a taxi by a rank access token holder or for a taxi to which the rank access token relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 49, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

(4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a rank access token, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

Taxi parking

49. (1) A driver may, subject to subsection (2) and section 48 and subject to any other by-law of the Municipality relating to taxis—

(a) park a taxi at a special parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or

(b) apply for hire, or hire or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.

(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

(3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection

(2) commits an offence.

Use of taxi ranks

50. (1) Subject to any other by-law of the Municipality relating to taxis, a driver—

(a) may, subject to subsection (3), park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and

(b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 48.

(2) The driver must, when plying for hire at a taxi rank, do so in a queue and must—

(a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and

(b) move his or her taxi forward as the queue moves forward.

(3) When plying for hire at a taxi rank, a driver—

(a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;

(b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and

(c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.

(4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.

(5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in possession of a valid operating licence and for which a rank access token, specifying the rank, has been issued for the year in question, as contemplated in this Part of Chapter 4.

(6) A person who contravenes a provision of this section commits an offence.

Prohibition on parking of a taxi at no-stopping place

51. No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.

Servicing and washing taxis at taxi facilities

52. (1) No person may repair or maintain any motor vehicle at a taxi facility.

(2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

(3) A person who contravenes a provision of this section commits an offence.

Behaviour prohibited at a taxi rank

53. A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised official.

Part 3: Bus facilities and permits, and operation of buses

Establishment of bus facilities

54. The provisions of section 48(1),(2) and (3) apply, with the necessary changes, to buses.

Distinguishing bus stops

55. (1) Each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or minibus-taxi or, where applicable, the name of the concern entitled to use the bus stop.

(2) The Municipality may demarcate bus stops for tour buses.

Destination signs and stopping or parking at bus stops

56. (1) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus stop.

(2) No driver or person in charge of a minibus-taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.

(3) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or utilise ~~such stops~~ such stop as an overnight facility.

(4) A driver or person in charge of a bus or minibus-taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

(5) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or minibus-taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.

(6) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

(7) No driver or person in charge of a bus or minibus-taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.

(8) A person who contravenes a provision of this section commits an offence.

CHAPTER 5

MISCELLANEOUS PROVISIONS

Obeying and interfering with an authorised official

57. (1) An authorised official may direct all traffic by means of visible or audible signals, and no person may disobey such signals.

(2) No person may obstruct, hinder, abuse or interfere with any authorised official in the exercise of the power referred to in subsection (1).

(3) A person who contravenes a provision of this section commits an offence.

Appeal

58. (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(3) When the appeal is against a decision taken by—

(a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
or

(b) the Municipal Manager, the Executive Mayoral Committee is the appeal authority.

(4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

Sale of impounded vehicles

59. (1) The Municipality must—

(a) within 14 days of the impounding of a vehicle, apply to the Court or Municipal Court for authority to sell the vehicle; and

(b) in the application contemplated in paragraph (a), provide the Municipal Court or ~~Court with~~Court with proof that he or she has lodged a statement as contemplated in subsection (2) with the owner.

(2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

Procedure to be followed in application to Court or Municipal Court

60. An application to Court or Municipal Court for the sale of an impounded vehicle in terms of this By-law, must comply with the procedure contemplated in section:

66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

Compliance notices and the recovery of costs

61. (1) Notwithstanding any other provision of this By-law, the Municipality may—

(a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and

(b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.

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

Presumptions

62. (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.

(2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be plying for hire, unless the contrary is proved.

(3) (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.

(b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.

(c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.

(4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.

(5) Any person who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.

(6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

Penalties

63. A person who has committed an offence in terms of this By-law is, on conviction, and subject to penalties prescribed in any other law, liable to—

(a) a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and

(b) in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

Repeal of by-laws

64. The by-laws listed in the Schedule hereto and any by-law previously promulgated by the Municipality or any of the disestablished municipalities now incorporated into Municipality, in so far as it relates to any matter provided for in this By-law, are hereby repealed.

Short title

65. This By-law is called the Stellenbosch Municipality: Parking By-law, 2018.

PB11	Parking By Law 2020 §17(1)	Granting of Municipal works parking permits	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB12	Parking By Law 2020 §19(1)	Designating Disabled, Diplomatic corps, SAPS and other identified reserved parking areas	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB13	Parking By Law 2020 §30(2)	Issue permits to effect monthly parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB14	Parking By Law 2020 §30(2)	Determine parking fees for permits	Council			
PB15	Parking By Law 2020 §30(3)	Issue permits for official parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB16	Parking By Law 2020 §30(4)	Approve the transfer of a permit	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB17	Parking By Law 2020 §33(1)	Authorize the removal of an abandoned vehicle	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB18	Parking By Law 2020 §40(1)	Approval of the cleaning of vehicles within a parking ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	

PB19	Parking By Law 2020 §42(1)	Approval of parking hours of a parking ground and classes of vehicles allowed to park on this ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB20	Parking By Law 2020 §43(1)	Approve notices to reserve parking for municipal vehicles and municipal staff vehicles	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB21	Parking By Law 2020 §45(5)	Approval of parking for vehicles exceeding one day's parking time	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB22	Parking By Law 2020 §48(1)	Approval of Special parking spaces for taxis	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB23	Parking By Law 2020 §61(1)	Approval of compliance notices and recovery costs	Council			

7.5.2	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON ROADS AND STREETS
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Collaborator No: 688645
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 August 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON ROADS AND STREETS

2. PURPOSE

That Council notes the Introduction of the Draft By-Law on Roads and Streets and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Roads and Streets within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on roadways, walkways and other spaces within road reserves.

The proposed By-Law on Roads and Streets aims to promote a safe environment for the benefit of all road- and sidewalk uses and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges.

This report serves to request the introduction of the new Draft Roads and Streets By-Law and to publish this By-Law for Public Participation.

5. RECOMMENDATIONS

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

6. DISCUSSION / CONTENTS**6.1 Background**

Stellenbosch Municipality's first By-Law on Streets was promulgated in June 2010, Provincial Gazette 6756.

The Directorate Infrastructure Service revised the By-Law on Streets. Aspects of older ordinances and new legislation have also been incorporated into the draft By-Law. It was also necessary to amend the name of the By-Law, incorporating Roads to allow for the increased responsibilities that the Municipality needs to exercise over Municipal Main Roads.

6.2 Discussion

Relevant existing internal By-Laws and Policies, such as the existing Streets By-Law, the Draft Parking By-Law and the NMT Policy were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to roads and streets) were also carried out. Relevant legislation such as older Municipal and Road Ordinances, and newer legislation such as the Draft Western Cape Provincial Infrastructure Bill 2020, and the National Road Traffic Amendment Bill, were analysed. Relevant sections were incorporated, new sections drafted and substantive enhancements and technical editing was made to the existing By-Law.

Along with improving safety for all road- and sidewalk users, and promoting universal accessibility within the Road Reserve, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the road reserve.

6.3 Financial Implications

None

6.4 Legal Implications

The revised By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within roads- and street reserves.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

Stellenbosch Municipality's By-Law on Streets was promulgated in June 2010, Provincial Gazette 6756.

6.7 Risk Implications

None

RECOMMENDATIONS FROM JOINT INFRASTRUCTURE AND COMMUNITY AND PROTECTION SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-08-06: ITEM 5.1.2

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	<i>15 July 2020</i>

ANNEXURE A

[LOCAL AUTHORITY NOTICE OF XXX.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

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

STELLENBOSCH MUNICIPALITY

ROADS AND STREETS BY-LAW

APPROVED BY COUNCIL ON XXX

AND

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

STELLENBOSCH MUNICIPALITY STREETS BY-LAW
(20XX)

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

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

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

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1. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“pedal cycle” means –

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

“pedal cyclist” has a corresponding meaning;

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

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

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

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

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

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

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

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

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

“street” means

- (a) any path, road, cycle path, thoroughfare or any other place, and includes –
 - (i) the verge of any such road, street or thoroughfare;
 - (ii) any footpath, sidewalk or similar portion of a road reserve;
 - (iii) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

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

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

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

“vehicle” –

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

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

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

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

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

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

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

- (b) The Municipality may –
 - (i) approve such exemption in full or subject to reasonable conditions; or
 - (ii) refuse such exemption on reasonable grounds.
- (c) The Municipality may, on reasonable grounds, revise or cancel such exemption or condition of an exemption.
- (d) Where applicable, an exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2)(b)(i).
- (e) In the event that –
 - (i) an activity for which exemption has been applied, commences before receipt of the undertaking contemplated in subsection (2)(d) by the Municipality, or
 - (ii) any condition of an exemption granted by the Municipality is not fully complied with, the exemption granted, lapses with immediate effect.

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

- (2) The Municipality may –
 - (a) exercise its duty to construct or maintain such streets, sidewalks or walkways irrespective of the existence of a structure in the area where the sidewalk or walkway will be built; and
 - (b) issue a written notice to the owner of said structure to remove it within a specific period.
- (3) The owner of a structure contemplated in section 4(2) must remove the structure at own cost and within the period stipulated in a written notice issued by the Municipality to do so.
- (4) If the owner does not comply with the written notice, the Municipality may remove the structure at the cost of the Owner.

4. Regulating encroachments on streets, sidewalks, walkways and road reserves. –

- (1) No person may, without prior written permission of the Municipality, cause and encroachment on a street, sidewalk, walkway or road reserve forming part thereof by –
 - (a) making, constructing, reconstructing, or altering;
 - (b) constructing a veranda, stoep, steps or other protrusion within;
 - (c) erecting a post or any other structure on;
 - (d) planting or cause to be planted, any tree, shrub or other plant on or allowing any such tree, shrub or plant to remain on; or
 - (e) placing or cause to be placed any other impediment or obstruction on, such a street, sidewalk, walkway or road reserve forming part thereof, other than in accordance with conditions prescribed by the Municipality.
- (2) If an encroachment is caused in contravention with subsection (1), the Municipality may, –

- (a) by written notice, order the person responsible for causing such encroachment, to remove said encroachment within the period specified in the notice; and
- (b) in the event of non-compliance with such written notice, remove said encroachment.

(3) The Municipality must immediately thereafter notify the person concerned in writing of their liability to pay the costs of the carrying out of the removal as contemplated in subsection (2)(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) play games, roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or a missile, or throw a stone, stick or other projectile in, onto or across a street, sidewalk, walkway or public place; or
- (b) do anything in a street, sidewalk, walkway or public place which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public,

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

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

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

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

- (a) prior written permission of the Municipality; and
- (b) any other applicable By-law.

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

- (a) in any shooting range which complies with the provisions of any law applicable thereto;
- (b) for signalling the start of a race at an organised and controlled sports meeting, provided that blank cartridges only are fired thereby; or
- (c) in accordance with prior written permission of the Municipality.

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

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

subject to the applicable By-laws of the Municipality.

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

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

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

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

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

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

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

- (a) bore or cut stone or bricks, slake or sift lime;
- (b) mix building materials; or
- (c) store, deposit, leave or cause to be stored, deposited or left –
 - (i) sand, stone, earth, bricks, timber, lime, cement; or
 - (ii) other building or excavated material of whatever nature,

in a street, sidewalk, walkway or public place.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) No person may –

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

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

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

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

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

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

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

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

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

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

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

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

- (d) request for assistance by traffic officers, if required; and
- (e) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) turn such animal loose;
- (b) leave such animal at any time insufficiently attended in;
- (c) keep such animal –
 - (i) at large; or
 - (ii) in such a manner as to be a danger or annoyance to the traffic or public, or
- (d) allow, permit or cause the animal to graze or stray, in, or about a street, sidewalk, walkway or public place.

(2) No person may walk a dog a street, sidewalk, walkway or public place unless it is on a leash and under control of that person.

(3) No person may leave any injured, feeble, emaciated, diseased or dying animal on a street, sidewalk, walkway or public place except for the purpose of seeking assistance for the removal of such animal from that area.

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

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

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

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

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

- (a) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
- (b) if it is in any way dangerous or unsafe for public use.

- (2) Assistance by traffic officers will be provided by the municipality on application.
- (3) An applicant for permission to hold such a show or set up such a device must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the event, at least seven working days prior to commencement of the race or event: Provided that, if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.
- (4) An authorised official of the Municipality must, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

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

- (a) during the hours when it would be required of motor vehicles to have their lights switched on; or
- (b) with a gradient of 20° or more.
- (2) No person may push or pull any cart along or through streets –
- (a) during the hours when it would be required of motor vehicles to have their lights switched on; or
- (b) with a gradient of 20° or more.
- (3) No person may –
- (a) simultaneously drive, or be in control of, more than one animal-drawn vehicle in a street or public place;
- (b) drive, or be in control of, an animal-drawn vehicle in a street or public place if he is under 16 years of age;
- (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle; or
- (d) outspan, or allowed to be outspanned, any vehicle drawn by animals in a street or public place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such place;

(b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such place;

(i) if such street or public place is, in the opinion of the Municipality, in a state dangerous to traffic;

(ii) by reason of any emergency or public event which, in the opinion of the Municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds; or

(iii) for any other reason which, in the opinion of the Municipality, renders the temporary closing of such street necessary,

(c) and temporarily divert such access.

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

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

(a) make, construct, reconstruct, alter and maintain;

(b) name and re-name; and

(c) allocate and re-allocate numbers to properties abutting on, streets, sidewalks, walkways and public places.

- 41. Declaration of streets and public places.** –(1) The Municipality may –
- (a) declare any land, or portion of land, under its control to be a street, sidewalk or walkway, or any street, sidewalk or walkway, or portion thereof to be a public place; and
 - (b) declare any private street or portion thereof to be a public street, or any place or portion thereof to be a public place.
- (2) When the Municipality decides to act in terms of subsection (1), it must –
- (a) give written notice of such intention in terms of its communication policy; or
 - (b) in the absence of such policy, give notice of its intention in a local newspaper in at least two official languages
- (3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2) for submission to Council, a committee or person who has delegated powers to decide upon it.
- 42. Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories.** –(1) The Municipality may –
- (a) by Notice in the *Provincial Gazette* determine any other subcategory of vehicles and regulate such subcategory as contemplated in paragraph (b); and
 - (b) regulate the use by pedestrians, pedal cyclists and other subcategories of vehicles of a specific street, sidewalk, walkway or public place, or a section or part thereof, where the use thereof is not suitable for pedestrians, pedal cyclists or such subcategory of vehicles, as the case may be.
- (2) When exercising its powers as contemplated in subsection (1)(b), the Municipality must erect a road traffic sign which clearly indicates the regulated use and area of application.
- 43. Offences and penalties.** –Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and liable upon conviction to –
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.
- 44. Repeal of By-laws.** –The By-laws listed in the Schedule hereto are hereby repealed to the extent indicated in the third column thereof.
- 45. Short title and commencement.** –This By-law shall be known as the By-law relating to Streets and comes into operation on the date of publication thereof in the *Provincial Gazette*.

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/INSTRUCTION TO ASSIST
ROADS AND STREETS BY-LAW DATED July 2020						
RSB1	Roads and Streets By-Law S3	Decision to construct and maintain roads, sidewalks and walkways	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB2	Roads and Streets By-Law S4	Conclude encroachment agreements	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB3	Roads and Streets By-Law S7	Authorization to advertise	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB4	Roads and Streets By-Law S9	Instruct owner or occupier to cut tree branches away from overhead lines	Municipal Manager	Director: Infrastructure Services	Senior Manager: Electricity Services	
RSB5	Roads and Streets By-Law S11(2)	Instruct Person to remove Vehicles	Municipal Manager	Director: Community Services	Senior Manager: Protection Services	
RSB6	Roads and Streets By-Law S16	Regulating building materials, dangerous objects and cleanliness	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB7	Roads and Streets By-Law S18	Issuing permits for races and sport events	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB8	Roads and Streets By-Law S21(5)	Issuing permits to travel over curbs, sidewalks, walkways or road verges	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB9	Roads and Streets By-Law S23	Regulating street and door-to-door collections and distribution of handbills	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB10	Roads and Streets By-Law S24	Regulating administration of poison for weed killing	Municipal manager	Director: Community & Protection Services	Senior Manager: Community Services	
RSB11	Roads and Streets By-Law S25	Regulating Processions	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB12	Roads and Streets By-Law S28	Allow a deviation to allow stormwater or watercourse water to run onto a street	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	

RSB13	Roads and Streets By-Law S31	Regulating display of street numbers	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB14	Roads and Streets By-Law S32	Regulating bridges and crossings	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB15	Roads and Streets By-Law S33	Regulating Amusement Shows and Devices	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB16	Roads and Streets By-Law S35	Regulating Informal Parking Attendants	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB17	Roads and Streets By-Law S37	Regulating costs and tariffs	Council			
RSB18	Roads and Streets By-Law S38	Regulating Limited Access	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Traffic Engineering	
RSB19	Roads and Streets By-Law S39	Regulating Closure or diversions	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Traffic Engineering	
RSB20	Roads and Streets By-Law S40(a)	Make, reconstruct, alter and maintain roads	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB21	Roads and Streets By-Law S40(b)	Name and rename roads and streets	Council			
RSB22	Roads and Streets By-Law S40(c)	Allocate and reallocate numbers to properties	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning	
RSB23	Roads and Streets By-Law S41	Declaration of Streets and public places	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning	
RSB24	Roads and Streets By-Law S42	Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	

7.5.3	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER
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Collaborator No: 688646
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER

2. PURPOSE

That Council notes the Introduction of the Draft By-Law on Stormwater and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that are delivered to the constituencies of the Republic of South Africa.

As the function of Stormwater Management in Built-up Areas falls within the jurisdiction of the Municipality, the Council may define and regulate activities and functions on any matters pertaining to the above, abbreviated as Stormwater.

The proposed By-Law on Stormwater aims to promote a safe environment for the benefit of all within stormwater management and to give effect to the rights contained in section 24 of the Constitution of the Republic of South Africa, 1996.

This report serves to request the introduction of the new Draft Stormwater By-Law and to publish this By-Law for Public Participation.

5. RECOMMENDATIONS

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Stormwater, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

6. DISCUSSION / CONTENTS**6.1 Background**

Stellenbosch Municipality's does not have a By-Law on Stormwater.

The Directorate Infrastructure Services has created this new By-Law on Stormwater. By interrogating older ordinances and legislation, aspects have been incorporated into the draft By-Law.

6.2 Discussion

Since no previous By-Law existed for any part of Stormwater, a By-Law was created afresh but utilising the following source documents:

- a. Stellenbosch Municipality Proposed Draft Stormwater Management By-Law
- b. Management of Urban Stormwater Impact Policy
- c. Stellenbosch Municipality Floodline Guide

By-Laws and Policies were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to Stormwater) were also carried out. Comparative reviews of by-laws relating to Stormwater in other South African municipal jurisdictions to identify relevant subject matter, was incorporated.

The By-Law was further aligned to section 152 of the Constitution, section 13 of Local Government: Municipal Systems Act 32 of 2000, Consumer Protection Act 68 of 2008, and other documents as provided.

Along with improving safety for all making use of the Stormwater Service, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the total Stormwater arena.

6.3. Financial Implications

None

6.4 Legal Implications

The new By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within Stormwater systems.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

No By-Law existed for Stormwater.

6.7 Risk Implications

None

RECOMMENDATIONS FROM INFRASTRUCTURE SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-08-06: ITEM 5.1.1

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Stormwater, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	<i>15 July 2020</i>

ANNEXURE A

[LOCAL AUTHORITY NOTICE OF XXX.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

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

STELLENBOSCH MUNICIPALITY

BY-LAW RELATING TO STORMWATER

APPROVED BY COUNCIL ON XXX

AND

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

STELLENBOSCH MUNICIPALITY STORMWATER BY-LAW
(20XX)

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

- the stormwater management systems in built-up areas; and
- activities which may have a detrimental effect on the development, operation or maintenance of the stormwater system.

Under the provisions of sections 156 (2) of the Constitution of the Republic of South Africa, 1996, and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the Municipality of Stellenbosch enacts as follows:

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PREAMBLE

WHEREAS the Municipality has under the Constitution, legislative competence in respect of stormwater management systems in built-up areas;

Whereas the Municipality has an obligation to regulate and control stormwater systems in built-up areas so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;

Whereas the Municipality wishes to reduce the environmental impact of stormwater to ensure that the socio-economic development, the health of the people within the Municipality's boundaries and the quality of environmental resources are not unduly adversely affected by stormwater;

Whereas the Municipality wants to ensure that all residents, organisations, institutions, businesses, visitors or tourists and government departments enjoy the services from a legitimate stormwater management service provider;

Whereas the Municipality wishes to regulate the stormwater management systems in built-up areas and the regulation of facilities used for the management of stormwater, with the aim of avoiding or minimising the damage to the environment; and

Whereas the Municipality intends to minimise the undesirable impacts of stormwater runoff from developed areas in accordance with Water Sensitive Urban Design Principles.

BE IT ENACTED by the Municipality, as follows: —

1. Definitions. –In this By-law, words used in the singular includes the plural and vice versa, the English text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates –

“Best Management Practices” refer to devices, practices or methods to –

- (a) prevent, remove, eliminate, reduce or impede runoff flows; or
- (b) prevent targeted stormwater runoff constituents, pollutants and contaminants from reaching receiving waters,

and include structural and non-structural controls and devices, and operation and management procedures;

“built-up areas” mean those portions or areas of the Municipality which are divided into erven by means of physical survey or which are surrounded by surveyed erven, including the public roads adjacent thereto as well as portions or areas falling within the urban edge of the approved Spatial Development Framework;

“catchment” means the area from which any rainfall will drain into a watercourse or wetland, or part thereof, through surface flow to a common point or points;

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

“**detention basin**” means a storage site (such as a small reservoir) that delays the flow of water downstream;

“**development**” means any man-made change to, or associated preparation of, property, including but not limited to, construction or upgrading of buildings or other structures, filling, paving and municipal services;

“**flood attenuation measures**” means –

- (a) assessing the effects of any increased runoff on the existing downstream stormwater system, and
 - (b) preparing and implementing the development plan in such a way that –
 - (i) the peak flow immediately downstream of the planned development; and
 - (ii) where existing detention storage is provided in a stormwater system, the –
 - (aa) the volume of runoff due to increased impermeable areas and lower surface frictions in the upstream developments; and
 - (bb) the effectiveness of the downstream detention dams,
- are no greater or decreased than it was before the development took place;

“**flood level**” means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years, and “**flood line**” has a corresponding meaning;

“**floodplain**” means the land adjoining a watercourse which, in the opinion of the Municipality, is predisposed to inundation by floods up to the 100 year recurrence interval;

“**Municipality**” means the Stellenbosch Municipality established by Provincial Notice No. 489 479 of 2000 in *Provincial Gazette* 5590 of 22 September 2000 as amended from time to time, or its successors in title; and includes any –

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

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

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

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“non-structural measures” refer to planning, institutional and pollution prevention practices designed to –

- (a) prevent or minimize pollutants from entering stormwater runoff; and
- (b) reduce the volume of stormwater requiring management;

“norms and standards” refer to –

- (a) guidelines about how role players should act within the given context; and
- (b) minimum standards set to ensure that services are rendered in a specific, planned and effective manner,

as adopted and amended from time to time by the Municipality, and subsequently published within 30 days of the date of adoption;

“organ of state” bears the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;

“owner” includes any of the following:

- (a) the person in whom is vested the legal title to the premises, lessee, resident, director of a company, member of a close corporation, the person in control of any premises;
- (b) any person who obtains a benefit from the premises or is entitled thereto; and
- (c) the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;

“person” includes –

- (a) any divisional council, municipal council, village management board, or like authority; any organ of state;
- (b) any company incorporated or registered as such under any law; and
- (c) any body of persons corporate or unincorporate;

“pollute” means the direct or indirect alteration of the physical, chemical or biological properties of a water resource to cause it to be –

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful to –
 - (i) the welfare, health or safety of human beings;
 - (ii) any aquatic or non-aquatic organisms;
 - (iii) the resource quality; or
 - (iv) property;

“publish” means to be announced by the Municipality for public notification by means of a Notice in the *Provincial Gazette*;

“prescribed” means –

- (a) a particular resolution of the Council; and
 - (b) in relation to –
 - (i) a fee, the cost as set out in the tariff policy of the Municipality;
 - (ii) an application for approval, the documents and procedures determined by the Municipality in a specific instance;
- as determined from time to time;

“private stormwater system” means a stormwater system owned, operated or maintained by a person other than the Municipality;

“prior written permission of the Municipality” means permission granted by the Municipality in accordance with section 4 of this By-law;

“receiving waters” refer to natural or man-made aquatic systems which receive stormwater runoff and includes, but is not limited to, watercourses, wetlands, canals, estuaries, and groundwater;

“stormwater” means water resulting from natural precipitation or the accumulation thereof, and includes –

- (a) groundwater; and
- (b) spring water

ordinarily conveyed by the stormwater system, but excludes water in a drinking water or waste water reticulation system;

“stormwater policy” means a policy document for the management of stormwater impacts, related activities and incidental matters, as adopted and amended from time to time by the Municipality, and subsequently published within 30 days of the date of adoption;

“stormwater system” means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater;

“structural measures” refer to permanent engineered devices implemented to –

- (a) prevent or minimize pollutants from entering stormwater runoff; and
- (b) reduce the volume of stormwater requiring management;

“water pollution incident” means an incident or occurrence whereby a substance or matter, other than stormwater, ends up in the stormwater system and which may have a direct or indirect detrimental, or potentially detrimental, impact on the quality of the water in that system, to such an extent that public health or the health of natural ecosystems may be threatened;

“watercourse” means –

- (a) a river, spring, stream, channel or canal in which water flows regularly or intermittently;
- and

(b) a vlei, wetland, dam or lake into which or from which water flows, and includes, where relevant, the bed and the banks of such watercourses;

“Water Sensitive Urban Design” refers to an approach to ensure that development in urban areas is holistically planned, designed, constructed and maintained to –

- (a) reduce negative impacts on the natural water cycle; and
- (b) protect aquatic ecosystems,

and includes, but is not limited to, sustainable water supply, sanitation and stormwater management;

“water source” includes any water way, surface water, estuary or aquifer; and

“wetland” means land which is transitional between terrestrial and aquatic systems where the –

- (a) water table is usually at or near the surface, or
 - (b) land, which in normal circumstances supports or would support vegetation typically adapted to life in saturated soil, is periodically covered with shallow water, and
- includes, but is not limited to, water bodies such as lakes, salt marches, estuaries, marshes, swamps, vleis, pools, ponds, pans and artificial impoundments.

2. Aim, application and scope. –(1) The provisions of this By-law aim to –

- (a) reduce the impact of flooding on community livelihoods and regional communities;
- (b) safeguard human health;
- (c) protect natural aquatic environments; and
- (d) maintain recreational water quality.

(2) This By-law binds all persons and organs of state.

(3) This By-law applies to stormwater systems in built-up areas and the natural environment on which it may have an impact, including but not limited to, any land use, development or activity proposals within the municipal area, draining to any watercourse or wetland.

(4) Any provision dealing specifically with stormwater in any other By-law, is subject to the provisions of this By-law: Provided that this By-law does not apply to other aspects of stormwater management such as protection of property and community health and safety.

(5) The provisions of this By-law do not eradicate the need for any other permit, consent or authorisation required under any other law.

(6) The provisions of this By-law must be read together with the –

- (a) National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);
- (b) Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983);
- (c) National Water Act, 1998 (Act 36 of 1998);
- (d) National Environmental Management Act 1998 (Act 107 of 1998);
- (e) Disaster Management Act 2002 (Act 57 of 2002);
- (f) National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);

(g) Western Cape Planning and Development Act, 1999 (Act 7 of 1999); and

(h) all of the following –

- (aa) Municipal Code of By-laws;
- (bb) Land Use Planning By-law of 2015 of the Municipality;
- (cc) Zoning Scheme By-law 2019 of the Municipality;
- (dd) Management of Urban Stormwater Impacts Policy of the Municipality;
- (ee) Municipal Disaster Management Plan of the Municipality; and
- (ff) other relevant Frameworks, Guides, Norms and Standards, as adopted and published,

where applicable.

(7) In the event that –

- (a) any provision in this By-law; or
- (b) any stipulation in any of the documents contemplated in section 2 (6) (h) (bb) – (ff), no longer conforms to a Notice published in terms of applicable National or Provincial legislation after the date of commencement of this By-law, such Notice applies to the extent reasonably required until this By-law or such document has been updated accordingly.

(8) This By-law and all the documents contemplated in section 2 (6) (h) (bb) – (ff) must be published on the website of the Municipality within 14 days of the date of publication of this By-law in the *Provincial Gazette*.

3. Stormwater policies and guidelines. –(1) The Municipality must develop, adopt, publish on its website and implement its stormwater policies and may amend those policies from time to time, as and when required.

(2) The stormwater policies of the Municipality must –

- (a) incorporate Water Sensitive Urban Design Principles into urban development;
- (b) be based on Best Management Practices; and
- (c) be aligned with other sustainability programmes of the Municipality.

(3) The Municipality may limit the application of any stormwater policy to specific, or categories of, –

- (a) areas;
- (b) development premises; or
- (c) activities,

and may, on reasonable grounds, permit deviation or relaxation of, or exemptions from, any provisions of such policy.

(4) Any person who –

- (a) contravenes the provisions of a stormwater policy to the extent that same had been adopted in terms of this or any other By-Law of the Municipality; or
- (b) furnishes false or misleading information required in terms of a stormwater policy, is guilty of an offence, and on conviction may be liable to a fine or imprisonment, or both such fine and imprisonment.

- (5) Stormwater policies must be made public and conveyed to the community in terms of section 21A of the Municipal Systems Act.
- (6) Notwithstanding subsections (1), (4) and (5), the Municipality may –
 - (a) develop and approve guidelines that comply with the provisions of subsection (2) and (3); and
 - (b) implement such approved guidelines.
- (7) Any policy developed and adopted in terms of this section replaces the guidelines contemplated in subsection (6).

4. Applications for permits, consent or authorisation. –(1) A person who wishes to obtain a permit, consent or authorisation of the Municipality as contemplated in this By-law, must submit an application in writing and in accordance with the applicable process as prescribed by the Municipality.

- (2) When considering an application contemplated in subsection (1), the Municipality may require the applicant to, at own cost, –
 - (a) submit impact studies such as, but not limited to, environmental impact studies or environmental impact investigations as required in terms of national and provincial environmental legislation; and
 - (b) to establish and provide documentation indicating flood lines.
- (3) A permit, consent or authorisation may be granted by the Municipality subject to such conditions as determined by the Municipality after due consideration of the application.
- (4) Where a permit, consent or authorisation is required under this By-law and any other law enforced by the Municipality, such applications shall be lodged simultaneously.

5. Prohibited discharges. –(1) No person may, except in accordance with the prior written permission of the Municipality, discharge, permit, cause or allow to enter or place onto any substance other than stormwater, where that substance could reasonably be expected, or is likely, to find its way into the stormwater system.

- (2) With the exception of rainwater, no person may permit, cause or allow any dirty, waste, swimming pool, infected or otherwise polluted water to flow from his premises into the stormwater system.

6. Measures to protect stormwater system. –(1) Notwithstanding any other provision in this By-law, the Municipality may, in pertinent and lawful instances require from the owner of any private property (person A) to –

- (a) allow the owner of a higher lying property (person B), to, at such owner's cost (person B), lay a stormwater drainpipe or gutter over the owner's property (person A) to allow the draining of concentrated stormwater; or

- (b) retain stormwater on such property (of person A) or, at such owner's cost (person B), to lay a stormwater drain pipe or gutter to a suitable place indicated by the Municipality, irrespective of whether the course of the pipe or gutter will run over the owner's property (person A), or not.
- (2) No person may, except in accordance with the prior written permission of the Municipality –
- (a) adjust, alter, damage, endanger, destroy or undertake any action which may, or is likely to, damage, endanger or destroy, the stormwater system or the operation thereof;
 - (c) discharge, permit to enter or place anything likely to damage the stormwater system or interfere with the operation thereof or contaminate or pollute the water therein;
 - (d) construct or erect any structure or thing over or in such a position or in such a manner which may, or is likely to, interfere with, or endanger the stormwater system or the operation thereof;
 - (e) make an opening into a stormwater pipe, canal or culvert;
 - (f) drain, abstract or divert any water directly from the stormwater system, or
 - (g) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the stormwater system.
- (3) No person may, except in accordance with the prior written permission of the Municipality, –
- (a) lead or discharge any water on, over or across; or
 - (b) by any means whatever, raise the level of water in any river, dam or watercourse to cause interference with or endanger, a street, sidewalk, pathway or public place.
- (4) No person may carry out, or create the risk of, any activity that causes, or may potentially cause, stormwater to flood the property of the municipality or that of any other person.
- (5) When an incident contemplated in section 5 and subsections (2), (3) or (4) of this section occurs without, or not in accordance with, the prior written permission of the Municipality, –
- (a) and the incident is not the result of natural causes, the person responsible for the incident; and
 - (b) the owner of the property on which the said incident occurred, or is occurring, must immediately report the incident to the Municipality: Provided that the person responsible for the incident or the owner of the property, as the case may be, must at own cost take all reasonable measures which, in the opinion of the Municipality, will contain and minimise the effects of the flooding, by undertaking cleaning up procedures, including the rehabilitation of the environment, as required by the Municipality.
- (6) A person who contravenes a provision of subsection (2), (3), or (4) commits an offence.
- (7) The Municipality may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned, –
- (a) deviate any watercourse, stream or river: Provided that the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a street, sidewalk, pathway or public place;

- (b) divert stormwater from, or under, a street, sidewalk, pathway or public place onto private property other than land occupied by buildings, other structures or improvements; and
- (c) pay reasonable compensation as agreed between the owner or occupier and the Municipality, for any damage caused as a result of any action taken in terms of this subparagraph, or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965) or an alternative dispute resolution process.

7. Sustainable urban drainage system. –(1) In order to advance a holistic approach to catchment development and the application of Water Sensitive Urban Design Principles, all developers, owners, professionals and contractors must, at all times, comply with the following provisions:

- (a) Determine all floodlines which may impact on the development concerned, in which event the Municipality must, on written request, make available any floodline information that is on record;
- (b) Do planning and take flood attenuation measures before any development above an existing development or in a catchment area commences;
- (c) Make adequate provision for stormwater servitudes –
 - (i) where overland flow can occur, either naturally or as a result of the development; or
 - (ii) when the minor stormwater system infrastructure is overloaded or rendered ineffective due to a block up;
- (d) Prevent concentration of stormwater runoff both spatially and in time wherever possible;
- (e) Manage steep slopes and soil profiles, where they occur, before, during and after construction;
- (f) Submit an application to the Municipality consisting of detailed plans to control and prevent erosion by water, prior to the commencement of any works, including site clearance on any portion of the site: Provided that the Municipality may grant such approval subject to such conditions as may be determined by the Municipality after due consideration of the application;
- (g) Ensure that vegetation cover is removed with care and with attention to the potential erosion impact;
- (h) Construct stormwater control systems before any construction on a site commences;
- (i) Monitor and adjust the stormwater control measures taken during the construction progress, to ensure complete erosion control and appropriate runoff control;
- (j) Keep earthworks on site to an absolute minimum;
- (k) Design elements of developments so as not to impede the drainage process or cause a flood hazard by unsafely storing storm runoff on the property; and
- (l) Avoid concentration of flow onto downstream properties due to walls and fences around properties that cross natural drainage channels.

(2) In the event that it is impossible to avoid an increase in the downstream peak flow, the Municipality may only allow a development to proceed if it is satisfied that the downstream stormwater systems have the spare capacity to accommodate the additional peak flow.

(3) The Municipality may, for stormwater control purposes, regularly and at all reasonable times enter any premises, or any portion thereof, to inspect the construction of buildings,

structures and earthworks in order to minimize risk or damages to properties and to determine the current status of a stormwater system.

- (4) In order to fulfil the function contemplated in subsection (1), the Municipality may –
- (a) declare areas as stormwater management areas in respect of which special requirements will apply regarding construction and earthworks of any activity and which, in the opinion of the Municipality, may reduce the risk of floods;
 - (b) require that the general plan or lay-out plans of the development or subdivision of any property, indicate lines in an acceptable form, to indicate the maximum level which will probably be reached by the flood water, in an average of 50 years and of 100 years;
 - (c) may, subject to other applicable legislation, refuse any –
 - (i) new permanent residential, commercial or industrial development;
 - (ii) request for densification; or
 - (iii) any other plans where the floodlines are not in line with the policy or guidelines contemplated in section 3:

Provided that where such development or application is approved within a flood plain, the lowest level of any new building, structure or addition thereto, must be above the floodlines as specified in the policy or guidelines as contemplated in section 3;

- (d) determine that all services required by the development, be designed to withstand the –
 - (i) effects of flooding without risk of environmental pollution, or
 - (ii) risk of damage, injury or loss to the property owner, residents and general public;
- (e) allow the construction of flood protection embankments: Provided that such embankment –
 - (i) does not materially affect the direction and velocity of the main stream or its tributary watercourses;
 - (ii) serves a useful purpose; and
 - (iii) does not increase the risks of damage to property or injury to any person.

(5) All matters pertaining to sustainable urban drainage systems not provided for in this By-law, including but not limited to the following:

- (a) criteria for achieving Sustainable Urban Drainage Systems Objectives;
 - (b) interface with the Municipal Spatial Development Framework;
 - (c) incentive schemes; and
 - (d) monitoring and evaluation of adherence to Best Management Practices,
- must be addressed in stormwater policies of the Municipality.

8. Stormwater management plan. –(1) Where the submission of an approved stormwater management plan is a condition of approval as contemplated in section 7, the person responsible therefore must submit plans detailing the proposed stormwater control measures to the designated official: Provided that no physical work may commence without the prior written approval of the Municipality.

- (2) A stormwater management plan must describe and indicate –
- (a) the control measures to be implemented before and during the construction period;
 - (b) the final stormwater control measures required for the site on completion of site development;

- (c) the person responsible for the design of the control measures; and
- (d) who is, or will be, designated as the responsible person on site during each stage of the implementation of the control measures.

(3) If the approved stormwater management plan contemplated in subsections (1) and (2) is not adequately implemented or complied with, the owner or developer, as the case may be, is responsible to repair and restore all consequential environmental and other damages at his or her own cost.

9. Stormwater systems on private land. –(1) An owner of property on which private stormwater systems are located, –

- (a) may not carry out any activity which will, or which in the opinion of the Municipality could reasonably be expected to, impair the effective functioning of the stormwater system, and;
- (b) must, at own cost, keep such stormwater systems functioning effectively, including undertaking the refurbishment and reconstruction thereof if, in the opinion of the Municipality, it should be reconstructed or refurbished.

(2) The provisions of subsection (1) do not apply to the extent that the Municipality has accepted responsibility for any of such duties, either in –

- (a) accordance with a formal maintenance agreement; or
- (b) terms of a condition of a servitude.

(3)(a) If an immediate risk of flooding is identified, the Municipality may access the property concerned, irrespective of whether a servitude exists on that property or not, and without notifying the owner, to carry out the required works to prevent flood damage to upstream, surrounding or downstream properties.

(b) When accessing the property, the authorised employee must, on request, identify him or herself by producing written proof of such authority.

(c) The Municipality must immediately thereafter notify the owner concerned in writing of their liability to pay the costs of the carrying out of the required works as contemplated in paragraph (a).

10. Provision of infrastructure. –(1) The Municipality may –

- (a) construct, expand, alter, maintain or lay any drains, pipes or other structures related to the stormwater system on or under any immovable property, and ownership of these drains, pipes or structures shall vest in the municipality;
- (b) drain stormwater or discharge water from any municipal service works into any natural watercourse, and
- (c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by subparagraph (a).

(2) When the Municipality exercises its powers in terms of subsection (1)(a) regarding immovable property not owned by the municipality, it must do so in compliance with the

provisions of the by-law of the Municipality relating to the management and administration of its immovable property.

11. General powers. –(1) The Municipality may –

- (a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention of the provisions of this By-law;
- (b) fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this By-law;
- (c) repair and make good any damage done in contravention of the provisions of this By-law or resulting from a contravention;
- (d) remove anything discharged, permitted to enter into the stormwater system or natural watercourse in contravention of the provisions of this By-law;
- (e) remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
- (f) seal off or block any point of discharge from any premises if such discharge point is in contravention of the provisions of this By-law; and
- (g) cancel any permit, consent or authorisation granted in terms of this By-law if the conditions under which such permit, consent or authorisation, the permission was granted are not complied with.

(2) The Municipality may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this By-law, give notice in writing to such person or owner of property to comply to such requirements as the Municipality may deem necessary to prevent the occurrence of such contravention.

(3) The Municipality may recover all reasonable costs incurred as a result of –

- (a) action taken in terms of subsection (1); or
- (b) a contravention of any other provisions of this By-law,

from a person who was responsible therefor or the owner of the property on which a contravention occurred.

12. Appeal. –(1) A person whose rights are affected by a decision of the Municipality in terms of this By-law, may appeal against the decision by giving written notice of the appeal and the reasons therefor in terms of section 62 of the Municipal Systems Act to the municipal manager within 21 days of the date of the notification of such decision.

(2) Upon receipt of the notice of appeal, the Municipality must proceed with the matter in accordance with the provisions of section 62 of the Municipal Systems Act.

13. Exemptions. –(1) Any person may, by means of a prior written application stating the reasons in full, apply to the Municipality for exemption from any provision of this By-law.

(2) The Municipality may –

- (a) approve such exemption in full or subject to reasonable conditions; or

- (b) refuse such exemption on reasonable grounds.
- (3) The Municipality may, on reasonable grounds, revise or cancel such exemption or conditions of an exemption.
- (4) Where applicable, an exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2)(a).
- (5) In the event that –
 - (a) an activity for which exemption has been applied, commences before receipt of the undertaking contemplated in subsection (4) by the Municipality; or
 - (b) any condition of an exemption granted by the Municipality is not fully complied with, the exemption granted, lapses with immediate effect.

14. Community liaison forums. –(1) The Municipality may establish one or more community liaison forum for the purposes of furthering the stormwater activities of the municipality.

- (2) A community liaison forum may consist of –
 - (a) representatives of a group with a vested interest in the stormwater activities of the municipality;
 - (b) affected persons as contemplated in section 2 (4)(f) to (h) of the National Environmental Management Act, 1998 (Act 107 of 1998);
 - (c) designated officials of the municipality;
 - (d) a councillor; and
 - (e) any other persons as determined by the Municipality.
- (3) A community liaison forum contemplated in subsection (1) may, upon request of the Municipality or on its own initiative, submit input to the Municipality regarding any matter related to the implementation and application of this By-law.

15. Offences and penalties. –(1) Any person who –

- (a) contravenes any provision of this By-law;
- (b) fails to comply with the terms of any notice issued in terms of this By-law;
- (c) threatens, resists, hinders or obstructs or uses foul, abusive or insulting language towards or at a councillor or an employee or contractor of the Municipality in the exercise of any powers or performance of any duties or function in terms of this By-law, or falsely holds himself or herself to be a councillor, an employee or a contractor of the Municipality,

is guilty of an offence and liable, on conviction, for the payment of a fine.

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

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

REVIEWED DRAFT V03 20200528

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
Stormwater By-Law BY-LAW DATED July 2020						
SWM1	Stormwater By-Law 2020 S3	Develop Policies and Guidelines	Council			
SWM2	Stormwater By-Law 2020 S4	Issuing Permits, consent and Authorization	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport and Stormwater (RTS)	
SWM3	Stormwater By-Law 2020 S6(1)	Instituting measures to protect stormwater systems	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM4	Stormwater By-Law 2020 S6(7)	Allow deviations from standard measures	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM5	Stormwater By-Law 2020 S7(2)	Permitting any Development to proceed upon increasing downward stormwater flow	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM6	Stormwater By-Law 2020 S8	Approving Stormwater Management Plans	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM7	Stormwater By-Law 2020 S9	Instructing Land or Property Owners to implement Stormwater Management	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM8	Stormwater By-Law 2020 S11	Instructing the demolishing of building or other structures to be removed	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM9	Stormwater By-Law 2020 S13	Exempting certain requirements	Municipal Manager			
SWM10	Stormwater By-Law 2020 S14	Creating Community Liaison forums	Municipal Manager	Director: Infrastructure Services		

PB11	Parking By Law 2020 S17(1)	Granting of Municipal works parking permits	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB12	Parking By Law 2020 S19(1)	Designating Disabled, Diplomatic corps, SAPS and other identified reserved parking areas	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB13	Parking By Law 2020 S30(2)	Issue permits to effect monthly parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB14	Parking By Law 2020 S30(2)	Determine parking fees for permits	Council			
PB15	Parking By Law 2020 S30(3)	Issue permits for official parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB16	Parking By Law 2020 S30(4)	Approve the transfer of a permit	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB17	Parking By Law 2020 S33(1)	Authorize the removal of an abandoned vehicle	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB18	Parking By Law 2020 S40(1)	Approval of the cleaning of vehicles within a parking ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	

PB19	Parking By Law 2020 S42(1)	Approval of parking hours of a parking ground and classes of vehicles allowed to park on this ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB20	Parking By Law 2020 S43(1)	Approve notices to reserve parking for municipal vehicles and municipal staff vehicles	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB21	Parking By Law 2020 S45(5)	Approval of parking for vehicles exceeding one day's parking time	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB22	Parking By Law 2020 S48(1)	Approval of Special parking spaces for taxis	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB23	Parking By Law 2020 S61(1)	Approval of compliance notices and recovery costs	Council			

7.5.4	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT
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Collaborator No: 688644
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT

2. PURPOSE

That Council notes the Introduction of the Draft By-Law on Integrated Waste Management and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the functions of Cleansing, Refuse Removal, Refuse Dumps and Solid Waste Disposal fall within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on any matters pertaining to the above, abbreviated as Integrated Waste Management.

The proposed By-Law on Integrated Waste Management aims to promote a safe environment for the benefit of all within Waste management and to give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to regulate —

- the avoidance, minimisation, generation, collection, cleaning and disposal of waste; and
- matters related thereto.

This report serves to request the introduction of the new Draft Integrated Waste Management By-Law and to publish this By-Law for Public Participation.

5. RECOMMENDATIONS

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Integrated Waste Management, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality's does not have a By-Law on Integrated Waste Management.

The Directorate Infrastructure Service has created this new By-Law on Integrated Waste Management. Aspects of older ordinances and new legislation have also been incorporated into the draft By-Law. The By-Law also incorporates all the facets of Waste Management, which includes:

- a. Waste Collections
- b. Waste Removal,
- c. Area Cleaning
- d. Waste Minimisation
- e. Refuse Dump Management.

6.2 Discussion

Since no previous By-Law existed for any part of Waste management, a By-Law was created afresh but utilising the following source documents:

- a. Model Integrated Waste Management By-law (Mr Hendriks)
 - b. City of Cape Town: Integrated Waste Management By-law, 2009
 - c. Optimization of Waste Management Collection Operations Draft Report
 - d. Adjusted version of City of Cape Town: Integrated Waste Management By-law
- By-Laws and Policies were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to Integrated Waste Management) were also carried out. Comparative reviews of by-laws relating to IWM in other South African municipal jurisdictions to identify relevant subject matter, were incorporated.

Optimization of Waste Management Collection Operations Draft Report was analysed, relevant sections incorporated, new sections drafted, and amendments made.

All of the above were correlated with the National Environmental Management: Waste Act (NEMWA), 2008 (Act 59 of 2008).

The By-Law was further aligned to section 152 of the Constitution, section 13 of Local Government: Municipal Systems Act 32 of 2000, Consumer Protection Act 68 of 2008, and other documents as provided.

Along with improving safety for all making use of the Integrated Waste Management Service, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the total Integrated Waste Management arena.

6.3 Financial Implications

None

6.4 Legal Implications

The new By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within Integrated Waste Management.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

No By-Law existed for Integrated Waste Management

6.7 Risk Implications

None

RECOMMENDATIONS FROM INFRASTRUCTURE SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-08-06: ITEM 5.1.2

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Integrated Waste Management, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
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REPORT DATE	<i>15 July 2020</i>

ANNEXURE A

[STELLENBOSCH MUNICIPALITY.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

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

STELLENBOSCH MUNICIPALITY

BY-LAW RELATING TO INTEGRATED WASTE MANAGEMENT DRAFT
APPROVED BY COUNCIL ON XXX

AND

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

STELLENBOSCH MUNICIPALITY INTEGRATED WASTE MANAGEMENT DRAFT BY-LAW
(20XX)

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

- the avoidance, minimisation, generation, collection, cleaning and disposal of waste; and
- matters related thereto.

Under the provisions of sections 156 (2) of the Constitution of the Republic of South Africa, 1996, and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the Stellenbosch Municipality enacts as follows:

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PREAMBLE

WHEREAS the Municipality has under the Constitution legislative competence in respect of refuse removal, refuse dumps and solid waste disposal;

Whereas the Stellenbosch Municipality has an obligation to regulate and control waste management so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;

Whereas the Municipality wishes to reduce the generation and the environmental impact of waste to ensure that the socio-economic development, the health of the people within the Municipality's boundaries and the quality of environmental resources are not unduly adversely affected by waste;

Whereas the Municipality wants to ensure that all residents, organisations, institutions, businesses, visitors, tourists and government departments are able to access services from a legitimate waste management service provider; and

Whereas the Municipality wishes to regulate waste generation, cleaning, collection, separation, storage, processing, treatment, recycling, re-use and disposal of waste, including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation of waste.

BE IT ENACTED by the Municipality, as follows: —

1. Definitions. —In this By-law, words used in the singular includes the plural and vice versa, the English text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates, —

“accredited service provider” means a person or entity accredited by the Municipality in accordance with its guidelines published from time to time and who provides a waste management service in the municipal area and may include, but is not limited to waste managers, large and small business, entrepreneurs, community cooperatives, and venture learnerships;

“building waste” means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural, and —

- (a) includes rubble, earth, wood and rock that is displaced during any construction, alteration, repair or demolition; but
- (b) excludes garden waste and hazardous waste;

“bulky waste” means waste that by virtue of its mass, shape, size or quantity is inconvenient to remove by the routine door-to-door waste removal service provided by the Municipality or a service provider;

“business waste” means —

- (a) waste that emanates from premises that are used, whether lawfully or unlawfully mainly, for commercial, retail, wholesale, entertainment or government administration purposes; and
- (b) also includes waste generated by informal traders and residential premises where commercial activities are being conducted;

“chemical waste” includes discarded solid, liquid and gaseous chemicals;

“Director” means the Director responsible for solid waste management in the Municipality;

“disposal” means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land;

“dump”—

- (a) includes the —
 - (i) disposal of waste in any manner other than one permitted by this By-law or any other law; and
 - (ii) without derogating from the generality of the foregoing, the —
 - (aa) deposit;
 - (bb) discharge;
 - (cc) spill; or
 - (dd) release
 of waste, whether the said waste is in a container or receptacle or not, in or at any place whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems, but
- (b) excludes littering;

“event waste” means waste that originates from the activities related to an event that is held in the Municipality;

“garden waste” —

- (a) refers to —
 - (i) organic waste, including but not limited to, soil, grass cuttings, leaves and branches; and
 - (ii) any biodegradable material, which emanates from gardening, landscaping or other types of activities at residential, business or industrial properties; but
- (c) excludes waste products of animal origin;

“general waste” is a generic term for waste that, because of its composition and characteristics, does not pose an immediate risk to public health or the environment if managed properly, and includes residential waste, building waste, business waste, and any waste classified as non-hazardous waste in terms of national or provincial legislation;

“genotoxic waste” means highly hazardous waste —

- (a) that may have mutagenic, teratogenic or carcinogenic properties; and
- (b) includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

“Government Gazette” means the Government Gazette of the Republic of South Africa;

“hazardous waste” means —

- (a) any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on human health, the health of other living organisms and the environment; and
- (b) includes —
 - (i) health care risk waste; and
 - (ii) the hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles;

“health care risk waste” means —

- (a) that portion of health care waste that is hazardous including infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, waste with heavy metals, radioactive waste, and
- (b) any other health care waste that is defined as hazardous in terms of the Western Cape Health Care Waste Management Act, 2007 (Act 7 of 2007) read with applicable national legislation;

“holder of waste” means —

- (a) any person who imports, generates, stores, accumulates, transports, processes, treats, exports or disposes of waste; and
- (b) includes recyclers and scrap dealers;

“industrial waste” means waste emanated from the manufacturing, industrial, fabricating or operational processes on premises that are used wholly or mainly for —

- (a) industrial purposes;
- (b) agricultural activities;
- (c) mining activities; or
- (d) the operation of power stations;

“infectious waste” means waste that is suspected to contain pathogens in a sufficient concentration or quantity to cause disease in susceptible hosts, and includes —

- (a) cultures and stocks of infectious agents from laboratory work;
- (b) waste from surgery and autopsies on corpses with infectious diseases;
- (c) waste from infected patients in isolation wards;
- (d) waste that has been in contact with —
 - (i) infected patients undergoing haemodialysis,
 - (ii) infected animals from laboratories, sanitary waste materials and tissues including swabs; and

any other instruments or materials that have been in contact with infected persons or materials;

“integrated waste management plan” means an integrated waste management plan that is required by the Municipality in terms of this By-law or any other applicable legislation;

“licenced waste disposal facility” means any site or premise which is licenced by the Province of the Western Cape or the National Government and used for the accumulation of waste for the purpose of disposing of that waste at that site or on that premise;

“litter” means waste, excluding hazardous waste, that has been thrown, dropped, deposited, spilled or in any other way discarded somewhere other than in an assigned receptacle, and “littering” has a corresponding meaning;

“minimisation”, when used in relation to waste, means the avoidance of the amount and toxicity of waste that is generated and, in the event where waste is generated, the reduction of the amount and toxicity of waste that is disposed of;

“Minister” means a minister in the Province appointed as such by the Premier of the Province in accordance with the provisions of section 35 of the Constitution of the Western Cape, 1998 (Act 1 of 1998) read with section 125 of the Constitution of the Republic of South Africa, 1996;

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

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

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

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

“National Building Regulations” refers to the regulations made in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 107 of 1977) as published in Government Notice R2378 of 1990 in *Government Gazette* 12780 dated 12 October 1990;

“National government” means the national sphere of government as established by the Constitution of the Republic of South Africa, 1996, and “national” has a corresponding meaning;

“National Minister” means a minister in the national sphere of government appointed as such by the President of the Republic of Africa in accordance with section 85 of the Constitution of the Republic of South Africa, 1996;

“NEM:WA” means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);

“nuisance” means any damage, inconvenience or annoyance to a person caused by the improper generation, handling, management, storage, placement, collection, transport or disposal of waste, including littering;

“organ of state” has the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;

“owner” includes any of the following:

- (a) the person in whom is vested the legal title to the premises, lessee, resident, director of a company, member of a close corporation, the person in control of any premises;
- (b) any person who obtains a benefit from the premises or is entitled thereto; and
- (c) the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;

“pathological waste” includes all human and animal tissues, organs, body parts, fetuses, blood and bodily fluids;

“peace officer” has the meaning assigned to it in the Criminal Procedure Act, 1977 (Act 51 of 1977);

“person” has the meaning assigned to it in the Interpretation Act, 1957 (Act 33 of 1957), and includes any —

- (a) organ of state;
- (b) company incorporated or registered as such under any law; and
- (c) body of persons corporate or unincorporate;

“pharmaceutical waste” includes expired, unused, spilt and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately;

“pressurised container waste” includes pressurised cylinders and cartridges used in health care facilities to store gases;

“priority waste” means a waste declared to be such –

- (a) in terms of section 14 of NEM:WA; and
- (b) by the Director in terms of this By-law, national or provincial legislation;

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

“Province” means the Province of the Western Cape as established by the Constitution of the Republic of South Africa, 1996, and “provincial” has a corresponding meaning;

“public road” has the meaning assigned to it in the National Road Traffic Act, 1996 (Act 93 of 1996);

“radioactive waste” includes —

- (a) solid, liquid and gaseous materials contaminated with radionuclides,
- (b) waste produced as a result of procedures such as —
 - (i) in vitro analysis of body tissue and fluid,
 - (ii) in vivo organ imaging and tumour localization; and
 - (iii) various investigative and therapeutic practices;

“receptacle” means a container approved by the Municipality and having the capacity for the temporary storage of waste;

“recyclable materials” means any material that can be converted into raw or another form of material that can be re-used to make new products or resources;

“recycle” means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

“residential waste” means waste, that emanates from premises used wholly or mainly for residential, educational, healthcare, sport or recreational purposes, and —

- (a) includes recyclable materials and non-recyclable material; and
- (b) excludes hazardous waste;

“re-use” means to utilise the whole, a portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

“SANS” means a South African National Standard, issued by the South African Bureau of Standards, in terms of applicable law;

“sharp waste” includes items that could cause cuts or puncture wounds and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails, and the word “sharp” has a corresponding meaning;

“**storage**” means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

“**Tariff Policy and Tariff By-Law**” means the Tariff Policy and Tariff By-Law adopted by the Council of the Municipality and published in the *Provincial Gazette* from time to time;

“**transit**” means the continuous passage from one municipal boundary of the Municipality to another such boundary of the Municipality without storage other than temporary storage incidental to transport;

“**treatment**” means any method, technique or process that is designed to —

- (a) change the physical, biological or chemical character or composition of waste; or
- (b) remove, separate, concentrate or recover a hazardous or toxic component of waste; or
- (c) destroy or reduce the toxicity of a waste,

in order to minimise the impact of the waste on human health, the health of other living organisms, or the environment, prior to further use or disposal;

“**waste**”—

- (a) means any substance, material or object that is —
 - (i) unwanted, rejected, abandoned, discarded or disposed of; or
 - (ii) intended or required to be discarded or disposed of by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered; and includes all wastes as defined in Schedule 3 to NEM:WA; and
- (b) includes the following categories:
 - (i) building waste;
 - (ii) business waste;
 - (iii) bulky waste;
 - (iv) event waste;
 - (v) infectious waste;
 - (vi) garden waste;
 - (vii) general waste;
 - (viii) genotoxic waste;
 - (ix) hazardous waste;
 - (x) health care risk waste;
 - (xi) residential waste;
 - (xii) industrial waste;
 - (xiii) pressurised container waste;
 - (xiv) pathological waste;
 - (xv) pharmaceutical waste;
 - (xvi) radioactive waste;
 - (xvii) recyclable waste;
 - (xviii) residential waste;
 - (xix) waste with heavy metals;
 - (xx) all wastes as defined in the NEM:WA; and
 - (xxi) any other substance, material or object that is not included in the NEM:WA that the Minister, in accordance with section 69(1)(a) of NEM:WA, may define as a waste by Notice in the *Government Gazette*:

Provided that any waste, or portion thereof, contemplated in subparagraphs (a) and (b), ceases to be waste —

- (i) once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;
- (ii) where approval is not required, once a waste is, or has been re-used, recycled or recovered;

- (iii) where the Minister has, in terms of section 74 of NEM:WA, exempted any waste, or a portion of waste, generated by a particular process from the definition of waste; or
- (iv) where the Minister has, in the prescribed manner, excluded any waste stream, or a portion of a waste stream, from the definition of waste;

“waste generator” —

- (a) means —
 - (i) a property owner;
 - (ii) a household;
 - (iii) an organisation; or
 - (iv) a business entity, the inhabitants, occupants or employees of which generate waste; and
- (b) includes sorters of waste such as —
 - (i) recycling or waste minimisation groups;
 - (ii) scrap dealers; and
 - (iii) buy-back centres;

“waste management activity” means any activity listed in Schedule 1 of NEM:WA or published by the Minister by notice in the *Government Gazette* in terms of section 19 of NEM:WA, and includes —

- (a) the importation and exportation of waste;
- (b) the generation of waste, including the undertaking of any activity or process that is likely to result in the generation of waste;
- (c) the accumulation and storage of waste;
- (d) the collection and handling of waste;
- (e) the reduction, re-use, recycling and recovery of waste;
- (f) the trading in waste;
- (g) the transportation of waste;
- (h) the transfer of waste;
- (i) the treatment of waste; and
- (j) the disposal of waste;

“waste management club” means a group of persons, typically residing in a high density residential or office building, or a multi-property cluster residential or business development, that has an agreement approved by the Director in terms of this By-law to minimise waste in exchange for a lower tariff according to an approved integrated waste management plan;

“waste management hierarchy” means a method of managing waste in the following order: avoidance, reduction, re-use, recycling, recovery, treatment and disposal;

“waste management officer” means the Director or an officer designated under section 58(1) of NEM:WA or designated by the Council of the Municipality;

“waste management service” means waste collection, treatment, recycling and disposal service;

“waste manager” means any person who re-uses, recycles, recovers, treats or disposes of waste and the words “to manage waste” has a similar meaning;

“waste minimisation club” means a group of persons, typically residing in a —

- (a) high density residential or office building; or
- (b) multi-property cluster residential or business development,

that have an agreement, approved by the Director in terms of this By-law, to minimise waste according to an integrated waste management plan, in exchange for a lower tariff;

“waste stream” means waste that is divisible into different types of waste, including building waste, business waste, bulky waste, residential waste, garden waste, hazardous waste, health care risk waste, industrial waste and recyclable waste;

“waste transfer facility” means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

“waste transporter” means any person who conveys or transfers waste between —

- (a) the waste generator and a waste management facility; or
- (b) waste management facilities; and

“waste with heavy metals” includes mercury waste from thermometers, blood- pressure gauges, residues from dentistry, cadmium waste from discarded batteries, reinforced wood panels used in radiation proofing, and drugs containing arsenic.

2. Application and scope. — (1) In the event of conflict between this By-law and any other By-law of the Municipality dealing with waste management, this By-law must prevail.

- (2) This By-law must be read with the applicable provisions of the NEM:WA.
- (3) This By-law applies to all persons.

3. Principles. —(1) The principles contemplated in Chapter 1 of NEM:WA apply in all instances where this By-law applies.

- (2) The waste management hierarchy must be applied in the implementation of this By-law.
- (3) The application of this By-law must promote —
 - (a) sustainable development and a healthy environment through the management of waste within the area of the Municipality; and
 - (b) responsible citizenship by residents in the area of the Municipality to ensure sound waste management practices.

4. Categorisation of waste. —(1) Waste shall be categorised in accordance with the definitions of the various types of waste in this By-law.

- (2) The decision of the Director in respect of the categorisation of waste is, subject to any other applicable law, final.
- (3) Service categories for waste management, as provided for in the tariff policy of the Municipality, must be defined in the integrated waste management policy of the Municipality.

5. Obligations of waste generators. —(1) A person must manage any waste generated by —

- (a) his or her activities, or
- (b) the activities of persons working —
 - (i) in his or her employ; or

(ii) under his or her direction or control, in such a manner that the waste does not cause harm to human health, the health of other living organisms, or damage to the environment.

- (2) A waste generator must —
- (a) avoid the generation of waste, or where it cannot be avoided, minimise the toxicity and amounts of waste generated;
 - (b) re-use, recycle or recover waste where possible;
 - (c) separate waste with the aim to —
 - (i) minimise its impacts on the environment; and
 - (ii) store the recyclable waste separately from non-recyclable waste: Provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or re-use;
 - (d) manage waste in a manner that does not endanger health, the environment or create a nuisance;
 - (e) maintain suitable cleanliness and hygiene standards on their premises as prescribed by any law;
 - (f) pay tariffs and rates charged by the Municipality for waste removal services according to the Municipality's Tariff By-law.
- (3) A waste generator must conclude a contract with the Municipality or an accredited service provider, to collect waste generated by him or her, for the standard fee in terms of the Tariff By-law, at least once a week according to the routes as published by the Municipality or the service provider from time to time: Provided that residential waste must be collected in the manner contemplated in section 31(2).
- (4) A waste generator must, prior to collection by the Municipality or the accredited service provider —
- (a) store waste in the receptacles provided in accordance with the contract contemplated in subsection (3); or
 - (b) where a receptacle is not provided, store waste in plastic black bags.
- (5) A waste generator must dispose of waste —
- (a) in accordance the contract contemplated in subsection (3); or
 - (b) by delivering waste to a licenced waste disposal facility and ensuring that said waste is treated or disposed of in an environmentally sensitive manner at the facility.

6. Excess and additional waste. —(1) A waste generator may apply to the waste management officer for an additional container and shall be liable for the additional costs as per the Municipality's Tariff By-Law and Tariff Policy.

(2) In the event that the waste generated by a waste generator exceeds the volume that can be stored in the containers provided, the waste generator must arrange for the collection of additional containers.

(3) If no arrangement is made for collection of excess waste, the municipality may provide an additional container to the property and the cost thereof will be added to the property owner's municipal account.

(4) Where the owner of a formal dwelling has other structures on the property with persons living in these separate structures, the Municipality must allocate one container per household and the additional cost thereof will be added to the property owner's municipal account.

(5) The owner of the formal dwelling must sign an additional contract with the Municipality for collection as contemplated in subsection (4) and is liable for the charges levied in connection therewith.

(6) Any business disposing of waste, or an agent disposing of waste on behalf of such business, must provide a waste manifest to the waste management officer on request.

7. Industrial waste. —(1) A waste generator generating industrial waste must —
 (a) conclude a contract with the Municipality or an accredited service provider for the collection and disposal of such waste to an appropriate licenced waste disposal facility —

- (i) at least once per week; or
- (ii) as determined by the waste management officer; and

(b) on request, provide proof of such contract to the waste management officer.

(2) Industrial waste, for purposes of subsection (1), refers to that part of industrial waste that is classified as non-hazardous waste in terms of national or provincial legislation.

(3) Industrial waste that is classified as hazardous waste, must be dealt with in accordance with the provisions of section 10 of this By-law.

8. Garden waste. —(1) Garden waste generated at properties being used mainly for residential purposes may be —

- (a) composted on the property;
- (b) stored in a compost heap or suitable bags as per the Municipality's requirements; and
- (c) kept on the property until collection or taken to a licenced waste disposal facility.

(2) The Municipality may, from time to time —

- (a) stipulate maximum quantities of garden waste to be collected in respect for rural and urban areas; and
- (b) impose conditions regarding the disposal of garden waste over a specified mass, and for this purpose call upon a waste generator of garden waste to present a weighbridge ticket as proof of proper disposal of such garden waste.

9. Building waste. —(1) A building waste generator —

- (a) may not mix building waste with residential waste to be collected by the Municipality in accordance with the waste collection day schedule;
- (b) must ensure that the building waste is recycled or, where it cannot be recycled, is disposed of at a facility designated by the Municipality to receive building waste; and
- (c) must ensure that —
 - (i) contaminated building waste is treated or disposed of in which event a fee may be applicable; and
 - (ii) any other building waste containing a hazardous or dangerous agent, is deposited at a licenced waste disposal facility for the treatment and disposal of such waste.

(2) The municipal manager may issue a directive to a building waste generator after receipt of the building plan concerned, during the construction of the building, or after the completion of such building, to —

- (a) separate the waste for treatment, recycling or reuse;
- (b) report monthly to the Municipality on the quantities of building or demolition waste —
 - (i) generated;

- (ii) disposed of at an authorised waste disposal facility;
 - (iii) separated for recycling and reuse; or
 - (c) record the details contemplated in paragraph (b) monthly on the municipal waste information system.
- (3) A person who applies for approval from the Municipality to undertake demolition work in terms of the National Building Regulations and Building Standards Act, 1977 (Act 107 of 1977) and the National Building Regulations, must submit an integrated demolition waste plan with the application.
- (4) An integrated demolition waste plan must —
- (a) include a detailed description of the proposed demolition process;
 - (b) entail detailed plans for maximising the recovery of reusable and recyclable waste;
 - (c) make provision for collection and disposal of the building and other waste;
 - (d) include provision for the storage of the waste on the property concerned: Provided that if such storage is intended to be on municipal property, a valid waste management license must be attached.
- (5) The Municipality may, by Notice in the *Provincial Gazette*, require that a person operating, or wishing to operate, a building waste removal service in the area of the Municipality must —
- (a) register with the Municipality before undertaking such work; and
 - (b) provide such information as is specified in the Notice or as the Municipality may reasonably require.
- (6) An application for registration to operate a building waste removal service must be in the format determined by the Municipality as published in the Notice contemplated in subsection (5).
- (7) The Municipality must, within 30 days of receipt of an application for registration contemplated in subsection (5), consider the application and either—
- (a) register the applicant and issue a registration certificate to the applicant stating —
 - (i) the name of the facility registered to operate as a building waste removal service;
 - (ii) the waste information registration number;
 - (iii) the type of waste handled by the facility;
 - (iv) the location of the facility; and
 - (v) the date of registration; or
 - (b) return the application for correction or any additional information it may require.
- (8) An application for registration which has been returned for correction must be amended and resubmitted by the applicant to the Municipality within 30 days after the date it was returned.
- (9) An application for registration that has been amended and resubmitted as contemplated in subsection (8) must be dealt with as contemplated in subsection (7)(a).
- (10) The Municipality may provide a municipal building waste removal service on payment of a tariff as per the Municipality's Tariff-By-Law and Tariff Policy.
- (11) A person who wishes to place an appropriate receptacle for the storage and collection or disposal of building waste on a public road must apply to the Municipality for written consent.
- (12) A receptacle contemplated in subsection (11) must be—

- (a) clearly marked with the name, address and telephone number of the person responsible for the receptacle;
- (b) fitted with reflecting chevrons or reflectors that clearly outline the front, sides and the back of the receptacle; and
- (c) covered at all times, except when receiving or being emptied of waste, so that no displacement of its contents can occur.

- (13) The owner of the facility where building rubble is disposed of must—
- (a) register on the national or provincial waste information system concerned;
 - (b) submit reports to the national or provincial waste information system concerned as required by national or provincial legislation;
 - (c) provide proof to the waste management officer of—
 - (i) the registration contemplated in paragraph (a); and
 - (ii) the submission of reports contemplated in paragraph (b).

(14) The building or demolition waste generator or the owner of the property on which building or demolition waste is generated and who disposes or stores such waste on municipal property without the required permit, may be fined.

(15) When a building control officer inspects a property where building works have been undertaken in order to determine whether it has been built in accordance with the approved plans, he or she must also determine whether all building or demolition waste has been disposed of in the prescribed manner.

- (16)(a) The building control officer contemplated in subsection (15) may not issue an occupancy certificate; and
- (b) the Municipality may not grant final approval that the building has been built in accordance with the approved plans, unless the owner of the property provides the building control officer with a waste manifest that proves that the full mass of the building or demolition waste was disposed of at a licenced waste disposal facility for that category of waste.

10. Hazardous waste. —(1) A hazardous waste generator, or a person who treats, transports or disposes of hazardous waste, or who intends to generate, treat, transport or dispose of hazardous waste in the municipal area must—

- (a) at all times be in possession of a valid waste management licence as required in terms of NEM:WA and provincial legislation;
- (b) comply with—
 - (i) licencing conditions as contemplated in paragraph (a); and
 - (ii) relevant provisions of NEM:WA and provincial legislation;
- (c) submit reports as required in terms of NEM:WA and provincial legislation; and
- (d) provide proof to the waste management officer of—
 - (i) the licence contemplated in paragraph (a); and
 - (ii) the submission of reports contemplated in paragraph (c).

(2) The Municipality may, by Notice in the *Provincial Gazette*, require that a hazardous waste generator, or a person who treats, transports or disposes of hazardous waste, or who intends to generate, treat, transport or dispose of hazardous waste in the municipal area must —

- (a) register with the Municipality before undertaking such work; and
- (b) provide such information as is specified in the Notice or as the Municipality may reasonably require.

- (3) An application for registration to generate, treat, transport or dispose of hazardous waste must be in the format determined by the Municipality as published in the Notice contemplated in subsection (2).
- (4) The Municipality must, within 30 days of receipt of an application for registration as contemplated in subsection (3), consider the application and either—
- (a) register the applicant and issue a registration certificate to the applicant stating the —
- (i) name of the facility registered to generate, treat, transport or dispose of hazardous waste;
 - (ii) waste information registration number;
 - (iii) type of waste handled by the facility;
 - (iv) location of the facility; and
 - (v) date of registration; or
- (b) return the application for correction or any additional information it may require.
- (5) An application for registration which has been returned for correction must be amended and resubmitted by the applicant to the Municipality within 30 days after the date it was returned.
- (6) An application for registration that has been amended and resubmitted as contemplated in subsection (5) must be dealt with as contemplated in subsection (4)(a).
- (7) A hazardous waste generator or the owner of the premises where hazardous waste is generated must contract with an accredited registered service provider to collect, treat, transport or dispose of such waste at a licenced hazardous waste disposal facility.
- (8) A hazardous waste generator must ensure that hazardous waste, except for hazardous waste that does not require classification in terms of national legislation, is classified in accordance with SANS 10234 and any other SANS that may be issued from time to time, within —
- (a) 180 days of its generation;
 - (b) 180 days from the date of commencement of this By-law; or
 - (c) the time frame specified in a notice delivered by the Municipality.
- (9) A hazardous waste generator may not hand over hazardous waste to a service provider unless it is accompanied by a declaration in which —
- (a) the content of the consignment is fully and accurately described;
 - (b) it is stated whether or not the hazardous waste requires classification in terms of subsection (8);
 - (c) if the waste requires classification, the details of its classification are included.
- (10) Accredited and registered service providers may not accept hazardous waste that is —
- (a) not accompanied by a declaration referred to in subsection (9); or
 - (b) required to be classified in terms of subsection (8) read with subsection (9)(b), and has not been classified as such.
- (11) For the purposes of subsections (8), (9) and (10), a document prepared in terms of national or provincial legislation is acceptable provided that it contains all the required information.
- (12) The Municipality may, from time to time, publish a list of additional hazardous waste that requires classification in terms of subsection (8) read with subsection (9)(b).

(13) A person transporting hazardous waste must ensure that the facility or place to which the hazardous waste is transported is authorised to accept such hazardous waste prior to off-loading the hazardous waste from the vehicle concerned.

(14) A person responsible for the transit of hazardous waste through the municipal area, must comply with the provisions of subsections (1)(a), (b) and (d)(i).

11. Event waste. —(1) Any person who —

(a) intends to organise a sporting, entertainment, cultural or religious event which is to take place on private or public property; or

(b) owns or controls premises at which a sporting, entertainment, cultural or religious event is to take place, including sports stadia and conference centres,

must, together with his or her application to the Municipality for approval to host such event, submit an integrated event waste management plan in respect of the clean-up, storage, collection, recycling and disposal of waste at, and after such event, to the waste management officer.

(2) The event waste management plan must —

(a) be submitted to the Municipality together with the event application contemplated in the Event Management By-law of the Municipality;

(b) identify the person responsible for the execution of the plan;

(c) identify the accredited service provider responsible to clean-up, collect, recycle, remove and dispose of the event waste;

(d) set out in detail the measures to be taken for the clean-up, collection, recycling, removal and disposal of the event waste;

(e) include costing information; and

(f) comply with any terms and conditions as may be determined by the Municipality.

(3) The organiser of the event may be required to pay a refundable deposit to be determined by the Municipality.

(4) A person contemplated in subsection (1) must contract with an accredited service provider for the collection, clean-up, recycling and disposal of the event waste to a licenced waste disposal facility and provide proof of agreement to the Municipality as part of its integrated waste management plan.

(5) The organiser of the event must, after the event, ensure that the event waste is disposed of at an authorised waste management facility and provide the Municipality with proof of the disposal or recycling of the waste concerned.

(6) If any event waste has not been cleaned up and collected after an event has been held, the municipal manager may issue a directive to the organiser of the event to remove the waste to an authorised waste disposal facility.

(7) If a directive is issued as contemplated in subsection (6) and—

(a) the organiser of the event fails to comply, or inadequately complies, with the directive;

(b) there is uncertainty regarding the identity or whereabouts of the organiser of the event or responsible person; or

(c) there is an immediate risk of danger to the public or detriment to the environment, the Municipality may take all reasonable measure necessary to clean up, collect, recycle, remove and dispose, as the case may be, of the event waste.

(8) Should the organiser of an event fail or neglect to obtain the services of an accredited service provider in terms of subsection (4) prior to the event in question, or fail to provide the Municipality with the integrated waste management plan, the waste management officer may arrange for the collection, clean-up, recycling and disposal of the waste, in which case subsection (9) also applies.

(9) The cost for the collection, clean-up, recycling and disposal of the waste is payable by the event organiser and may be recovered from the deposit paid, or in terms of the Municipality's Tariff By-law.

(10) The organiser of an event and any other person responsible for the event arrangements, will be jointly and severally accountable for the costs incurred by the Municipality following the measures contemplated in subsections (8) and (9).

12. Organic waste. —(1) The occupant of premises on which organic waste is generated —

- (a) may compost the waste on the premises, provided that the composting does not cause a nuisance or harm to human health or damage to the environment;
- (b) but not composted, must ensure that the waste is collected and treated or disposed of within a reasonable period after its generation.

(2) The municipal manager may issue a directive to —

- (a) an organic waste generator to —
 - (i) develop an integrated refuse management plan indicating measures to minimise and recover such waste; and
 - (ii) transport the waste to designated facilities for treatment or disposal; and
- (b) a transporter of garden waste or a person providing garden maintenance services to transport any garden waste to a facility designated by the Municipality for disposal.

(3) The Municipality or an accredited service provider may —

- (a) upon written request of the occupant of premises on which organic waste is generated; and
- (b) on payment of a tariff as per the Municipality's Tariff-By-Law and Tariff Policy, deliver an appropriate receptacle for the purpose of storing organic waste, in addition to any receptacle already provided by the Municipality for general waste.

13. Bulky waste. —(1) A bulky waste generator —

- (a) may not place the bulky waste with other waste that is to be collected by the Municipality in accordance with the waste collection day schedule; and
- (b) must ensure that the bulky waste is recycled or, when it cannot be recycled, disposed of at a facility designated by the Municipality to receive bulky waste.

(2) The Municipality or an accredited service provider may, on the request of the occupant of premises at which bulky waste is generated, remove bulky waste from those premises on payment of a tariff.

(3) The municipal manager may issue a directive to an accredited service provider that collects bulky waste to —

- (a) report monthly to the Municipality on the quantities of bulky waste —
 - (i) disposed of; and
 - (ii) separated for recycling; or

- (b) record the details contemplated in paragraph (a) monthly on the municipal waste information system.

14. Waste tyres. —(1) A person operating, or intending to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor in the municipal area must —

- (a) at all times be in possession of a valid waste management licence as required in terms of NEM:WA and provincial legislation;
- (b) comply with—
 - (i) licencing conditions as contemplated in paragraph (a); and
 - (ii) relevant provisions of NEM:WA and provincial legislation;
- (c) submit reports as required in terms of NEM:WA and provincial legislation; and
- (d) provide proof to the waste management officer of—
 - (iii) the licence contemplated in paragraph (a); and
 - (iv) the submission of reports contemplated in paragraph (c).

(2) The Municipality may, by Notice in the *Provincial Gazette*, require a person operating, or intending to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor to —

- (a) register with the Municipality before undertaking such work; and
- (b) provide the information —
 - (i) specified in the Notice; or
 - (ii) reasonably required by the Municipality.

(3) An application for registration contemplated in subsection (2)(a) must be in the format determined by the Municipality as published in the Notice contemplated in subsection (2).

(4) The Municipality must, within 30 days of receipt of an application contemplated in subsection (2), consider the application and either—

- (a) register the applicant and issue a registration certificate to the applicant stating the —
 - (i) name of the facility registered to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor;
 - (ii) waste information registration number;
 - (iii) type of waste handled by the facility;
 - (iv) location of the facility; and
 - (v) date of registration; or
- (b) return the application for correction or any additional information it may require.

(5) An application for registration which has been returned for correction must be amended and resubmitted by the applicant to the Municipality within 30 days after the date it was returned.

(6) An application for registration that has been amended and resubmitted as contemplated in subsection (5) must be dealt with as contemplated in subsection (4)(a).

(7) The Municipality may, by Notice in the *Provincial Gazette*, require the public to dispose of waste tyres at facilities designated in the notice.

15. Priority waste. —(1) The Director may, in accordance with this By-law, categorise priority waste if —

- (a) it has been declared a priority waste in terms of other applicable legislation;

- (b) he or she reasonably believes that special measures are required in respect of the management of that waste, because it —
 - (i) poses a significant threat to health or the environment;
 - (ii) may persist in the environment; or
 - (iii) contains or could foster pathogens or communicable diseases.
- (2) The Municipality may, from time to time, publish guidelines that may be necessary in respect of categorisation of waste.

16. Abandoned articles. —The Municipality may remove and dispose of any article it reasonably considers abandoned, considering the following factors:

- (a) the location of the article;
- (b) the length of time that the article has been at that location; and
- (c) the nature and condition of the article.

17. Emergencies requiring the management of waste. —(1) In the event of an emergency, the Director may —

- (a) call upon the owner of a property, or a waste generator on such property, to manage the waste involved within a stipulated period and to the Municipality's satisfaction;
- (b) arrange for management of an emergency, including the clearing and cleaning of debris and pollution effects and —
 - (ii) transporting; and
 - (iii) disposal,
 of the waste at a licenced waste disposal facility accredited for the specific type of waste generated;
- (c) arrange, manage and co-ordinate the rehabilitation and repair of any infrastructure, buildings, equipment or natural environment damaged in this process.

(2) The cost of such management, rehabilitation and repair, including all costs incurred in the utilisation of the Municipality's resources, equipment and materials is for the account of the person responsible for the emergency.

(3) If an emergency occurs due to an act of God, the Municipality will deal with such emergency in the manner permitted by the circumstances and available funding.

18. Obligations of waste managers. —Waste managers —

- (a) must ensure that they comply with the legislation applicable to the waste management activity that they are engaged in; and
- (b) may not mix or treat waste, if the mixing or treating thereof will reduce the potential for re-use, re-cycling or recovery of such waste.

19. Waste management clubs. —(1) Waste management clubs may apply to the Director for a special dispensation as an enhanced service associated with waste minimisation in terms of the Municipality's Tariff By-Law and Tariff Policy.

(2) The waste management club must submit an integrated waste management plan in writing to the Director for approval, as well as other application documentation for the formation and operation of a waste minimisation club, as may be determined by the Municipality.

(3) The Director may, subject to the provisions of this By-law, determine whether to approve the application for a special dispensation of a waste minimisation club.

(4) If an application to form a waste minimisation club is —

- (a) unsuccessful, the Director must, within a reasonable time and in writing, provide reasons for turning down an approval to the waste minimisation club; and
- (b) approved by the Director, the club must comply with the terms and conditions set out by the Director for the generation, minimisation, storage, collection and disposal of such waste.

20. Integrated waste management plan. —(1) The waste generators named in subsection (12) must submit an integrated waste management plan in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.

(2) An integrated waste management plan must include the following:

- (a) an assessment of the quantity and type of waste that will be generated;
- (b) a description of the services required to store, collect, transport and dispose of such waste;
- (c) a description of how separation of recyclable and non-recyclable material at the point of source will be done;
- (d) the waste minimisation and pollution prevention plans of such waste generator;
- (e) targets for waste minimisation through waste reduction, reuse, recycling and recovery;
- (f) measures to prevent pollution or ecological degradation;
- (g) the impact or potential impact on the environment of the waste created;
- (h) the type or characteristics of waste of an environmentally sensitive nature to be produced;
- (i) the amount of natural resources that are consumed in the manufacturing or production process that result in waste;
- (j) targets for waste production through waste minimisation, re-use, recycling;
- (k) recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste;
- (l) the timeframes of the implementation of the plan; and
- (m) methods for monitoring and reporting on the implementation of the plan.

(3) Every integrated waste management plan must comply with applicable additional requirements, if any, as set out in sections 7, 9, 10, 11, 14 and 15, respectively.

(4) An integrated waste management plan for industrial entities must include —

- (a) measures or actions to be taken to manage waste;
- (b) the phasing out of the use of certain substances; and
- (c) opportunities for reduction of waste generation through changes to packaging, product design or production processes.

(5) Industrial and business entities must provide for mechanisms to inform the public of the impact of waste-generating products or packaging on the environment through education, marketing and sales information, in order to influence perception and behaviour of customers to ensure recycling of products.

(6) When a waste generator is requested to submit an integrated waste management plan or a further integrated waste management plan in terms of this By-law, he or she must do so within the time stipulated and comply with the terms and conditions for the generation,

minimisation, storage, collection and disposal of such waste, as set out by the waste management officer.

- (7) The waste management officer must consider the plan and —
- (a) approve it with conditions and give directions for the implementation thereof;
 - (b) request that additional information be furnished or a revised plan be submitted for approval;
 - (c) require amendments to be made within a time frame so specified by them; or
 - (d) reject the plan and provide written reasons therefor.
- (8) If an integrated waste management plan is rejected or not submitted at all, the municipal manager must issue directives to the waste generator as to what waste management measures he or she must take.
- (9) If a waste generator fails to take the waste management measures contemplated in subsection (8) within the time frame specified by the municipal manager, the Municipality may implement such measures and the waste generator will be liable for the cost thereof.
- (10) The waste management officer may, by written notice, require waste generators to —
- (a) take reasonable steps to ensure that he or she —
 - (i) implements the integrated waste management plan;
 - (ii) complies with the directives given by the municipal manager; and
 - (b) report any non-compliance with any —
 - (i) applicable waste management plan; or
 - (ii) directive,
 to the waste management officer.
- (11) The Director may —
- (a) by written notice require any person to provide such information as he or she requires when preparing the Municipality's integrated waste management plan; and
 - (b) if that person fails to provide the information referred to in paragraph (a), appoint an auditor to obtain such information at the cost of the relevant waste generator.
- (12) The following persons must submit an integrated waste management plan:
- (a) waste generators of —
 - (i) business waste;
 - (ii) industrial waste;
 - (iii) building waste;
 - (iv) event waste;
 - (v) priority waste; and
 - (vi) hazardous waste, and
 - (b) every person who —
 - (i) applies for special dispensation in terms of section 19;
 - (ii) sorts waste or undertake a recycling, a re-use or a waste recovery activity, including but not limited to, scrap dealers, formalised recycling groups and buy back centres, which must register for accreditation with the Municipality, in order to entitle them to perform such activities; or
 - (iii) is given notice to do so by the Director;

21. Exemptions from submitting an integrated waste management plan. —(1) A waste generator of the categories of waste referred to in section 20(12)(b)(ii) who wishes to be exempt from submitting a waste management plan, may apply in writing for exemption to the waste management officer, stipulating reasons for the application.

- (2) A waste management officer may also declare—
- (a) certain types of waste or waste generators;
 - (b) a specified mass or volume of waste; or
 - (c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation,
- to be exempt from the submission of an integrated waste management plan.

22. Storage and receptacles for general waste. —(1) A person who —

- (a) generates general waste to be collected by the Municipality; or
- (b) separates waste streams to be collected by the Municipality for recycling,

must place the waste in a receptacle approved, designated or provided for that purpose by the Municipality.

- (2) A person contemplated in subsection (1) must ensure that—
- (a) the receptacle is stored on the premises where the waste is generated and away from a public place between collection days;
 - (b) the receptacle is placed outside the premises in an area accessible to municipal officials or service providers on the collection day determined in the waste collection day schedule;
 - (c) measures are in place to prevent tampering with the receptacle by animals;

- (3) Any holder of waste who stores or transports waste must ensure that —
- (a) the container in which any waste is stored, , is —
 - (i) intact;
 - (ii) not corroded or
 - (iii) in any other way rendered unfit for the safe storage or transportation of waste;
 - (b) a receptacle provided by the Municipality is not used for any purpose other than for the storage of waste;
 - (c) the waste is not stored at any public place;
 - (d) suitable measures are in place to prevent accidental spillage or leakage of such waste;
 - (e) the waste cannot be blown away;
 - (f) nuisances such as odour, visual impacts and breeding of vectors do not arise;
 - (g) pollution of the environment and harm to health are prevented;
 - (h) hazardous waste is sealed in an impervious container and suitable measures are in place to prevent tampering; and
 - (i) any waste items or substances are —
 - (i) safe for handling, collection or disposal; and
 - (ii) not harmful to persons when accessed by unauthorised persons or members of the public.

(4) The waste generator and the holder of waste must ensure that waste is transported to the nearest licenced disposal facility that has capacity to deal with such waste.

- (5) A waste generator or the holder of waste must —
- (a) notify the Municipality if a receptacle contemplated in this section is stolen, damaged or corroded, as soon as the theft, damage or corrosion comes to his or her attention; and
 - (b) arrange for the replacement of the said receptacle.

(6) When a receptacle is stolen an authorised municipal official may request that the waste generator or holder of waste report the theft to the South African Police Service before issuing a new receptacle.

23. Storage, separation, recycling, re-use, sorting and recovery of waste. —(1) A person who undertakes any activity involving the reuse, recycling or recovery of waste, including —

- (a) scrap dealers,
- (b) buy back centres and
- (c) formalised recycling groups,

must, prior to undertaking that activity, ensure by way of an environmental impact assessment or a similar procedure required by national or provincial legislation, that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal.

(2) A person contemplated in subsection (1) must —

- (a) apply for accreditation from the Municipality in terms of its guidelines as published from time to time;
- (b) submit an integrated waste management plan for consideration and approval of the waste management officer;
- (c) register on the national or provincial waste information system concerned;
- (d) submit reports to the national or provincial waste information system concerned as required by national or provincial legislation; and
- (e) provide proof to the waste management officer of—
 - (i) the registration contemplated in paragraph (c); and
 - (ii) the submission of reports contemplated in paragraph (d).

(3) The waste management officer may exempt certain waste generators, handlers, transporters or agents of waste from such requirements.

(4) The municipal manager may issue a directive to a person contemplated in subsection (1) to —

- (a) report to the Municipality monthly on the quantities of waste —
 - (i) generated;
 - (ii) disposed of at an authorised waste disposal facility; and
 - (iii) separated for recycling and recovery; or
- (b) record the details contemplated in paragraph (a) monthly on the integrated pollutant and waste information system of the Municipality.

(5) The municipal manager may issue a directive to a holder of waste or the executive body of a community scheme and the owners and occupants of residential properties within a community scheme to require them to —

- (a) separate specified recyclable waste;
- (b) use different receptacles for different specified categories of recyclable waste; and
- (c) make recyclable waste available for collection in a specified manner.

(6) If the Municipality or an accredited service provider has provided separate receptacles for the purposes of subsection (5)(b), a person may not use any other receptacle for recyclable waste.

24. Prohibition on unauthorised disposal of waste. —(1) No person may —

- (a) dispose of waste other than in accordance with this By-law or National and Provincial legislation;
- (b) dispose of waste in or on any land or water body or at any facility unless the disposal of that waste is authorised by this By-law;

- (c) knowingly or negligently dispose waste, cause or permit waste to be disposed of, in a manner that is likely to —
 - (i) cause pollution,
 - (ii) cause harm to the health of humans or of other living organisms or
 - (iii) cause damage to the environment; or
 - (iv) otherwise negatively impact on the environment;
 - (d) knowingly or negligently dispose hazardous waste, cause or permit hazardous waste to be disposed unless in —
 - (i) accordance with an approved waste integrated management plan; and
 - (ii) a container provided by the Municipality that is designed for the storage and disposal of hazardous waste;
 - (e) burn waste, in particular hazardous waste, except —
 - (i) in an approved and licensed incinerator; and
 - (ii) by a person with a permit to operate and incinerator;
 - (f) deposit in a public litter bin any waste that is not generated in a public place: Provided that no residential, business, industrial, garden, building or hazardous waste may be deposited in a public litter bin; or
 - (g) deal with waste in a manner that causes dust, nuisance, spillage or litter.
- (2) If waste has been disposed of in contravention of this By-law, the municipal manager may issue a directive to the person responsible for the contravention to remove the waste to an authorised waste disposal facility within a specified period.
- (3) If a directive issued in terms of subsection (2) is not complied with, or inadequately complied with, and there is —
- (a) uncertainty regarding the identity or whereabouts of the person responsible; or
 - (b) an immediate risk of danger to the public or detriment to the environment,
- the Municipality may undertake all reasonable measures required to contain, minimise and remedy the effects of the illegally disposed waste, including clean-up procedures.
- (4) Every person responsible for the unauthorised disposal of waste as contemplated in this section will be jointly and severally accountable for the costs incurred by the Municipality following the measures contemplated in subsection (3).

25. Prohibition on burning of waste. —No person may burn, incinerate or apply any other thermal treatment technology to waste except in a thermal treatment facility authorised by the Municipality or the relevant competent authority.

26. Prohibition on littering and dumping. —(1) No person may —

- (a) drop, throw, deposit, spill, dump, store or in any other way discard, any litter or waste into or onto any public place, municipal drain, land, vacant erf, stream, water course, street, road, wetland, coastline or on any place to which the public has access or onto any private property that is owned by a third party;
- (b) otherwise dispose of any litter or waste;
- (c) disturb anything in, or remove anything from, any receptacle that has been placed for the purposes of collecting waste in such a manner as to cause the contents of the receptacle to spill or fall onto the ground; or
- (d) allow a person under his or her employ, direction or control to do any of the acts contemplated in subsections (1)(a), (b) and (c).

(2)(a) The owner of private land to which the public has access must ensure that enough containers are provided to contain litter which is discarded by the public.

(b) If litter has been disposed of or discarded in contravention of this By-law on privately owned land to which the public has access, the owner of that land must remove the litter from the property within a reasonable period.

(3) A person who —

(a) owns;

(b) is in control of; or

(c) has a right to use,

land or premises, may not use or permit the use of such land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of such land or premises for that purpose.

(4) In the event of a contravention of subsections (1), (2) or (3), the Director may issue a written notice to the offender, to —

(a) cease the contravention within a specified time;

(b) prevent a further contravention or continuation of the contravention;

(c) take whatever measures the Director considers necessary to clean up or remove the waste;

(d) rehabilitate the affected facets of the environment; and

(e) ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully:

Provided that the Director may also require the offender to submit a plan for approval with timeframes for the removal of the litter or waste as contemplated in subsections (1)(a), (b) and (c) and the rehabilitation of the area concerned.

(5) In the case of non-compliance with subsection (4), the Municipality may elect to act to remove the litter or waste contemplated in this section, in which event the person concerned shall be liable for the cost of such removal operation.

(6) In the case of hazardous waste, the Municipality may immediately act to remove the litter or waste and immediately thereafter notify the person concerned of their liability to pay the costs of removal, rehabilitation and any other reasonably related costs within the stipulated time.

27. Prohibition of nuisance. —(1) A person handling waste, whether during storage, collection, transportation, recycling, treatment or disposal, must—

(a) take reasonable measures to prevent it from being a nuisance to anybody or the environment; and

(b) take measures at his or her own cost to remedy any nuisance caused, and the municipal manager may issue a directive to such a person to ensure compliance with this section.

(2) If a directive contemplated in subsection (1) is issued and—

(a) such a person fails to comply, or inadequately complies, with the directive;

(b) there is uncertainty regarding the identity or whereabouts of such a person; or

(c) there is an immediate risk of danger to the public or detriment to the environment, the Municipality may take any measure it considers necessary to prevent the nuisance, contain and minimise the effects of the nuisance and remedy its effects.

(3) Every person responsible for the nuisance contemplated in this section will be jointly and severally accountable for the costs incurred by the Municipality following the measures contemplated in subsection (2).

28. Licences. —The waste management officer may require that any person who, or entity which, requires a licence to handle waste in terms of national or provincial legislation, provide proof of the appropriate license within a period as stipulated by the waste management officer.

29. Service providers. —(1) The Municipality may discharge any of its functions pertaining to waste separation, collection, storage, processing, recycling, treatment and disposal by entering into a service delivery agreement with an accredited service provider.

- (2) A service delivery agreement must —
- (a) accord with this By-law;
 - (b) stipulate service standards for the services to be rendered, including collection times and frequency;
 - (c) provide for the circumstances in which services rendered by the service provider may be limited;
 - (d) require the service provider to be registered on the national or provincial waste information system; and
 - (e) provide for reporting to the Municipality.

30. Collection and transportation of general waste. —(1) The Municipality must set a schedule of the days for the collection of waste and the location where waste receptacles must be placed on those days.

- (2) The Municipality may —
- (a) set a different waste collection day schedule for commercial and residential properties;
 - (b) collect waste outside of the set schedule on request and at a fixed tariff;
 - (c) set the maximum quantities of waste that will be collected;
 - (d) by Notice in the *Provincial Gazette*, identify waste streams that may not be collected by the Municipality or that are unsuitable for collection.
- (3) The Municipality must—
- (a) publish the waste collection day schedule, in both printed form and electronically; and
 - (b) take other reasonable measures to ensure that the public is notified of the schedule.
- (4) If waste that is being transported is spilt, leaked or detached or falls from a receptacle, vehicle or other conveyance, the Municipality may recover costs from the transporter for reasonable remedial measures undertaken by the Municipality.

31. Waste management, collection and removal services. —(1) All persons collecting or removing waste must have a contract for the collection and removal of waste with the Municipality or an accredited service provider.

- (2) Residents must apply and register for waste collection and removal services that will be provided exclusively by the Municipality or its contracted accredited service provider, unless the Council authorises otherwise.
- (3) Businesses must contract with —
- (a) the Municipality; or
 - (b) an accredited service provider,
- for the waste collection and removal services.

- (4) Industries must contract with —
 - (a) in the case of general waste, contract with the Municipality or an accredited service provider; and
 - (b) in the case of hazardous waste, contract with an accredited service provider, for the waste collection and removal services.

- (5) Commercial and industrial undertakings, including scrap dealers, who require a waste collection and removal service that is not provided by the Municipality, must register with the Municipality and prove that they have contracted with an accredited service provider for such service.

- (6) An entity providing waste management services, or an accredited service provider required to have a licence or approval in terms of national or provincial legislation, must —
 - (a) provide proof of such licence or approval; and
 - (b) comply with criteria determined by the Council, before they will be registered by the Director.

- (7) The Director must keep an updated record of registered accredited service providers.

32. Transporting waste for gain. —A person transporting general waste for gain in the area of the Municipality must, at all times —

- (a) be accredited by the Municipality;
- (b) ensure that the receptacle, vehicle or other conveyance is adequate in size and designed for the type of waste transported;
- (c) transport the waste in a manner that will prevent any nuisance;
- (d) maintain the receptacle, vehicle or other conveyance in a clean and sanitary condition; and
- (e) ensure that the waste is transported to, or deposited at, a waste transfer facility, general waste storage facility, recycling facility or waste disposal facility authorised to accept such waste.

33. Collection of unsuitable waste. —A person may not place waste identified in terms of section 30(2)(d) to be unsuitable for collection, either on its own or mixed with any other waste for which the Municipality provides collection services.

34. Waste transfer facilities. —A waste generator must, where applicable—

- (a) use an appropriate waste transfer facility as instructed by an authorised municipal official, a waste disposal facility operator or a service provider; and
- (b) adhere to the operational procedures of the waste transfer facility as determined by the Municipality.

35. Disposal of waste. —(1) An authorised municipal official, waste disposal facility operator or service provider may inspect all waste loads entering a waste transfer facility, general waste storage facility, recycling facility or waste disposal facility.

(2) The inspection contemplated in subsection (1) may include the visual and physical inspection of the waste.

(3) An authorised municipal official may issue an instruction to the holder of waste that is potentially detrimental to the environment to—

- (a) have independent laboratory tests conducted before the waste is disposed of to assess whether the waste is suitable for a waste disposal facility; or
 - (b) dispose of the waste at an appropriate waste disposal facility that is authorised to accept such waste and to provide proof of such disposal.
- (4) If the holder of waste contemplated in subsection (3)(b) does not comply with the prescribed disposal, the Municipality may remove and dispose of such waste at an appropriate waste disposal facility.
- (5) In the circumstances contemplated in subsections (3) and (4), or where waste contemplated in section 30(2)(d) is removed by the Municipality, every person responsible for that waste will be jointly and severally accountable for the costs incurred, including the costs associated with—
- (a) the use of specialised equipment during the laboratory tests;
 - (b) laboratory analysis fees;
 - (c) administrative fees;
 - (d) transporting and disposal costs; and
 - (e) clean-up costs, where applicable.
- (6) A person disposing of waste at a waste disposal facility owned or managed by the Municipality must adhere to the operational procedures of the facility.

36. Access to private property. —(1) An owner of private property must, on request, allow a peace officer or any other duly authorised employee of the Municipality access to their property during reasonable hours for the purpose of inspecting the property and investigating any contravention of this By-law and to ensure compliance therewith.

(2) When accessing the property, the authorised employee must, on request, identify him or herself by producing written proof of such authority.

(3) Such employee may be accompanied by a person reasonably required to assist in the inspection or to conduct an investigation, who must be identified as such by the authorised employee.

37. Premises inaccessible for refuse collection. —If employees of the Municipality, or of an accredited service provider as contemplated in section 29, are—

- (a) impeded from handling or collecting waste at any premises due to the layout of the premises; or
- (b) endangered by an impediment on the premises when handling or collecting waste at any premises,

the municipal manager may issue a directive requiring the owner of the premises to undertake such alterations or additions to the premises as are necessary to remove the impediment at the owner's cost.

38. Directives. —(1) The municipal manager may issue a directive to any person contemplated in this By-law, to take specific measures pertaining to waste within a specified period to ensure that the impact of waste on human health or damage to the environment is mitigated and to give effect to the waste management hierarchy.

(2) Before issuing a directive contemplated in this By-law, the municipal manager must give notice in writing to the person to whom the directive is intended to be issued of the intention

to issue the directive, and give that person a reasonable opportunity to make representations in writing.

(3) If urgent action is necessary for the protection of the environment, or as contemplated in section 37, the municipal manager—

- (a) may issue the directive without giving written notice to the person beforehand; and
- (b) must give the person to whom the directive was issued an opportunity to make written representations within a reasonable period thereafter.

39. Compliance notices.—(1) An authorised municipal official may issue a written compliance notice to a person if there are reasonable grounds for believing that the person has not complied with a —

- (a) provision of; or
 - (b) term or condition of any permit, authorisation, exemption or other document issued in terms of,
- this By-law.

(2) Before issuing a compliance notice, an authorised municipal official must give notice in writing to the person to whom the compliance notice is intended to be issued of the intention to issue the compliance notice and provide that person with a reasonable opportunity to make written representations.

(3) If urgent action is necessary for the protection of the environment, an authorised municipal official —

- (a) may issue a compliance notice without giving written notice to the person beforehand; and
- (b) must give the person to whom the compliance notice was issued an opportunity to make written representations within a reasonable period thereafter.

(4) A compliance notice must set out —

- (a) details of the conduct constituting non-compliance;
- (b) any steps the person must take and the period within which the steps must be taken;
- (c) any actions the person may not perform, and the period during which the person may not do so;
- (d) the steps the Municipality is entitled to take in terms of subsection (6) if the notice is not complied with; and
- (e) the procedure to be followed to lodge an appeal against the compliance notice.

(5) An authorised municipal official may, on good cause shown, vary a compliance notice and extend the period within which it must be complied with.

(6) If a person to whom a compliance notice has been issued fails to comply with it, the Municipality may—

- (a) take whatever steps it considers necessary, where applicable, to—
 - (i) clean up or remove the waste;
 - (ii) rehabilitate the premises, place or affected area at which the waste has been dumped or disposed of or is stored; and
 - (iii) ensure that waste and any contaminated material that cannot be removed, cleaned or rehabilitated is treated or disposed of lawfully; and
- (b) recover the costs of any steps contemplated in paragraph (a) from every person responsible to take such steps in terms of this By-Law, who will be jointly and severally accountable for those costs.

(7) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste as provided for in this By-law and any other applicable law, if there is a real threat of damage or injury to any person or property.

(8) The following persons may be served with a compliance notice:

- (a) any person who committed, or who directly or indirectly permitted, such contravention;
- (b) the generator of the waste;
- (c) the owner of the land or premises where the contravention took place;
- (d) the person in control of the land or premises where the contravention took place;
- (e) any person who has or had, at the stage of the contravention, a right to use the land or premises where the contravention took place; or
- (f) a service provider.

40. Appeals.—(1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may, unless the decision was taken by the municipal council, appeal against that decision in terms of section 62 of the Municipal Systems Act.

(2) The appeal authority to consider the appeal will comprise of the person or body contemplated in section 62(4) of the Municipal Systems Act.

(3) Subject to subsections (4) and (5), an appeal under this section suspends the operation of the decision concerned pending the finalisation of the appeal.

(4) A person who receives a directive or compliance notice issued in terms of this By-law must comply with that directive or compliance notice within the period stated in the directive or compliance notice, unless the appeal authority has agreed to suspend the operation of the directive or compliance notice as contemplated in subsection (5)(b).

(5) The appeal authority may, on application and on good cause shown, direct that, pending the finalisation of the appeal—

- (a) the operation of the decision forming the subject of the appeal, or any provision or condition attached thereto, is not suspended, either wholly or in part; or
- (b) the operation of the directive or compliance notice contemplated in subsection (4), or any part of that directive or compliance notice, is suspended.

41. Duty to produce documents.—A person to whom a certificate, permit, authorisation or any other document contemplated in this By-law has been issued must produce it at the request of a peace officer or an authorised municipal official.

42. Service of documents and process.—Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such a person—

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address and an acknowledgement of posting thereof is produced;
- (d) if his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or

- (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

43. Failure to comply. —(1) If the waste management officer has issued a compliance notice in terms of section 39 to anyone for contravening any provision of this By-law and such person fails to comply with such notice he or she is guilty of an offence.

(2) The waste management officer may, in writing, require any person to submit a report to him or her in respect of the impact of waste in the format stipulated in the Municipality's guidelines as published from time to time.

(3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.

(4) If the waste management officer suspects that —

- (a) the person has on one or more occasion contravened, or failed to comply with, the By-law or a license issued in terms of provincial or national legislation; and
- (b) this has —
 - (i) had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage; or
 - (ii) contributed to the degradation of the environment,

the waste management officer may direct that such a report be compiled by an independent person.

(5) The waste management officer may then direct the person who failed to comply with the By-Law to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened the By-Law shall be liable for the cost thereof.

44. Offences. —(1) A person commits an offence if that person —

- (a) litters or dumps —
 - (i) waste in excess over 8m³; or
 - (ii) any volume of hazardous waste;
- (b) spills or allows leakage of —
 - (i) waste in excess of 8m³; or
 - (ii) any volume of hazardous waste, without putting in place suitable measures;
- (c) conveys an uncovered or unsecured load —
 - (i) of any volume of hazardous waste;
 - (ii) which results in spillage of —
 - (aa) waste in excess of 8m³; or
 - (bb) any volume of hazardous waste;
- (d) hinders or interferes with —
 - (i) a service provider;
 - (ii) a waste disposal facility operator; or
 - (iii) an authorised municipal official,
 in the exercise of their powers or the performance of their duties in terms of this By-law;
- (e) contravenes or fails to comply with —
 - (i) sections 9(3), 9(11) and 9(12) (Building waste);
 - (ii) section 11(1) (Event waste);
 - (iii) section 22 (Storage and receptacles for general waste); or
 - (iv) section 41 (Duty to produce documents);

- (f) contravenes or fails to comply with —
- (i) section 5 (Obligations of waste generators);
 - (ii) sections 10(1), 10(7), 10(8), 10(13) and 10(14) (Hazardous waste);
 - (iii) sections 11(1) and 11(5) (Event waste);
 - (iv) section 12(1)(b) (Organic waste);
 - (v) section 13(1) (Bulky waste);
 - (vi) section 14(1) (Waste tyres);
 - (vii) sections 23(1), 23(2) and 23(6) (Storage, separation, recycling, re-use, sorting and recovery of waste);
 - (viii) section 24(1) (Prohibition on unauthorised disposal of waste);
 - (ix) section 25 (Prohibition on burning of waste);
 - (x) sections 26(1) and 26(2) (Prohibition on littering and dumping);
 - (xi) section 33 (Collection of unsuitable waste);
 - (xii) section 34 (Waste transfer facility);
 - (xiii) section 35(6) (Disposal of waste); or
 - (xiv) section 51(5) Ownership of waste);
- (g) contravenes or fails to comply with a compliance notice issued in terms of section 39(1) (Compliance notices);
- (h) contravenes or fails to comply with a directive issued in terms of —
- (i) section 9(2) (Building waste);
 - (ii) section 11(6) (Event waste);
 - (iii) section 12(2) (Organic waste);
 - (iv) section 13(3) (Bulky waste);
 - (v) section 20(8) (Integrated waste management plan);
 - (vi) sections 23(4) and 23(5) (Storage, separation, recycling, re-use, sorting and recovery of waste);
 - (vii) section 24(2) (Prohibition on unauthorised disposal of waste);
 - (viii) section 27(1) (Prohibition of nuisance);
 - (ix) section 37 (Premises inaccessible for waste collection);
 - (x) section 38(1) (Directives); or
 - (xi) section 40(4) (Appeals).
- (i) falsely pretends to be an authorised municipal official or waste disposal facility operator;
- (j) furnishes false or misleading information when complying with a provision of this By-law;
- (k) unlawfully and intentionally or negligently, performs any act or omits to do anything in relation to waste, that detrimentally affects, or is likely to detrimentally affect or impact on health, well-being, public safety and the environment;
- (l) fails to submit or comply with an integrated waste management plan as provided for in this By-law;
- (m) contravenes or fails to comply with a notice contemplated in section —
- (i) section 9(5) (Building waste);
 - (ii) section 10(2) and 10(8)(c) (Hazardous waste);
 - (iii) sections 14(2) and 14(7) (Waste tyres);
 - (iv) sections 20(11) and 20(12)(b)(iii) (Integrated waste management plan);
 - (v) section 26(4) (Prohibition on littering and dumping);
 - (vi) section 30(2)(d) (Collection and transportation of general waste);
 - (vii) section 40(4) (Appeal); or
 - (viii) section 43 (Failure to comply);
- (n) contravenes or fails to comply with an instruction issued in terms of section 35(3) (Disposal of waste);
- (o) contravenes or fails to comply with a compliance notice issued in terms of section 39;
- (p) contravenes or fails to comply with an integrated waste management plan contemplated in section 20; or
- (q) contravenes or fails to comply with a condition subject to which exemption from a provision of this By-law was granted in terms of sections 21 and 53.

(2) Any person who —
 (a) induces, influences, persuades or forces an employee of the Municipality or other person to commit an offence in terms of this By-law, or
 (b) attempts to do so,
 is guilty of an offence.

(3) Any person who induces an employee of the Municipality to collect and dispose of waste without —
 (a) the correct payment to the Council; or
 (b) the correct methods being employed,
 is guilty of an offence.

45. Penalties. —(1) A person convicted of an offence in terms of section 44(1)(a), (b), (c) or (e) is liable to a fine or imprisonment for a period not exceeding one month, and in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding two months, or in both instances, to both such fines and such imprisonment.

(2) A person convicted of an offence in terms of section 44(1)(d), (f), (g), (h), (k), (l), (m), (n), (o), (p) or (q) or section 44(2) or (3) is liable to a fine or imprisonment for a period not exceeding one year, and in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding two years, or in both instances, to both such fines and such imprisonment.

(3) A person convicted of an offence in terms of section 44(1)(i) or (j) is liable to a fine or imprisonment for a period not exceeding two years, and in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding four years, or in both instances, to both such fines and such imprisonment.

(4) A sentence contemplated in subsection (1), (2) or (3) must be determined with due consideration of the —

- (a) severity of the offence in terms of its impact or potential impact on health, well-being, public safety and the environment;
- (b) fact that a person delayed in complying with, or failed to comply with, the terms of notices or directions given to that person under this By-law; and
- (c) monetary or other benefits that accrued, or that were to accrue, to the convicted person through the commission of the offence.

(5) The court may in addition to any penalty imposed in terms of subsection (4), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

46. Seizure and impounding of vehicles. —(1) A peace officer may, without a warrant, seize and impound a vehicle which is concerned or is on reasonable grounds believed to be concerned with the commission of an offence under this By-law.

(2) The peace officer must, at the time of impoundment, give the holder of the seized and impounded vehicle a copy of a notice setting out the —

- (a) reason for the impoundment;
- (b) description of the vehicle being impounded;
- (c) address and contact details of the designated pound;

- (d) payment of an impoundment fee; and
 - (e) possibility of the impounded vehicle being sold to recover the costs.
- (3) A vehicle which has been seized and impounded in terms of subsection (1) and (2) must be taken to a designated pound where it will be retained and dealt with in terms of subsection (4).
- (4) The seized and impounded vehicle will be released immediately under the following conditions:
- (a) if a criminal charge is not laid or no fine is issued within 48 hours of the seizure of the vehicle;
 - (b) when the criminal charges against the person have been withdrawn;
 - (c) when the person has been acquitted of the offence charged; or
 - (d) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment of the impoundment fee to the authorised official of the vehicle impoundment facility of the Municipality.

- 47. Designation of certain officials** —(1) The municipal manager may—
- (a) designate any staff member of the Municipality as an authorised municipal official;
 - (b) designate any staff member of—
 - (i) the Municipality;
 - (ii) any other organ of state; or
 - (iii) a service provider;
 as a waste disposal facility operator, and
 - (c) at any time withdraw a said designation.
- (2) A designation contemplated in subsection (1)(b)(ii) may be made only by agreement between the municipal manager and the relevant organ of state.

48. Delegations by waste management officer. —The waste management officer may delegate to any other official of the Municipality any of his or her powers or obligations in terms of this By-law.

49. Functions and powers of waste management officer. —The waste management officer is responsible for —

- (a) regulating and controlling waste management; and
- (b) enforcing the provisions of this By-Law, national and provincial legislation relating to waste management.

50. Functions of authorised municipal officials and waste disposal facility operators.

—(1) An authorised municipal official —

- (a) must administer, implement and enforce this By-law; and
- (b) may perform any function assigned to an authorised municipal official by this By-law, including the following: —
 - (i) conducting an inspection,
 - (ii) investigating any act or omission that may constitute an offence in terms of this By-law, and
 - (iii) monitoring and enforcing compliance with this By-law.

(2) A waste disposal facility operator must administer, implement and enforce this By-law at a municipal waste transfer facility, general waste storage facility, recycling facility or waste disposal facility, as the case may be.

51. Ownership of waste. —(1) A person who generates waste is the owner of that waste until it is made available by that person for collection by the Municipality or a service provider in accordance with this By-law.

(2) Waste becomes the property of the Municipality once it is made available for collection, whether put out for collection or made available for collection on the private premises concerned.

(3) Subsections (1) and (2) do not apply to waste streams identified in terms of section 30(2)(d) and to waste disposed of unlawfully.

(4) A person who generates waste contemplated in subsection (3) remains the owner of the waste until the waste is disposed of lawfully.

(5) When the premises listed here, are controlled by the Municipality, waste on such premises is the property of the Municipality:

- (a) waste disposal facilities;
- (b) waste transfer facilities; and
- (c) facilities where waste is received, stored, recovered or treated, and no person may remove from, or interfere with, waste on such premises, unless authorised to do so by the Municipality.

(6) Notwithstanding the provisions of subsections (2) and (5), the Municipality may, by means of a written agreement, transfer ownership of waste to a contractor, an owner of a landfill, a recycler, a rubble crusher, a green waste chipper or other entity, as the case may be.

52. Liability to pay tariffs. —(1) The owner of premises for which the Municipality is providing waste management services contemplated in this By-law, is liable for the payment of tariffs in accordance with the Tariff Policy and Tariff By-Law.

(2) The Municipality may exempt or grant a rebate to any person or category of persons that is regarded to be indigent in terms of the municipal indigent policy from paying tariffs for waste management services.

53. Exemptions. —(1) A person may apply in writing to the Municipality for exemption from any provision of this By-law.

(2) An application contemplated in subsection (1) must be in a format determined by the Municipality and must be accompanied by a motivation for the exemption.

(3) The Municipality may, in writing, —

- (a) grant a full exemption;
- (b) grant a conditional exemption;
- (c) amend or cancel —
 - (i) an exemption;
 - (ii) a condition of an exemption; or

(d) refuse to grant an exemption.

(4) In order to consider an application contemplated in subsection (1), the Municipality may obtain comments from members of the public who would be affected by the granting of the exemption.

(5) If an exemption is granted subject to conditions, the exemption does not take effect until the applicant has submitted a written undertaking to the Municipality that he or she will comply with all such conditions.

(6) If the applicant fails to comply with a condition of the exemption, the exemption is suspended with immediate effect.

54. Limitation of liability —Neither the Municipality nor any other person is liable for any damage or loss caused by the —

- (a) exercise of any power or the performance of any duty under this By-law; or
- (b) failure to exercise any power or perform any duty under this By-law, unless the exercise or performance of, or the failure to exercise or perform such power or duty, is unlawful and —
 - (i) negligent; or
 - (ii) in bad faith.

55. Amendments to waste removal services. —The Municipality may amend any existing waste removal or cleansing services once a process of public notification, participation and comment has been completed: Provided the amendment is practical, cost effective and has as its objective the —

- (a) prevention of the proliferation of waste;
- (b) minimisation of waste; or
- (c) reduction of waste to be removed.

56. Transitional provisions. —(1) Any approval given in accordance with previous By-laws will be valid in respect of the premises for which they were granted and in respect of the person to whom they were granted.

(2) No approval as contemplated in subsection (1) may be transferred to any other person.

57. Guidelines. —(1) The Council may issue guidelines to facilitate achievement of the objects and purposes of this By-law not inconsistent with this By-law and any other law.

(2) Any guideline contemplated in subsection (1) must be published in the *Provincial Gazette* and on the Municipality's website.

58. Repeal of By-laws. —The By-laws in Schedule 1 hereto are hereby repealed.

59. Interpretation. —In the event of a conflict between the English, isiXhosa and Afrikaans versions of this By-law, the English version shall be decisive.

60. Short title. —This By-law is called Stellenbosch Municipality: Integrated Waste Management By-law, 2020.

SCHEDULE 1

REPEALED LAWS

DRAFT V.02: 20200608

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/ LIMITATIONS/ INSTRUCTION TO ASSIST
Parking BY-LAW DATED July 2020						
IWM1	Integrated Waste Management S5(3)	Conclude a Contract with a Waste Generator	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM2	Integrated Waste Management S6(1)	Granting application for additional containers	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM3	Integrated Waste Management S6(3)	Deciding to provide another container at the cost of the waste generator	Municipal Manager	Director: Infrastructure Services	Senior Manager: Waste management	
IWM4	Integrated Waste Management S6(4)	Awarding a Container to each dwelling or structure on a property	Municipal Manager	Director: Infrastructure Services	Senior Manager: Waste management	
IWM5	Integrated Waste Management S7(1)	Concluding a Contract with an Industrial Waste Generator	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM6	Integrated Waste Management S8(2)	Stipulate Maximum Quantities of Garden Waste that may be collected and imposing conditions regarding disposal of garden waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM7	Integrated Waste Management S9(2)	Issue directives to a building waste generator after receiving building plans of a building to be constructed	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM8	Integrated Waste Management S9(5)	Placing a notice in the Provincial Gazette as to the registration process of building waste removal services	Municipal manager	Director: Infrastructure Services		
IWM9	Integrated Waste Management S9(7)	Consider application to register as a building waste remover	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM10	Integrated Waste Management S9(5)	Approval to allow the placement of an appropriate receptacle on a pavement	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	

IWM11	Integrated Waste Management S9(15)	Building Inspector to determine if building waste has been disposed off in the prescribed manner	Director: Planning and Economic Development	Snr Manager: Development Management New Post	Manager: Building Development Management	
IWM12	Integrated Waste Management S10(2)	Placing a notice in the Provincial Gazette as to the registration process of Hazardous Waste	Municipal manager	Director: Infrastructure Services		
IWM13	Integrated Waste Management S10(4)	Consider application to register as a Hazardous waste remover	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM14	Integrated Waste Management S10(12)	Publish a list of additional hazardous waste that requires classification	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM15	Integrated Waste Management S11(1)	Approve generating of event waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM16	Integrated Waste Management S11(6)	Issue directive for event waste was not cleaned up	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM17	Integrated Waste Management S11(8)	Arrange for waste to be cleaned at the cost of the waste generator	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM18	Integrated Waste Management S12(2)	Issue directive to generate integrated refuse plan for Organic Waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM19	Integrated Waste Management S12(3)	Approval to provide an appropriate Organic Waste receptacle	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM20	Integrated Waste Management S13(1)	Approval to remove Bulky Waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM21	Integrated Waste Management S13(3)	Issue directive to bulky waste collector to submit monthly reports	Municipal manager			
IWM22	Integrated Waste Management S14(2)	Placing a notice in the Provincial Gazette as to the registration process of Waste tyres	Municipal manager	Director: Infrastructure Services		

IWM23	Integrated Waste Management S14(4)	Consider application to register as a waste tyres remover	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM24	Integrated Waste Management S14(7)	Placing a notice in the Provincial Gazette as to the designated facilities that waste tyres may be disposed at.	Municipal manager	Director: Infrastructure Services		
IWM25	Integrated Waste Management S15(1)	Categorize Priority Waste	Director: Infrastructure Services	Senior Manager: Waste management		
IWM26	Integrated Waste Management S16	Approve the removal of abandoned articles	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM27	Integrated Waste Management S17	Emergency procedures to manage waste	Director: Infrastructure Services	Senior Manager: Waste management		
IWM28	Integrated Waste Management S19(1)	Providing special dispensation to waste management clubs	Director: Infrastructure Services	Senior Manager: Waste management		
IWM29	Integrated Waste Management S20(11)	Request information to prepare an Integrated Waste Management Plan	Director: Infrastructure Services	Senior Manager: Waste management		
IWM30	Integrated Waste Management S21(1))	Exempting a waste generator from providing a waste management plan	Director: Infrastructure Services	Senior Manager: Waste management		
IWM31	Integrated Waste Management S23(2)	Awarding accreditation as waste storage, separation, recycling, re-use, sorting and recovering	Director: Infrastructure Services	Senior Manager: Waste management		
IWM32	Integrated Waste Management S23(3)	Exempt waste generators	Director: Infrastructure Services	Senior Manager: Waste management		
IWM33	Integrated Waste Management S23(4)	Providing a directive to a waste generator to report	Municipal Manager			
IWM34	Integrated Waste Management S23(5)	Request Waste Generator to separate recyclable waste	Municipal Manager			
IWM35	Integrated Waste Management S24	Issuing directive when a person is contradiction of this By-Law	Municipal Manager			

IWM36	Integrated Waste Management S25	Approval of the burning of waste in a thermal treatment facility	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM37	Integrated Waste Management S26	Issuing notice to an offender that has littered or dumped	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM38	Integrated Waste Management S27	Issuing a notice of prohibition	Municipal Manager			
IWM39	Integrated Waste Management S28	Issuing a license to any person or entity to handle waste	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM40	Integrated Waste Management S29	Setting a schedule for collection and transporting of waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM41	Integrated Waste Management S31	Keeping a register of accredited service providers	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM42	Integrated Waste Management S32	Accrediting transporter of waste for gain	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM43	Integrated Waste Management S35	Authorize Municipal Officials to inspect any waste facility	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM44	Integrated Waste Management S37	Issuing directive to take specific measures to make the collection of waste possible	Municipal manager			
IWM45	Integrated Waste Management S38	Issuing directives wrt any part of the By Law	Municipal Manager			
IWM46	Integrated Waste Management S39	Authorizing an official to issue written compliance notices	Municipal manager	Director: Infrastructure Services		
IWM47	Integrated Waste Management S43	Issuing compliance notices	Director: Infrastructure Services	Senior Manager: Waste management		
IWM48	Integrated Waste Management S48	Designation of certain officials	Municipal manager			
IWM49	Integrated Waste Management S53	Exemptions	Municipal manager			

7.5.5	APPROVAL OF THE FINAL TRAFFIC CALMING POLICY
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Collaborator No: 689358
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 August 2020

1. SUBJECT: APPROVAL OF THE FINAL TRAFFIC CALMING POLICY

2. PURPOSE

To set out the policy for traffic calming and to inform Council that the current Draft Traffic Calming Policy, accepted and approved by Council on the 27 November 2019, has been submitted to a Public Participation Process. It is now submitted for Final approval

3. DELEGATED AUTHORITY

The Traffic Calming Policy is a document that must be adopted by the Municipal Council, for approval of the Municipality's approach to dealing with traffic calming and traffic calming request within its municipal area.

4. EXECUTIVE SUMMARY

The definition of traffic calming: To moderate traffic behaviour, through physical and legislative measures, with the aim to reduce the vehicle speeds and/or traffic volumes, thereby improving traffic safety, and quality of life in the urban environment, but with due regard to mobility and accessibility.

It has become necessary to review current Traffic Calming Policy to allow for a more structured and uniform approach when dealing with request received from the public. Procedures set out, allows for more inclusive participation by Ward Committees and makes provision for appeals in terms of Section 62 of the Municipal Systems Act.

The document firstly describes the evaluation procedure to be followed when the Municipality receives requests relating to any traffic problems.

The document then focuses very specifically on traffic calming and deals with:

- the road hierarchy (from a traffic calming perspective);
- principles for evaluating traffic calming;
- traffic calming techniques;
- warrants.

The remainder of the document describes the manner in which request from the public are processed, incorporating inputs from Ward Committees, dealing with appeals, and sets out procedures for the implementation of traffic calming measures.

5. RECOMMENDATIONS

- (a) that the content of this report be noted; and
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the final revised version.

6. DISCUSSION / CONTENTS

6.1. Background

The policy details the following:

- The definition and objective of traffic calming measures.
- The various traffic calming techniques, their associated applications and functions.
- The principle philosophy in evaluating potential traffic calming interventions.
- The manner in which potential traffic calming interventions should be evaluated and prioritized using prescribed principles / scorecards.

6.2 Discussion

It was necessary to amend the Current Traffic Calming Policy to allow for changes as previously mentioned. In brief, the following changes are proposed:

On the receipt of written request, the Traffic Calming scorecards will be completed as prescribed by the policy. On conclusion of the evaluations, outcomes will be forwarded to the Ward Committee. On determination that the request is warranted, the proposals will be included in an updated Area Traffic Calming Plan (ATCP). The updated ATCP together with inputs obtained from affected residents will be distributed to the Ward Committee for notification and confirmation of support.

The public may appeal the decision by Municipality's Infrastructures Services Directorate and the matter would then be referred to the relevant appeals committee in terms of Section 62 of the Local Government Municipal Systems Act (32 of 2000).

Where no appeals are received, the Municipality's Infrastructure Services Directorate will proceed with the following:

- Determination of required budgets.
- Required procurement processors, for the appointment external service providers.
- Setting of timelines applicable for implementation.

A public participation process whereby the public was invited to comment on the draft policy was followed during the period 02 March – 02 April 2020. (Notice 17/2020 published on 27 February 202, attached as **ANNEXURE B**), Comments are attached as **ANNEXURE C**

6.3. Financial Implications

There is no financial implications should the recommendations as set out in the report be accepted.

6.4 Legal Implications

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

6.5 Staff Implications

The filling of vacant Technical positions within the Roads, Transport, Stormwater and Traffic Engineering Division is essential for the successful implementation of this policy.

6.6 Previous / Relevant Council Resolutions:

33RD COUNCIL MEETING: 2019-11-27: ITEM 11.5.1

RESOLVED (majority vote)

- (a) that the content of this report be noted;
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the copy to be used in a Public Participation process;
- (c) that the Draft Traffic Calming Policy be duly advertised for the purpose of a public participation process; and
- (d) that upon the completion of the public participation process, the Draft Traffic Calming Policy together with any comments/objections be resubmitted to Council for final approval and adoption.

6.7 Risk Implications

This report has no risk implications for the Municipality.

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

Agree with the recommendations

RECOMMENDATIONS FROM INFRASTRUCURE SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-08-06: ITEM 5.1.3

- (a) that the content of this report be noted; and
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the final revised version.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	21 July 2020

ANNEXURE A



STELLENBOSCH
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Draft Traffic Calming Policy

Draft – September 2019

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TRAFFIC CALMING POLICY

STELLENBOSCH MUNICIPALITY

1. INTRODUCTION

1.1. Purpose of document

The purpose of this document is to set out the policy for traffic calming for Stellenbosch Municipality, and:

- To ensure that investigations to traffic calming are carried out in a uniform way.
- To clearly define where on the road network traffic calming is allowed.
- To describe traffic calming techniques which will be allowed in an area.
- To define when traffic calming will be warranted.
- To outline the process that be followed in evaluating and approving traffic calming facilities.
- To ensure that evaluations are carried out in a uniform way.
- To complement and not replace traffic regulation and enforcement.

The document firstly describes the preliminary investigation and evaluation procedures to be followed by the Municipality, when requests are received, and the progressive evaluations steps that follow.

The document then focuses very specifically on traffic calming and deals with:

- The road hierarchy (from a traffic calming perspective).
- Road classes where traffic calming will be allowed.
- Routes where traffic calming is not allowed (emergency and bus routes, crescents)
- Minimum speeds and traffic volumes before traffic calming is contemplated.
- Principles for evaluating traffic calming.
- Traffic calming techniques
- Warrants
- Implementation procedure

1.2. Definition

Traffic calming definition:

To moderate traffic behaviour, through physical and legislative measures, with the aim to reduce the vehicle speeds and/or traffic volumes, thereby improving traffic safety, and quality of life in the urban environment, but with due regard to mobility and accessibility.

1.3. Objectives

The objectives of this policy document are as follows:

1. To ensure that traffic calming is part of the overall transport strategy for the area.
2. To ensure that traffic is accommodated and applied at the correct road hierarchy level.
3. To provide communication channels for the public to participate in the “calming” process.
4. To improve the efficiency and safety of the road network without compromising costs.
5. To minimise the extent of pollution and damage caused by motorised vehicles.
6. To protect residential areas and the residents from unwanted through traffic and associated dangers.
7. To moderate extraneous traffic behaviour.
8. To promote road safety.
9. To improve traffic flows.
10. To ensure that other low order roads are not negatively impacted through the implementation of specific traffic calming measures.

2. MACRO EVALUATION

Any traffic issue stemming from a request or complaint, regardless of its extent and possible course of action, should firstly follow the preliminary or macro evaluation procedure as set out below.

2.1. Receiving the complaint

All traffic safety complaints must be reported to the Infrastructure Services Directorate in writing. The Infrastructure Services Department will forward the complaint to the Ward Councillor for notification. All traffic safety complaints must be in writing and take the form of a letter, an email or a facsimile message. No verbal, facebook or whatsapp requests will be investigated.

2.2. Preliminary evaluation

The preliminary evaluation will follow a four step process:

Step 1: The Nature of the request or complaint

The complaint should describe the problem as clearly as possible.

Step 2: Planning Assessment

Each complaint/request will be compared to the approved traffic plan for an area, should there be one. If no traffic plan is in place, only those measures that are reasonably considered safe and are technically feasible and affordable may be considered for further evaluation.

Step 3: Qualitative Assessment

If the road is classified as either a R1, R2, R2, U1, U2 or U3 route in terms of Section 4.2 then traffic calming is not permitted. **Table 1** below must be completed to determine if a more detailed assessment is justified.

Table 1: Qualitative assessment table

	Aspect	Yes	No
GENERAL			
1	No emergency vehicle route present		
2	Falls within an Area Traffic Calming Plan		
3	Are there bus routes along the route		
4	Did accidents recently occur at the specific location		
SPEED / SAFETY			
5	Cycle/pedestrian paths within roadway		

6	Sharp horizontal curves present		
7	Method of control at intersections not applicable (e.g. yield should be stop)		
8	Spacing of accesses close together		
9	Straight sections on road >180m		
10	Road signs and markings absent or in poor condition		
11	Schools/crèches/old age homes / recreational facilities in proximity		
12	Sub-standard road layout, geometrics and sight distances		
13	Steep grade that encourages speeding		
VOLUMES			
14	Is through traffic possible		
15	Road network – higher order roads with capacity problems result in rat running		
TOTAL NUMBER YES/NO			
QUALITATIVE ASSESSMENT (YES / POSSIBLE YES / NO)			

Step 4: Geographical Assessment

The road hierarchy of the problem area will be evaluated and the “traffic calming” class of road established. Physical features such as the surrounding road network, proximity of schools, road safety characteristics will also be evaluated at this point. An assessment will then also be made to whether an Engineering, Enforcement, Education or Combination course of action (see 2.3 below) is to be implemented.

2.3. Courses of action

The following possible alternative courses of action may be taken once the preliminary evaluation has been completed.

Engineering (E1)

This could be one of the following:

- Major engineering in which the problem requires substantive planning, design and construction. It would be proposed for inclusion in future budget programs.

- Traffic Systems Management in which the problem requires improvements to traffic management such as elimination of accident black spots, intersection improvements, traffic lights, etc. It would likewise be proposed for inclusion in future budget programs.
- Traffic calming in which the problem requires calming techniques for specific safety problems, etc. It would be proposed for inclusion on a priority program for detailed evaluation on Traffic Calming Techniques, Principles and Warrants as set out in Chapter 3 of this document.

Enforcement (E2)

This could be one or a combination of the following:

- Technical traffic actions such as improvements to road signs and markings, parking prohibitions, etc.
- Traffic enforcement actions such as speed checks and moving violations.
- Patrols such as scholar patrols, traffic wardens, etc.

Any traffic enforcement measures or arrangements, which would solve or reduce the problem, will be proposed.

Education (E3)

This could be one or a combination of the following:

- Liaison with the local and NGO organisations
- Announcements or notices to schools, sporting centres, etc.
- Limited public involvement with specific institutions such as schools, community development forums (CDF's) etc.
- Open public meetings with ratepayers associations, community based organisations, ward meetings, etc.
- Involvement with organizations such as "DRIVE ALIVE" and "ARRIVE ALIVE"

Any education measures or arrangements, which would solve or reduce problems, will be proposed.

Combination of E1, E2 and E3

This could be a combination of the above three mechanisms.

3. ESTABLISHMENT OF AREA TRAFFIC CALMING PLANS

3.1. Introduction

The need for traffic calming comes due to a number of reasons:

Inappropriate driver behaviour

This inappropriate behaviour prevails in the form of driving at speeds too high for the adjacent environment, drivers using residential roads as shortcuts or to avoid congestion on the major road network and increased potential for pedestrian/vehicle conflicts.

Presence of vulnerable road users

Vulnerable road users are young children, scholars, the elderly and the infirm. The behaviour of these road users can be unpredictable and/or their movement is constrained leading to increased potential for pedestrian/vehicular conflict.

3.2. Developing area traffic calming plans (ATCP)

The process to develop an ATCP set out below:

1. Define the boundaries of the area, as far as practically possible ward boundaries would be utilized.
2. Prepare plans showing road classification, land use and identify locations where there are high concentrations of vulnerable road users (schools, hospitals, old age homes/retirement villages, parks, etc.)
3. Consultation with emergency service providers to identify emergency routes into the area. Routes identified as emergency routes are not disqualified from traffic calming measures, but the severity of the measures implemented on the road, if warranted in terms of this policy, should be reduced.
4. Consultation with the affected community together and Ward Committee.
5. Moderation of comments received and development of draft ATCP. It is important to note the municipal officials have responsibilities to both

the larger road user group and the local community, and the ATCP must reflect the required balance.

6. Submission of draft ATCP to all parties who have contributed to the development of the draft ATCP for acceptance.
7. Traffic calming measure must be prioritized for implementation based on budgeting constraints. The score achieved through the evaluation process described in Section 5.5 dealing with the warrants will be used as the first level for prioritisation.

3.3. Advantages of ATCP's

The development of ATCP's allows for a structured approach to implementing traffic calming measures. Not all measures requested/investigated need to be incorporated into an ATCP particularly in isolated areas. The advantages of an ATCP are:

1. Assessment of traffic calming requests simplified
2. Emergency routes are identified, typically Class 4 roads (see attached
3. Community participation defines the principles guiding the implementation of traffic calming in their area
4. Keeping plan updated and relevant will provide positive control for municipal officials responsible for the evaluation and implementation of traffic calming measures.

4. FEASIBILITY OF TRAFFIC CALMING

4.1. Introduction

Should the macro evaluation described in Chapter 2 indicate that the identified traffic problem or complaint could possibly best be addressed by traffic calming measures; the feasibility of such measures should then be further tested and investigated using the following procedure:

- Step 1: Reconsider information collected as part of "geographical assessment" (Section 2.2) and obtain additional data if necessary.

- Step 2: Determine the road classification for which the traffic calming measures are suggested, refer to Section 4.2 below.
- Step 3: Test the proposed implementation of traffic calming against the first and second order principles given in Section 4.3, also taking into account the pre-requisites for attending to traffic calming aspects as given in this section.
- Step 4: In the event of a proposal complying with the principles (i.e. step 3 above), carry out a detailed evaluation, through selection of an appropriate traffic calming technique (refer to Section 4.4). The collection of data as required and the testing of the proposal against the warrants are given in Section 4.5.

4.2. Road Hierarchy

The road hierarchy set out in this section is based on TRH26: South African Road Classification and Access Management Manual and this document should be referred to if further detail is required.

Road classes 1, 2 and 3 do **not** qualify for traffic calming measures. If it is deemed that action is required to calm traffic for whatever reason (for example to reduce vehicle / pedestrian conflict), alternative measures may be investigated. These alternative measures may include pedestrian overpasses, signalised pedestrian crossings, signage, and provision of sidewalks/cycle facilities, edge treatment or other Transportation Systems Management applications. The alternative measure may be presented in the form of a traffic management plan which could include all or some of the above. Engineering judgement will have to be applied.

Road classes 4 and 5 **potentially** qualify for traffic calming measures, provided that the total score obtained when applying the warrants is above the minimum value. In the event that these roads serve as emergency or bus routes, at the discretion of the Municipality's Infrastructure Services Directorate, these may be deemed not to qualify for traffic calming measures and alternative measures may be investigated.

The tables below set out the functional road classification and the road access management and features for both rural and urban roads.

RURAL ROAD CLASSIFICATION

Table 2: Rural Functional Road Classification

Function			Description		Mobility				
Basic Function	Alternate functional descriptions	Determining function	Class No (R_)	Class name	Origin / destination	Through traffic component	Reach of connectivity	% of built km	AADT (average annual daily traffic)
Mobility	Vehicle priority, vehicle only, long distance, through, high order, high speed, numbered, commercial, economic, strategic; route, arterial road or highway.	Movement is dominant, through traffic is dominant, the majority of traffic does not originate or terminate in the immediate vicinity, the function of the road is to carry high volumes of traffic between urban areas	1	Principal arterial*	Metro areas, large cities, large border posts, join national routes	Exclusively	> 50 km	2 - 4% Classes 1 and 2	1000 – 100 000+
			2	Major arterial*	Cities and large towns, transport nodes (harbours and international airports), smaller border posts, join major routes	Exclusively	>25 km		500 – 25 000+
			3	Minor arterial*	Towns, villages and rural settlements, tourist destinations, transport nodes (railway sidings, seaports, landing strips), small border posts, other routes	Predominant	> 10 km	6 - 12% Classes 1, 2 and 3	100 – 2 000+
Access / Activity	Access, mixed pedestrian and vehicle traffic, short distance, low order, lower speed, community / farm, road or street.	Access, turning and crossing movements are allowed, the majority of traffic has an origin or destination in the district, the function of the road is to provide a safe environment for vehicles and pedestrians using access points	4	Collector road	Connect farming districts, rural settlements, tourist areas, national and private parks and mines to mobility routes	Minimal	< 10 km	20 - 25%	< 1 000
			5	Local road	Farm or property access, connection to other routes	Nil Discontinuous	< 5 km	65 - 75%	< 500
			6	Walkway (path or track)	Settlements, farms, transport nodes, water points	n/a			

* In rural areas, the term distributor may be preferred to arterial

Table 3: Rural Access Management Requirements and Features

Basic Function	Description		REQUIREMENTS				TYPICAL FEATURES (use appropriate context sensitive standards for design)								
	Class No (R_)	Class name	Design typology	Route no.	Access to property	Parking	Speed km/h	Inter-section control	Typical cross section	Roadway / lane width	Road reserve width	Public transport stops and ped. xing.	Pedestrian footways (constructed)	Cycle lanes	Animal drawn vehicles
Mobility	1	Principal arterial	Expressway	Yes (N)	Not allowed*	No (off road rest stops allowed)	120	Grade separate or priority to through	2 / 3 / 4 lane, surfaced shoulders, climbing lanes	3.5 - 3.7 m	60 - 80 m (62 m)	No	No	No	No
	2	Major arterial	Highway	Yes (R: 2 or 3-digit; or N)	Not allowed ^{*/**}	No (off road rest stops allowed)	120	Priority or grade separate	2 / 3 lane, surfaced shoulders, climbing lanes	3.5 - 3.7 m	40 - 70 m (48 m)	As required	Isolated	Recreational on shoulder	No
	3	Minor arterial	Main road	Yes (R: 3 or 2-digit)	Not allowed ^{*/**}	No (off road rest stops allowed)	100-120	Priority, roundabout	2 lane surfaced, gravel shoulders	4.0 m	30 - 50 m (30 m)	As required	Isolated	Recreational widen roadway both sides	Widen shoulder
Access / Activity	4	Collector road	Collector	Allowed, T (tourist) or D (district)	Yes	No (off road edge or in lay-byes / viewpoints)	80 -100	Priority	2 lane surfaced or gravel, gravel shoulders	3.5 m	25 m	As required	Rare, isolated	Widen roadway	Widen shoulder
	5	Local road	Farm road	Allowed, T (tourist) or L (local)	Yes	No (on verge or shoulder)	60 - 80	Priority	1 / 2 lane gravel, 600 mm concrete strips in environmental areas		20 m	As required	Rare	Use roadway	Use roadway
	6	Walkway	Track or pathway	No	Yes	n/a							Not constructed, formed by use		

* Access to properties sufficiently large to warrant a private intersection / interchange can be considered if access spacing requirement met and there is no future need for a public road.

** Low volume farm gate and tourist access (less than 10 vehicles per day) can be considered if no alternative exists.

URBAN ROAD CLASSIFICATION

Table 4: Urban Functional Road Classification

Function			Description		Mobility				Traffic		
Basic Function	Alternate functional descriptions	Determining function	Class No (U_)	Class name	Through traffic component	Distance between parallel roads (km)	% of built km	Reach of Connectivity	Expected range of ADT (average daily traffic)	% of travel veh-km	
Mobility	vehicle priority, vehicle only, long distance, through, high order, high speed, numbered, commercial, economic, strategic; route, arterial road or highway.	Movement is dominant, through traffic is dominant, the majority of traffic does not originate or terminate in the immediate vicinity, the function of the road is to carry high volumes of traffic between urban districts	1	Principal arterial (freeway)	Exclusively	5 - 10 km	5 - 10% Classes U1 and U2	> 20 km	40 000 - 120 000+	40 – 65% Classes U1 and U2	
			2	Major arterial	Predominant	1.5 - 5.0 km		> 10 km	20 000 - 60 000		
			3	Minor arterial	Major	0.8 - 2.0 km	15 - 25% Classes U1, U2 and U3	> 2 km	10 000 - 40 000	65 – 80% Classes U1, U2 and U3	
Access / Activity	Access, mixed pedestrian and vehicle traffic, short distance, low order, low speed, community, street.	Access, turning and crossing movements are allowed, the majority of traffic has an origin or destination in the immediate area, the function of the road is to provide a safe environment for vehicles and pedestrians using access points	4a	Collector street, commercial	Discourage		5 – 10%	< 2 to 3 km	< 25 000	5 – 10%	
			4b	Collector street, residential	Discourage			< 2 km	< 10 000		
			5a	Local street, commercial	Prevent		65 – 80%	< 1 km	< 5 000	10 – 30%	
			5b	Local street, residential	Prevent			< 0.5 km (1 km Max)	< 1 000		
			6a	Walkway, pedestrian priority	Ban						
			6b	Walkway, pedestrian only	Ban						

Basic Function	Description		REQUIREMENTS					TYPICAL FEATURES (use appropriate context sensitive standards for design)								
	Class No (U_)	Class name	Design typology	Route no.	Intersection spacing	Access to property	Parking	Speed km/h	Inter-section control	Typical cross section	Roadway / lane width	Road reserve width	Public transport stops and ped. xing.	Pedestrian footways (constructed)	Cycle lanes	Traffic Calming
Mobility	1	Principal arterial	Freeway	Yes (M/R/N)	2,4 km (1.6 km - 3.6 km)	not allowed	No	100-120	Interchange	4 / 6 / 8 lane freeway	3.3 - 3.7 m lanes	60 - 120 m (60 m)	No	No	No	No
	2	Major arterial	Highway	Yes (M/R)	800 m (± 15%)	Not allowed ^{*/**}	No	80	Co-ordinated traffic signal, Interchange	4 / 6 lane divided, kerbed	3.3 - 3.6 m lanes	38 - 62 m (40 m)	Yes at intersections	Off road	Yes – widen roadway	No
	3	Minor arterial	Main road	Yes (M)	600 m (± 20%)	Not allowed ^{*/**}	No	70	Co-ordinated traffic signal, roundabout	4 lane divided or undivided, kerbed	3.3 - 3.5 m lanes	25 - 40 m (30 m)	Yes at intersections	Yes	Yes – widen roadway	No
Access / Activity	4a	Collector street, commercial	Commercial major collector	No (A for temp. routing)	> 150 m	Yes (larger properties)	Yes if conditions allow	60	Traffic signal, roundabout or priority	4 lane, median at ped. xing., boulevard, CBD one-way		20 - 40 m (25 m)	Yes at intersections or mid block	Yes	Yes, widen road or on verge	Median for peds, curved roadway
	4b	Collector street, residential	Residential minor collector	No	> 150 m	Yes	Yes if appropriate	50	Roundabout, mini-circle or priority	2 / 3 lane undivided	6 - 9m roadway, < 3.3 m lanes	16 - 30 m (20 m)	Yes anywhere	Yes	Yes, on road or verge	Raised ped, median, narrow lanes
	5a	Local street, commercial	Commercial access street	No		Yes	Yes if conditions allow	40	Priority	2 lane plus parking		15 – 25 m (22 m)	If applicable, anywhere	Normally yes	Use roadway	Raised ped. crossing
	5b	Local street, residential	Local residential street	No		Yes	Yes on verge	40	Mini-circle, priority or none	1 / 2 lane mountable kerbs	3.0 - 5.5 m roadway (two way)	10 - 16 m (14 m)	If applicable, anywhere	Not normally, pedestrians can use roadway	Use roadway	Yes, but should not be necessary
	6a	Walkway, non-motorized priority	Pedestrian priority	No	500 m maximum	Yes	Yes if parking lot or woonerf	15	None, pedestrians have right of way	Surfaced			If applicable, anywhere	Yes or use roadway	Rare	Yes
	6b	Walkway, non-motorized only	Pedestrian only	No	500 m maximum	Yes	No vehicles	peds. 80 m / minute	None, pedestrian signal	Block paving		6 m		Yes	Yes	

Table 5: Urban Access Management Requirements and Features

* Access to properties sufficiently large to warrant a private intersection / interchange can be considered if access spacing requirement met and there is no future need for a public road.

** Partial and marginal access at reduced spacing allowed to relieve congestion, reduce excessive travel distances or remove the need for a full intersection

4.3. Principles of Evaluating Potential Traffic Calming

The principle philosophy in evaluating potential traffic calming is to eliminate hazards on minor roads and not later alter traffic characteristics on main roads.

Potential traffic calming should be evaluated and prioritized using the following principles:

First order priorities:

1. No traffic calming measures are to be imposed on roads classified as Classes 1, 2 and 3.
2. Traffic calming measures should not be considered :
 - on an ad hoc basis;
 - in addressing other social problems ;
 - where it will be detrimental to road safety; or
 - where other traffic engineering or alternative procedures could address the problem; and
 - on public transport routes;
 - on emergency vehicle routes

Second order priorities:

3. The implementation of appropriate road signs and road markings should be considered before other traffic calming techniques are proposed.
4. Traffic calming measures must not cause traffic to deviate to other minor order roads.
5. Traffic calming measures should only be considered where :
 - there are inherent safety problems caused by road layout, geometrics, sight distances, etc.;
 - these will contribute directly to safety at schools, community centres, etc. when no other methods are possible;
 - where rat-running (use of minor roads to avoid congestion on main roads) is causing serious safety problems.

Compliance's:

- Traffic calming proposals should be considered with the participation of the Ward Councillor in liaison with the Ward Committee and other residents.
- Where possible upgrading of the existing major road network is to be undertaken in the short or medium term.
- Traffic calming should:
 - comply with the Warrants stated in this Policy Document,
 - be in accordance with the National Guideline for Traffic Calming

4.4 Traffic Calming Measures and Techniques

Traffic calming measures may be divided into three categories, namely, hard, soft and special measures.

Hard measures are found at intersections, between intersections and in an area-wide application.

- (a) Measures at intersections are aimed at reducing vehicle speed, maintaining or limiting to various degrees the ruling speed limit, access movements, and include mini-circles, raised intersections, intersection diverters, street closures and intersection narrowing.
- (b) Measures between intersections are aimed at reducing vehicle speed, maintaining the ruling speed limit and include speed humps, chicanes, pinch points or chokers, rumble strips, roadway narrowing (including islands), pedestrian crossing tables and semi-spheres (hobbles).
- (c) Area-wide measures include one-way systems.

Soft measures are more cost-effective and should be considered before hard measures. They include road marking and signage (e.g. pedestrian warning signs, speed reduction signs, information signs), enforcement, education and temporary road closure. It is also the only option for higher classes of roads.

Special measures include the “woon-erf” concept that would be implemented in residential priority areas. It is a specific concept with specific requirements. These requirements include, amongst others, that the area should be included in a traffic management plan, streets must have limited through traffic, and the environment has to be appropriately designed (including parking areas and play areas without division between traffic lanes and walkways). The urban street design should also support community activities.

There are a variety of **traffic calming techniques**, having different applications and serving different functions. The following measures are primarily for speed and capacity reduction

i) Planting/Greening

Tree planting should be an essential part of all traffic calming schemes and its use is applicable on all road types. This contributes to visual side friction.

ii) Narrow Carriageways

The narrowing of any carriageway tends to reduce speeds. This also applies to median islands.

iii) Optical Width (Visual Narrowing)

This refers to such measures as tree planting.

iv) Footway Extensions

Footway extensions can be built on all roads of a lower classification than arterial standards wherever there is a surplus carriageway space, at junctions, pedestrian crossings places and bus stops.

v) Shared Surfaces

Shared surfaces (i.e. between vehicles and pedestrians) are suitable to local streets with no through traffic and where traffic flow is below 300 vehicles per hour.

vi) Surface Texture/Type/Colour/Location

Textured surfaces are useful where visual or sensory reinforcement of a situation is required. These measures should not be used on roads where speed limits are higher than 50 km/h.

vii) Synchronization

The synchronization of traffic signals can be used to control speed along such a road but could prove to be detrimental to traffic flow.

viii) Electronic Enforcement

This refers to normal law enforcement.

ix) Priority Management

This refers to the type of control at intersections.

x) Road Markings and Signs

These measures can be used to change lane width thus slowing traffic.

Alternatively signs and markings can be used to highlight potentially unsafe conditions for the driver,

xi) Small Corner Radii

The small corner radii are useful at all junctions within residential areas where the speeds of turning movements need to be reduced. Radius design should be appropriate to the classification of roads involved.

xii) Roundabouts

Conventional roundabouts are appropriate for major collectors and arterials where they can reduce accidents and assist traffic flow. Mini roundabouts should only be used on distributors and minor collectors within residential areas – where they will increase the intersection capacity.

xiii) Carriageway Constrictions

Constrictions are localized measures to reduce the capacity on a road.

Constrictions are appropriate for both access streets and mixed priority roads where volumes are less than 500 vph.

xiv) Lateral Shifts in the Carriageway:

- Alternative footway extensions
- Islands and medians in the carriageway
- Alternate angled parking (with permanent features, e.g. planters)

Lateral shifts, which force change in direction and limits the driver's view of the road ahead. These are not suitable for bus routes.

xv) Vertical Shifts in the Carriageway:

These vary according to the severity of the obstacle. i.e. humps, cushions, plateaux (tables) and ramps. These measures are applicable where excessive speeds on local access streets need to be controlled.

When considering the techniques that can be used it is recommended that the use of Road signs and Markings be investigated prior to implementing other traffic calming techniques.

For routes that have been identified as emergency routes, traffic calming measures will not be permitted if the measure will negatively impact on emergency response times. It is therefore suggested that traffic calming measures that will not result in vertical deviation (example; speed hump), be considered.

Where traffic calming measures have already been implemented on emergency routes and these measures result in vertical deviation then the measures should be re-evaluated and where justified replaced with an alternative technique.

4.5 Warrants

The warrants for determining the need for the implementation of traffic calming techniques are as shown in **Table 6**. To calculate compliance with the warrants the following calculations must be applied to determine the weighted score:

$$TS = \sum_{i=1}^n P_i W_i$$

i = Warrant number

Where

TS = Weighted Total Score

P_1 = Point for Warrant i

W_1 = Weight for Warrant i

N = Number of Warrants

The following weighted score must be used to determine whether the proposed measures are warranted.

Condition 1 : Score below 31 points – Not warranted for implementation.

Condition 2 : Score between 32 and 37. Warranted for implementation only if there are vulnerable road users/sensitive areas.

Condition 3 : Score above 37– Warranted for implementation.

Note: In Table 6 where data does not exist, realistic estimates or a minor investigation may be initiated.

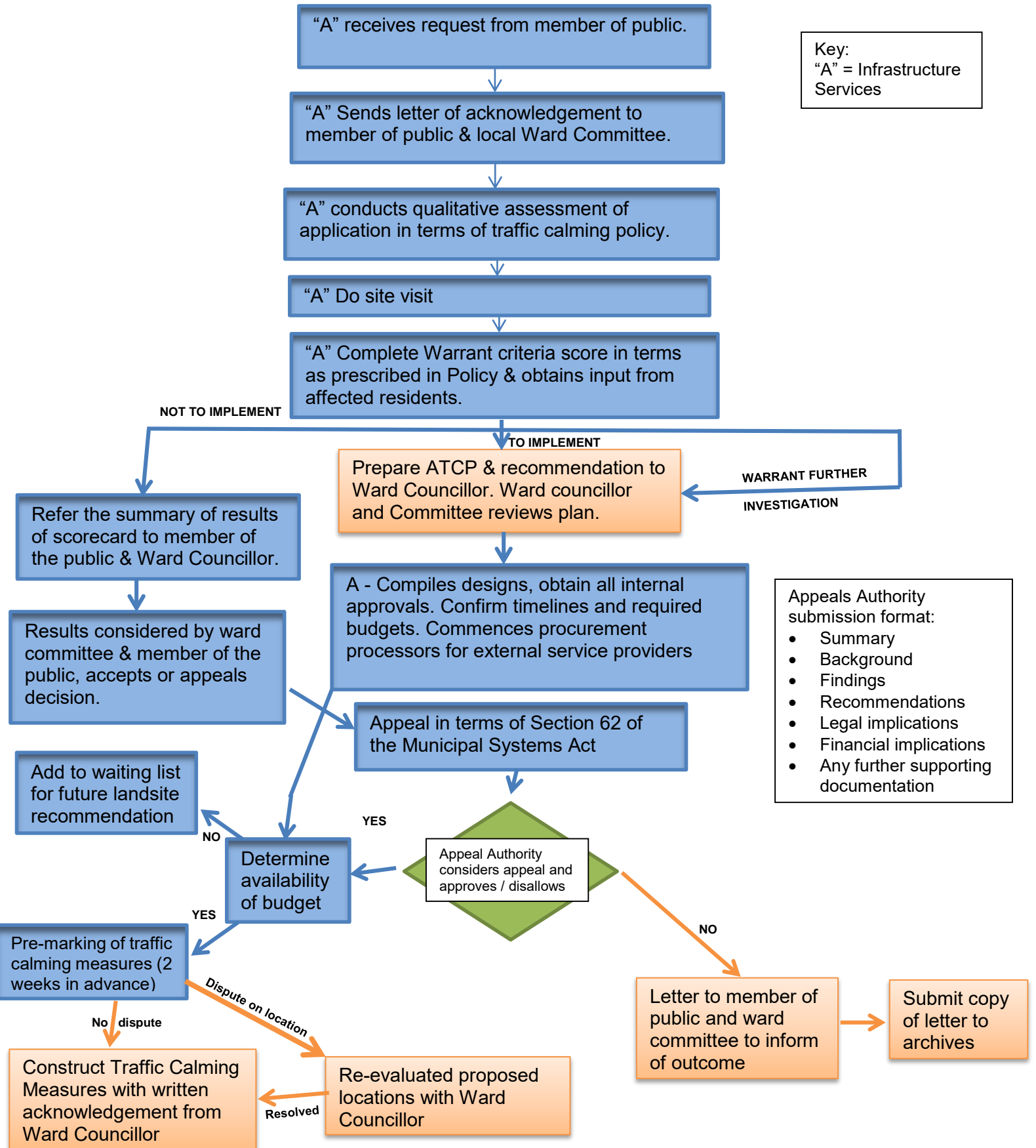
Table 6: Warrants for determining the need for traffic calming techniques

Warrants for evaluating feasibility					
No	Warrants	Point Score			Weight
		0	1	2	
1	Traffic volumes	<50 vph	50-150 vph	>150 vph	3
2	Accidents per year	<1 per year	2 – 4 per year	> 5 per year	3
3	Public service vehicles	>5 vph	3-5 vph	<3 vph	-1
4	Pedestrian / risk	Low	Medium	High	2
5	85 th percentile speed	<40	40-60	>60	2
6	Through traffic volume	<5 %	5-50 %	>50 %	2
7	Pedestrian volumes (Vol/4h over 150 m)	<250/4h	250-500/4h	>500/4h	3
8	Parking / loading movements	<100/h/km	100-200/h/km	>200/h/km	1
9	Schools / playgrounds	No	-	Yes	3
10	Footways / verges	Made	Rough	None	2
11	Frontage / accesses spacing	>75m	50-75 m	<50 m	1
12	Sensitive area	No	Slightly	Yes	2
13	One or two way	One		Two	1
14	Stopping sight distance	>130 m	50-130 m	<50 m	1
15	Gradient (Longitudinal)	>5 %	3-5 %	< 3 %	1

Where:

Traffic volumes	Average hourly off peak traffic volumes between 06:00 and 18:00
Accidents per year	Number of accidents per year
Public service vehicles	Average peak hour volumes (buses, refuse removal etc.)
Pedestrian / risk	The potential risk that pedestrian and vulnerable road users are exposed to in the presence of traffic can be subjectively assessed. (e.g. brake lights, swerving etc.)
85th Percentile speed	The speed at or below which 85 percent of the vehicles travel.
Through traffic volume	That proportion of traffic that has another origin or destination along the road, or within the area, under study.
Pedestrian volumes	The volume of pedestrians crossing a road over a four hour period, and measures over a 150 meters roadway length.
Parking / loading movements	The number of parking/loading manoeuvres per hour over a kilometre section of road
Schools / playgrounds	The presence of schools/crèches/playgroups etc. within the study area
Footways / verges	The provision of pedestrian facilities (pavements etc.) within the verges.
Frontage / access spacing	The average distance between accesses to properties within the studied area/road
Sensitive area	The presence of hospitals, old age homes, clinics and recreation facilities that may be sensitive to traffic, traffic noise, fumes, etc.
One or two way	Whether roads accommodate two or one-way traffic flow.
Stopping sight distance	The minimum distance required for a driver to bring his vehicle to a standstill and based on speed, driver reaction time and skid resistance.
Gradient	The vertical rise or fall of the roadway measured from the base to the apex and expressed as a percentage.

Figure 1: Flow chart of warrant investigation process



5. IMPLEMENTATION

The implementation of Traffic Calming proposals comprises of the following:

- Detailed investigation
- Update Area Traffic Calming Plan (ATCP)
- Appeals
- Urgent Traffic Calming Interventions
- Construction of the Proposal

Detailed Investigation

Should a request be investigated and evaluated, and the requirements for progression to the detailed investigation and design stage, be met - the project will require further technical input.

This technical input will involve the following:

- A detailed analysis of the traffic patterns, traffic volumes, intersection geometry, intersection levels of service, alternative routes, unintended implementation consequences (e.g. rat runs) pedestrian and cyclist patterns and environmental aspects of the route.
- A detailed design of the recommended appropriate calming solution, entailing exact location, geometric design, road markings and signage.
- Obtaining inputs from affected residents.

An application for traffic calming may request a specific measure, for example a speed hump. Where the analysis indicates that traffic calming is warranted, the Municipality's Infrastructures Services Directorate will select the most appropriate measure, notwithstanding the request in the application.

Submitting updated ATCP to Ward Councillor

On the receipt of written request, the Traffic Calming scorecards will be completed as prescribed by the policy.

On conclusion of the evaluations, outcomes will be forwarded to the Ward Councillor, who would table the ATCP at committee meetings.

On determination that the request is warranted, the proposals will be included in an updated ATCP. The updated ATCP together with inputs obtained from affected residents will be distributed to the Ward Councillor for notification and confirmation of support.

Appeals

The public may appeal the decision by Municipality's Infrastructures Services Directorate and the matter would then be referred to the relevant appeals committee in terms of Section 62 of the Local Government Municipal Systems Act (32 of 2000).

Completed scorecards and other supporting information, as listed hereunder, must be submitted to the Appeals Authority.

The submission must include:

- Summary
- Background
- Findings
- Recommendation
- Legal implication
- Financial implication
- Documentation from Ward Committee if applicable

Supporting documentation will comprise of all information relating to the initial request as well as signed petition from affected residents confirming their support (or non-support) of the proposal. As well as a letter of support or non-support from the relevant Ward Councillor.

Review by Appeals Authority

On review of submitted information, the Appeals Authority may approve or reject the decision to by the Directorate:

If Traffic Calming measures are approved:

- Where budget is available - arrange for the construction of calming measures to form part of the yearly construction programme.
- Where no budget is available - add the approval to the waiting list for future budget recommendation.

If not approved:

- Issue a letter in all instances to applicant to inform applicant and ward committee of the outcome and send a copy to archives for filing

Urgent Traffic Calming Interventions

The Municipality's Infrastructure Services Directorate reserves the right to designate any traffic calming intervention as urgent. Urgent traffic calming interventions will immediately be implemented, without the requirement of formal submission to Ward Councillor, the Ward councillor will however be informed.

The following conditions will apply to urgent traffic calming interventions

In addition to meeting the requirements of the Preliminary Evaluation (Section 2) and obtaining a scoring of 37 and above, as described in in Warrants (Section 4), a risk analysis must be carried out on the following:

	Aspect	Yes	No
1	Potential for vehicular accidents – Very High		
2	Potential for personal injury – Very High		

Where any of these additional conditions are met the Municipality will proceed immediately with implementation of a traffic calming measure. The ward committee and portfolio committee will be notified and the ACTP updated.

Construction of the Proposal

Before the implementation of the approved and funded traffic calming measures; temporary pre-marking on the road surface will be done, to indicate the proposed positions of the traffic calming measures. These pre-marking will be displayed for 2 weeks, so that the local Ward Councillor, the Ward Committee and the daily road user can familiarise themselves with the proposed locations. If there is a dispute regarding the proposed position – the locations; in corporation with the associated ward councillor will be re-evaluated. If no response is received during this 2 weeks period and with written confirmation of the associated ward councillor - construction will commence. The pre- process is not applicable to urgent traffic calming interventions.

Cost analysis of Traffic Calming Techniques

NR	TYPE OF FACILITY	DESCRIPTION	APPLICATION	ESTIMATED COST (R)	ADVANTAGES	DISADVANTAGES
1	All-way stops	All approaches are stops controlled to force vehicles to reduce speed before stopping at the intersection	Intersection of 2 roads where traffic signals are not warranted. All-way STOPs should not be implemented to reduce speed where it is not warranted.	Typically R20 000 to R60 000	Low cost, law enforcement can be effectively carried out	If implemented to reduce speed, can result in motorists ignoring stop street
2	Mini-circles	A circle is built in the existing roadway without road widening.	To reduce speed of through vehicles, improve capacity of side roads, reduce severity of accidents	Typically R120 000 to R300 000	Reduced delay, especially on side streets, circles effectively reduce severity of accidents	Relative expensive, geometry can be tight, especially for emergency vehicles, driver
3	Speed humps	Raise road surface over 3.5 to 4.0m with 75mm to 100-120mm, typically	Reduce speed on long straight road sections.	Typically R25 000 to R60 000	Effective in reducing speed on long, straight road	Visibility poor at night if road markings are not visible
4	Raised Pedestrian Crossings	Raise road surface with 120mm at pedestrian crossings (length 5m)	Reduce speed at pedestrian crossings	Typically R35 000 to R60 000	Increase safety of pedestrians effectively	Relative high cost, visibility poor at night if road markings are not maintain regularly

5	Raised Intersections	The road surface within the intersection is raised with 75 to 200mm. The control of the intersection can be 4-way or 2-way stop controlled.	The speed of motorists through the intersection is reduced	Typically R120 000 to R350 000	Reduce speed through intersections, reduce severity of accidents	Relative high cost, driver discomfort
6	Raised Mini-circles	The road surface within the intersection is raised with 75mm to 200mm. A mini-circle with small diameter is provided on top of this	Normal mini-circles have limited applications where cycle paths cross at intersections as vehicles are deflected into the cycle path.	Typically R250 000 to R450 000	Reduce speed through intersections, accommodate cyclists and pedestrians with traffic circle control	Relative high cost, driver discomfort
7	Access limitations	Access is restricted with one-ways, no access signs	To reduce through traffic	Typically R150 000 to R400 000	Low cost	Access limitations can result in problems with waste collection, emergency vehicles
8	Reduction in road width (chokers)	Road is narrowed with kerbs	Reduce speed, discourage through traffic, especially heavy	Typically R80 000 to R300 000	Can exclude heavy vehicles from road	Cost, driver discomfort

9	Rumble strips	Strips across the road, consisting of bitumen and 13 to 19mm stone	Rumble strips are implemented close to intersections, before sharp horizontal curves to caution motorists of the dangerous situation	Typically R10 000 to R50 000 per set	Effective in increasing awareness of drivers	Noise
10	Semi street closures	The road is closed for one direction of traffic by installing kerbs or by planting bollards	Reduce through traffic and to reduce speed	Typically R75 000 to R450 000		Increase conflict as one direction of traffic has to yield for the other direction, driver discomfort.
11	Cycle/Pedestrian paths	Provide separate road surfaces	Conflict between pedestrians, cyclists and motorists is reduced	Typically R600 to R950 per m ²		Cost
12	Change in road surface	Asphalt road surface is changed to paving blocks	Increase driver alertness and reduced speed	Typically R100 000 to R500 000 per site	Can be aesthetically more acceptable than other forms of traffic calming	Cost, limited speed reduction
13	Semi-spheres (hobbels)		Increase driver alertness and reduced speed	Typically R20 000 to R200 000 per site	Private road/Class 5. Similar applications to a speedhump, but harsher.	Not favoured on public streets, but can be considered in extreme situations.
14	Lane divider (for example "Armadillo" and "Vuka studs")	The cat-sized lumps can be utilised along NMT cycling lanes.	Increase driver alertness and reduced speed	Typically R20 000 to R200 000 per site	Effective in divide bike lanes from motorised traffic	Cost

Traffic Calming



“Barriers placed diagonally across an intersection to prevent through movement.”



Diagonal Diverters

Traffic Calming



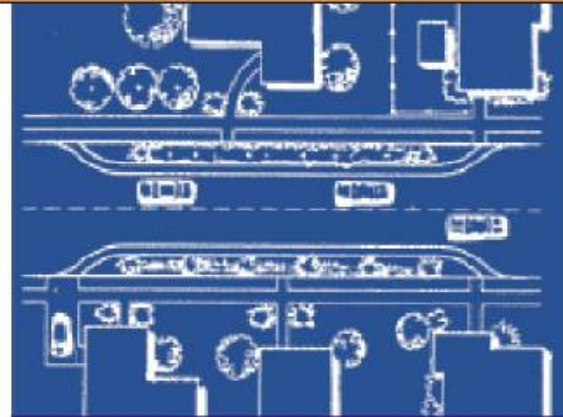
Mini Traffic Circle



Traffic Calming



“Kerb extensions or islands on one or both sides of the street that narrow the street at that location.”



Chokers

Traffic Calming

“Barriers that block travel in one direction for a short distance on an otherwise two-way street .”



Half Closures

Traffic Calming



“Median centrally placed on roadway ensure conspicuity with vertical elements, marking and lighting.”



Median with one sided parking

Traffic Calming



Raised Intersection



Traffic Calming



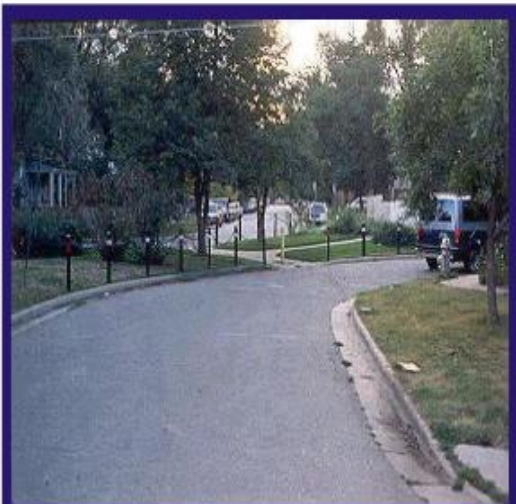
“Entrance to speed reduced zone on T-junction with exit construction through road.”



Construction Through Road

Traffic Calming

“Entrance to speed reduced zone on intersection with diagonal constriction.”



Diagonal Constriction

Traffic Calming



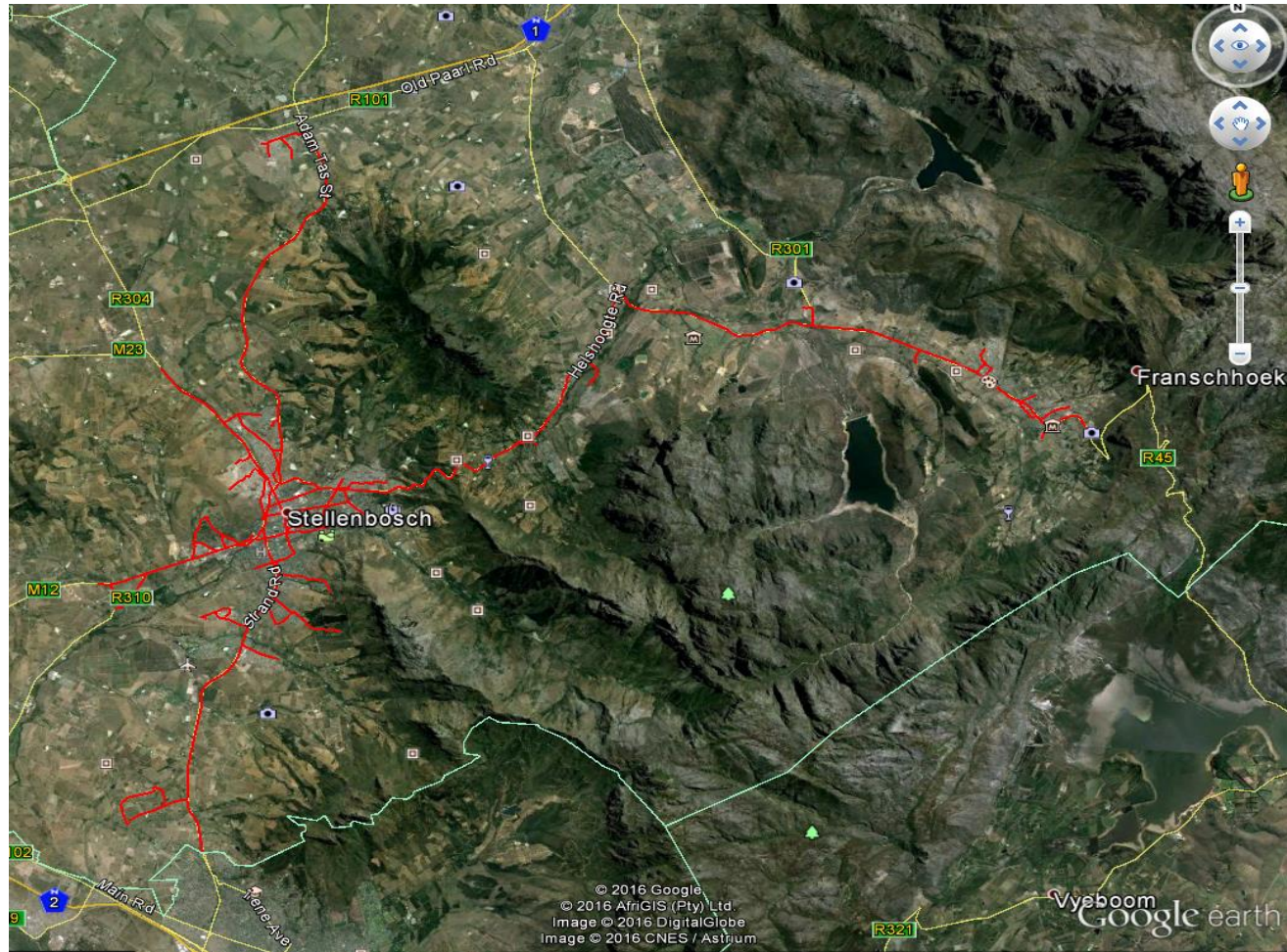
Speed Restriction

Traffic Calming



Raised Pedestrian Crossing

Emergency Routes – WC024



Emergency Routes – Stellenbosch



Emergency Routes – Raithby



Emergency Routes – Kylemore, Pniel and Lanquedoc



emergency Routes – Wemmershoek



Emergency Routes – La Motte and Groendal (Franschhoek)



Emergency Routes – Franschhoek



Emergency Routes – Klapmuts



ANNEXURE B

‘Min respek vir die Grondwet kwel’

Elmarine Anthony

“As ’n mens kyk na wat tans in ons parlement aangaan en hoe min respek daar vir mekaar, ons Grondwet en ons mense is, dan moet ’n mens ’n bietjie meer bekommerd wees daarvoor. Elkeen van ons as stemgeregtigdes en burgers moet vra: Hoekom duld ons wat aangaan?”

Só het Trevor Manuel, voormalige minister van finansies, Sondag 23 Februarie in die Pniël Congregational kerk in sy spreekbeurt by die Adam Small-fees gesê.

Volgens Manuel, as ons kyk na wat ons as Suid-Afrikaners alles al in ons tyd deurgemaak het en byvoorbeeld kyk na wat in die Zondo-kommissie (ná staatskaping) aangaan, “dan bestaan presies dieselfde kwessies en ons moet ophou net aanvaar wat ons sien”.

Manuel het beklemtoon dat ons ’n moeilike pad gekies het met die wyse waarop die Grondwet saamgestel is omdat een van die dinge wat ons moes doen, was om te aanvaar dat ons verenig in ons diversiteit is.

“Ons gaan nie almal dieselfde wees nie. Ons gaan nooit glo dat ons almal net dieselfde is nie. Ons moet almal verenig wees, maar die beginpunt is ons diversiteit. So het ons ’n baie moeilike pad gekies deur te besluit dat

ons 11 amptelike tale sal hê en elke taal sal gelyk wees aan die ander.

“Dis ’n moeilike pad, want ons moet ook ’n nasie bou.”

Volgens Manuel is die oorspronklike taal waarin nuwe wetgewing onderteken is, die belangrikste vir daardie wetgewing.

Hy het uitgelig dat toe die Grondwet in 1996 aanvaar is, dit in Afrikaans onderteken is.

“As ons kyk na die 11 tale, is daar ook werk wat nog gedoen moet word. Die landswaapen sê: ‘Ons is verenig in ons diversiteit’. Ons leer nie die belangrikheid van die taal vir ons kinders nie en ons eien nie die demokrasie nie. Dit is ons grootste probleem. Dis iemand anders se demokrasie. Ons moet nou wag vir die parlement of vir die president om sy staatsrede te lewer, want ons beteken niks.

“Dis wat eintlik verkeerd gegaan het met waar ons vandag is.”

► Lees die volledige berig op www.eikestadnuus.com oor wat Manuel in sy spreekbeurt onder meer oor voormalige president, FW de Klerk se onlangse uitlatings gesê het dat Apartheid nie ’n misdad teen die mensdom was nie.

Manuel lug ook sy mening dat ons land aktiewe burgers nodig het.

Adam Small se nalatenskap geëer

Elmarine Anthony

Prof. Adam Small is al beskryf as “’n filosoof as digter, maar ook ’n digter as filosoof”.

Hoe dít deurslag in sy werk gevind het en bygedra het tot die weerspieëling van die samelewing, was die eerste vraag wat Mandie Ehlers van die Afrikaanse Taal- en Kultuurvereniging (ATKV) aan die skrywer Willem Fransman en prof. Steward van Wyk by die Adam Small-gedenklesing Saterdag 22 Februarie in die Pniël Congregational-kerksaal gestel het.

Small se “literêre en sosiale nalatenskap” was die tema van die gedenklesing by die jaarlikse Adam Small-fees waar daar hulde en eer aan hom gebring word.

Van Wyk, wat onder andere hoof van die departement Afrikaans en Nederlands aan die Universiteit van Wes-Kaapland is, het begin deur te sê dat Small inderdaad sy formele opleiding as filosoof ontvang het, waar hy sy tesis oor die filosofie van Nicolai Hartmann geskryf het.

“Soos hy gesê het, was dit Hartmann se filosofie van omgee wat hom baie getrek het. ’n Mens kan verstaan hoe hy onder daai denkrigting beweeg het van die filosofie na die maatskaplike werk. Ek dink in terme van sy filosofiese ondervinding vind hy baie aansluiting by N.P. van Wyk Louw met sy ou liberale denke van die oop samelewing en die oop gesprek.

“Die feit dat ’n mens moet omgee vir sy medemens en dat jy respek moet hê vir die menslikheid van ander, het ook deurslag in sy werk, in vroeë gedigte gevind waar hy absoluut geïdentifiseer het met die lot en noodlot van die minderbevoor-



Prof. Steward van Wyk, skrywer Willem Fransman en Mandie Ehlers van die ATKV by die Adam Small-gedenklesing. Foto: Elmarine Anthony

regtes in die samelewing en dit is dan juis ook wat aanleiding gee tot die kritiek wat hy op Apartheid gehad het, want Apartheid is dan juis só ’n stelsel wat mense van hul menswaardigheid ontnem het,” het Van Wyk gesê.

Fransman het tussen hul kommentare die gehoor bekoor met sy voorlesings van sekere gedigte van Small.

Ehlers het toe die gesprek oor Small se bydrae tot die bevordering van Kaaps met sy voorwoord/naskrif in sy digbundel *Kitaar my Kruis* van

1962 voorgelees wat lui: “Kaaps is nie wat sekere Engelse mense in Suid-Afrika Capey noem nie, en ook nie wat sekere Afrikaanse mense Gammat-taal noem nie. Kaaps is ’n taal, ’n taal in die sin dat dit die volle lot en noodlot van die mense wat dit praat, dra: ’n taal in die sin dat mense wat dit praat, hul eerste skreeu in die lewe skreeu in hierdie taal?..? en hul doodsgroet roggel in hierdie taal.”

Lees volledige berig oor die gedenklesing op www.eikestadnuus.com.



STELLENBOSCH
STELLENBOSCH • PNIËL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MUNISIPALE KENNISGEWING 17/2020

VERKEERSKALMERINGSBELEID 2019

Kennis geskied hiermee dat Stellenbosch Munisipaliteit se konsep Verkeerskalmeringsbeleid by alle munisipale biblioteke in die Stellenbosch munisipale area asook op www.stellenbosch.gov.za vanaf **2 Maart 2020 - 02 April 2020** beskikbaar sal wees vir publieke insae.

Alle insette/kommentaar moet verwys word na die Direkteur: Infrastruktuurdiens

Kontak persoon: Deon Louw
Tel: 021 808 8213
E-Pos: engineering.services@stellenbosch.gov.za
Verwys asseblief in die onderwerpslyn van u epos na **TRAFFIC CALMING POLICY**

Geraldine Mettler
MUNISIPALE BESTUURDER

Posbus 17
STELLENBOSCH
7599

MUNICIPAL NOTICE 17/2020

TRAFFIC CALMING POLICY 2019

Notice is hereby given that the draft Traffic Calming Policy 2019 will be available for inspection and comments at all the libraries in the Stellenbosch municipal area and on www.stellenbosch.gov.za from **02 March 2020 - 02 April 2020**

All input/comments must be submitted to the Director: Infrastructure Services

Contact person: Deon Louw
Tel: 021 808 8213
Email: engineering.services@stellenbosch.gov.za
Please make mention in the subject line of the email **TRAFFIC CALMING POLICY**

Geraldine Mettler
MUNICIPAL MANAGER

PO BOX 17
STELLENBOSCH
7599

MUSEUM SATERDAG

29 Februarie 2020

SLUIT BY ONS AAN KOMENDE SATERDAG VIR 'N PROGRAM VOL KUNS, KULTUUR, MUSIEK EN KOS. BRING DIE KINDERS, DIE GESIN EN AL JOU VRIENDE EN MAAK DIE MUSEUM JOU TUISTE WEG VAN DIE HUIS.

- 10:30- • Teken-werkswinkel (5-8jr) saam met Fawa Conradie (Bespreek)
- 11:00- • MakerStudio Boekkuns-werkswinkel saam met Heléne van Aswegen (Bespreek)
- 12:00- • NIA – danskuns, gevegskuns en genesende kunste saam met Mia Steyn (Bespreek)
- 13:00- • Musiek sessie in die Museum Café saam met Los Gitanos Duo
- 14:00- • Wynproe saam met Leopards Leap Family Vineyards (Bespreek vir 14:00, 14:30 of 15:00)

Die Museum Café bied 'n spesiale spyskaart vir die dag met watermondlekker disse. Beskikbaar vanaf 10:00 tot 16:00.

BESPREKING: denise@rupertmuseum.org / 021 888 3257
GRATIS TOEGANG EN BYWONING | VEILIGE PARKERING

Stellentiaweg, Stellenbosch
Di. – Vr.: 10:00 – 17:00, Sa. – So.: 10:00 – 16:00
info@rupertmuseum.org | 021 888 3344
www.rupertmuseum.org

Beleef só ook argitektuur

Wil jy sien en hoor hoe opwindend-interessant argitektuur kan wees; hoe geboue die storie van ’n dorp kan vertel?

Die bekende kultuurhistorikus Matilda Burden sal jou met ander oë na die hart van die Eikestad met sy argitektoniese juwele laat kyk.

Twee verskillende roetes word op alternatiewe dae aangebied: Maandag 9 Maart, Woensdag 11 Maart en Vrydag 13 Maart om 17:00 na die middedorp; Dinsdag 10 Maart, Donderdag 12 Maart en Saterdag 14 Maart om 17:00 by Die Braak. Twee wandelings in die oggend word vanjaar die eerste keer aangebied – Dinsdag 10 Maart om 10:00 in die middedorp en Donderdag 12 Maart om 10:00 by Die Braak.

Wandelings begin by Erfurthuis. Deelname kos R50 per persoon per wandeling. Bespreek by Computicket of die Woordfees-kantoor.

BE A HERO

PLEDGE TO BE AN ORGAN DONOR AND BE SOMEONE'S HERO

1 organ donor can save up to **8** lives
It only takes **2** minutes to register

ANNEXURE C

Silvia Pretorius

From: Dawid Botha <dawidbotha.za@gmail.com>
Sent: Wednesday, 08 April 2020 15:15
To: Engineering Services; Deon Louw; Silvia Pretorius
Subject: [EX] Fwd: Kommentaar op Konsep-Verkeerskalmeringsbeleid 2019

Subject: Konsep-Verkeerskalmeringsbeleid 2019 TRAFFIC CALMING POLICY

Geagte Direkteur

Hiermee wil ek namens Stellenbosch Fietsry kommentaar lewer op die Konsep-Verkeerskalmeringsbeleid (2019) van die Munisipaliteit Stellenbosch.

Die grootste probleem wat ons met hierdie beleidsdokument het, is dat dit nie soseer 'n beleid is nie, maar eerder 'n tegniese handleiding om verkeerskalmering toe te pas n.a.v. klagtes en hoe om klagtes van die publiek te hanteer.

Die voorbeelde en tegniese besonderhede van verkeerskalmering behoort in 'n afsonderlike dokument vervat te word. Voorbeelde van verkeerskalmeringsmaatreëls kan wel genoem word, soos die Kaapse Metropol se Verkeerskalmeringsbeleid 2016, maar nie in besonderhede beskryf word nie.

Die Verkeerskalmeringsbeleid behoort 'n bestaansrede/oorsaak hê, soos

- i) die gevaarlike hoë spoed waarteen motorvoertuie in die dorp - insluitende, en veral in woonbuurte - ry;
- ii) die gevare van motorvoertuie vir die mees kwesbare mense van ons gemeenskap, naamlik voetgangers, gestremdes en fietsryers.

Die Verkeerskalmeringsbeleid behoort 'n duidelike visie te stel vir die implementering van verkeerskalmering deur die hele Muisipale gebied.

Dit moet nie net reaktief wees t.o.v. klagte nie, maar pro-aktief leiding gee om die doelwitte van die beleid te bereik. Bv. Alle nuwe en opgegradeerde paaie moet aan die hand van die beleid verkeerskalmering bevorder, en die spoed van motorvoertuie laat verminder tot 50/40/30/20 km/h ,afhangende van die omgewing, bv rondom skole, hospitale, gemeenskapsale, ouetehuse, ens. (vgl Kaapse beleid)

Die beleid behoort kyk na die oorkoepelende probleme betreffende verkeerskalmering (probleemstelling/s) en na die beginsels wat moet geld vir die oplossing van die probleme. Die Verkeerskalmeringsbeleid van die Stad Kaapstad kan in die breë, vir sover dit Stellenbosch aangaan, as 'n algemene voorbeeld gebruik word.

Die konsepbeleid ter sprake is grotendeels reaktief - hoe om klagtes te hanteer.

Ons sou verkies dat die Kalmeringsbeleid meer pro-aktief sal wees - sonder om die reaktiewe aspek te ignoreer.

Dit moet 'n Munisipaliteit-wye visie hê.

Die breë beginsel wat ons wil voorstel, sou wees dat motorverkeer in die Munisipaliteit Stellenbosch gekalmeer moet word om

- a) die veiligheid van kwesbare padgebruikers, bv voetgangers, getremdes, fietsryers te beskerm teen motorverkeer.
- b) motorryers teen hulself en teen mekaar te beskerm om botsings te vermy en lewens van bestuurders en insittendes te beveilig
- c) algemene vrede en rus in die gebied te bevorder
- d) besoedelling deur uitlaatgasse, bandpartikels en remblokstof te beperk.

Ons is verstom dat spoedhobbels nog genoem word as 'n verkeerskalmeringsmotode. Spoedhobbels kan skadelik wees vir motorvoertuie, dis irriterend vir wetsgehoorsame bestuurders en is nie altyd sigbaar nie. Waarom moet wetgeshoorsame bestuurders hiermee gestraf word?

Die Verkeerskalmeringsbeleid kan nie op sy eie gesien word nie, maar moet meewerk met die NMT-beleid, wat beskerming bied aan voetgangers, gestremdes en fietryers.

Ter afsluiting:

1. Dit gaan hier om 'n beleid wat deur *Verkeerskalmering 'n mensvriendelike dorpsomgewing wil skep waarin almal, en in besonder die kwesbares van ons gemeenskap veilig en beskermd hul daaglikse lewe kan lei, sonder die vrees om beseer te word.*
2. Die Verkeerskalmeringsbeleid moet nie verwar word met 'n Verkeerskalmeringsprogram nie. Eersgenoemde spreek laasgenoemde aan.
3. Ons wil voorstel dat die konsep-beleid deurgewerk word deur 'n groep kundiges en belanghebbendes voordat dit finaal na die Raad gaan vir goedkeuring..

Dankie

Die uwe

Dawid Botha (Rdshr)
Voorsitter: Stellenbosch Fietsry NPC

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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)
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NONE

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

7.10	MUNICIPAL MANAGER
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NONE

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE