



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2019-11-15

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2019-11-20 AT 10:00

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

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

Notice is hereby given that a Mayoral Committee Meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch on **Wednesday, 2019-11-20 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2019-10-09&16

MINUTES

MAYORAL COMMITTEE MEETING: 2019-10-09 AT 10:00

AND

**CONTINUATION OF THE MAYORAL COMMITTEE
MEETING:**

2019-10-16 AT 10:00

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

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

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

Officials: Acting Municipal Manager (G Boshoff)
Chief Financial Officer (K Carolus)
Director: Infrastructure Services (D Louw)
Director: Corporate Services (A de Beer (Ms))
Senior Manager: Governance (S de Visser (Ms))
Manager: New Housing (L van Stavel)
Senior Administration Officer (B Mgcushe (Ms))

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

2.	COMMUNICATION BY THE CHAIRPERSON
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“Goeiedag, Good Morning, Molweni

- Good news: Our Stellenbosch Municipality Heritage Inventory and Conservation Management Plan has won top honours at the Institute for Landscape Architecture in South Africa (ILASA)
 - Our heritage mapping project has recently won the ILASA Presidents Award as well as the first place in the ILASA Awards of Excellence for a Publication.
 - This in-depth mapping of our cultural and environmental heritage is the first of its kind in Africa and is considered to be one of only five similar studies worldwide.
 - It produced an advanced Heritage Inventory that identifies all heritage resources and measures their significance. The inventory is a living document that can be expanded when required and will inform our Conservation Management Plan (CMP) to ensure compliance with the National Heritage Resources Act.
- I recently had the honour to welcome representatives from various municipalities and government departments for the Annual Air Quality Governance Lekgotla

- The first time this event hosted in our region
- The Lekgotla discussed the seriousness of air quality, air pollution and the extreme adverse effects on climate change, health and the economy.
- The greater Stellenbosch region is not subjected to extreme air pollution, but it is important that we are vigilant and do everything in our power to ensure that our air quality remains high.
- The decline of air quality has seen an increase in health issues across the world.
- Congratulations to Retired Constitutional Court Justice Edwin Cameron who has been elected as the new Chancellor of Stellenbosch University.
 - He will officially begin his term as chancellor on 1 January 2020.
- October is Breast Cancer Awareness Month
 - This is not an illness limited to women, but affect men as well.
 - Early detection of the condition can lead to effective treatment and a positive prognosis.
 - Regular examination and regular mammograms are key to early detection.
 - About 90% of patients survive for many years after diagnosis when breast cancer is detected at the early stages.
- On 23 October 2019, the Matric Final Exams begin
 - On behalf of the Council and the Municipality I want to wish our Grade 12 learners all the best.
 - Work hard and persevere, this is the time to give it your all and it will impact your future.

Our best wishes to all our Grade 12 parents as well, I know that you are just as committed to the future of your children”.

3.	DISCLOSURE OF INTERESTS
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NONE

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

Cllr Q Smit	- 09 October 2019
Cllr S Peters	- 09 October 2019
Municipal Manager (G Mettler (Ms))	- 09 October 2019

5.	CONFIRMATION OF PREVIOUS MINUTES
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- 5.1 The minutes of the Mayoral Committee Meeting held on 2019-09-11 were **confirmed as correct, subject to page 20 item 7.10.1 recommendation be amended, to read as follows:**

that Council adopts the Revised Strategic and Operational Risk Register With Risk Appetite for the 2019/20 financial year.

6.	STATUTORY MATTERS
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NONE

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC: CLLR Q SMIT)
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NONE

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	POSSIBLE DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 October 2019

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH

2. PURPOSE

To make a final determination on the proposed disposal, following the public participation process.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

The Franschhoek Methodist Church is leasing a portion of erf 23, Franschhoek from Stellenbosch Municipality since 1995. The lease will expire in 2020, where after they will have an option of renewal for a further period of up to ten (10) years on terms and conditions to be mutually agreed upon between the parties. They have applied to purchase the land from the Municipality. The property has been developed by the church, at their cost. The improvements consists of the following buildings:

- Church building: $\pm 175\text{m}^2$
- Crèche/ ECD Centre: $\pm 260\text{m}^2$
- Total** : $\pm 435\text{m}^2$

Having considered the request Council, on 24 April 2019, *inter alia* resolved as follows:

- 5.1 *that Council, in principle, approve the disposal of land to the Franschhoek Methodist Church without following a public tender process, and subject to the following conditions:*
- a) *that the **purchase price** be determined at **30% of market value**, the market value to be determined by two (2) independent valuers;*
 - b) *that a **reversionary clause** be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore;*
 - c) *that the church be responsible for the **sub-division** and rezoning of erf 23, Franschhoek, to allow for a separate unit to be transferred;*
 - d) *that a **servitude** be registered in favour of the Municipality regarding all municipal services crossing the property;*
 - e) *that a **right of access** from Bagatelle Street be registered in favour of the church.*

- 5.2 that Council's intention to dispose of the property under the provisions set out above, be advertised for **public inputs/objections/alternative proposals** as provided for in par 9.2.2.1 of the Property Management Policy; and
- 5.3 that, following the public participation process, the matter be submitted to Council to make a final decision on the disposal, or not."

Following the above decision a valuer has been appointed to do a valuation and the proposed disposal was advertised for public comment/inputs. Council to indicate if a second valuation must still be obtained. The municipal value for the property is

Following the above resolution, notice was published, soliciting public input/objections/alternative proposals with a closing date of 11 July 2019. No inputs/objections or alternative proposals were received.

An evaluator was appointed. The report from the valuator (**APPENDIX 3**) however does not indicate why erven in Michelsplein was used to determine the value of an erf in Franschoek and the department was requested when the item was submitted to refer the valuation back and ask for clarity on the references that was used to determine a valuation. The department was also requested to appoint a second valuator as was indicated in the council resolution and request a second valuation urgently.

Council must now make a final determination in this regard.

MAYORAL COMMITTEE MEETING: 2019-10-09: ITEM 7.2.1

RESOLVED

that this item be referred back to Administration for further refinement.

FOR FURTHER DETAILS CONTACT:

NAME	ANNALENE DE BEER
POSITION	DIRECTOR
DIRECTORATE	Corporate services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.org.za
REPORT DATE	2019-10-03

7.2.2	TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 October 2019

1. SUBJECT: TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE

2. PURPOSE

To provide feedback and get direction in regard to the transfer of the 80 houses at La Motte.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

In terms of paragraph 3.1 of Stellenbosch Municipality's Irrecoverable Debt Policy the CFO has the delegated authority to consider applications up to an amount of R20 000.00. In the circumstances under discussion the Municipal Council must make a decision.

4. EXECUTIVE SUMMARY

The transfer of the 80 houses in the La Motte Village to identified beneficiaries has a very long history. A new Transferring Attorney had to be appointed to attend to this long outstanding matter. Due to the long delay in attending to the transfers, and due to the fact that no municipal accounts were rendered as no properly completed and signed agreements were concluded, none of the Lessees made any payments with regards to occupational rental. For this reason the outstanding debt in respect of rental was an amount of R15 315 589.30 in June 2017. The current outstanding amount is being calculated by Finance, but was not available at the day on which the item was submitted for the agenda.

It would be very difficult to recoup the outstanding amounts. The outstanding debt should be recouped before the transfer of the houses can take place as the payment of the rental amounts was provided for in the 2010 and 2014 Council resolutions. Council will have to approve that the debt be written off or change the 2014 council resolution.

MAYORAL COMMITTEE MEETING: 2019-10-09: ITEM 7.2.2

RESOLVED

that this item stands over till 16 October 2019 at 10:00.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2019-02-07

7.2.3	PARKING POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

09 October 2019

1. SUBJECT: PARKING POLICY

2. PURPOSE

To inform the Executive Mayor and Mayoral Committee on the progress in regard to the Employee Parking Policy.

3. DELEGATED AUTHORITY

Policy has to be approved by Council.

4. EXECUTIVE SUMMARY

The Employee Parking Policy is aimed at creating a framework for decision-making in respect of employee official parking arrangements in the Stellenbosch Municipality. As such it attempts to establish a set of rules for the consistent interpretation and application of decisions governing the parking of official and Employee vehicles within the Municipality designated premises.

The policy was extensively discussed at the Human Resources sub-committee within the Local Labour Forum, but no consensus could be reached. The main reason for the fact that no consensus was reached is the payment of a parking fee by employees. The sub-committee resolved that no further progress will be made and to report back to the LLF. When it served before the LLF on 30 September 2019 the chairperson ruled to keep the item on the agenda.

The last positions of parties was reported back to the Management meeting and the management meeting made further concessions on the amounts for the fees which is contained in the attached draft policy (**APPENDIX 1**). It must be noted that the unions throughout the process were not willing to make any concessions on the parking fees remaining with their opening stance that no fee should be payable. The employer is the only party who negotiated on the amounts.

5. RECOMMENDATION

For consideration.

6.1 DISCUSSION

The draft Employee Parking Policy (Appendix 1) and its implementation is fundamentally aimed at encouraging employees to make alternative arrangements to travel to work to assist with the reduction of the congestion of the centre of town and the traffic. It also aims to deal with the employee parking through consistent and fair parking practices as well as the utilization of the available parking spaces.

Whilst only a 1979 erstwhile Stellenbosch Council decision could be found on parking arrangements, no policy exists (either in archives, documents and/or HR records) although this decision required that such a policy be developed. Notwithstanding the above, at a recently held Director's Management Meeting (DMM) it was resolved that parking

arrangements for staff members be reduced to writing in an official parking policy. The mandate of the Directors were taken up in the draft policy referred to the Local Labour forum on 4 June 2019.

Currently, we have parking bays for staff at the Main Building, the parking area immediately behind the Main Building (behind boom), Stelkor parking area, Ecclesia Building and Bloemhof parking area. There is currently a system in place whereby staff apply for parking behind the Main Building (Boomed area) and Bloemhof and are issued with parking disks. The issuing of disks happened on an ad hoc manner the criteria we could not determine. Communications were sent out by the Director: Corporate Services explaining the Management decision. IMATU lodged a grievance on behalf of their affected members and it was agreed that the consultation process will deal with the matters raised.

The Employee Parking Policy was submitted to the Local Labour Forum of on the 04th of June 2019. The Local Labour Forum resolved that:

“The draft Parking Policy will be distributed to all employees and that the matter will be referred to the Human Resources Development Sub-Committee”.

Meetings of the Human Resources Development Sub-Committee took place on 24 June 2019 and 19 August 2019 and 9 September 2019. Trade unions twice asked for additional time to get mandates from their members but remained unmoved on the payment of a fee. At the last consultation it was agreed that consensus could not be reached between the Employer and Labour Unions on the payment of a fee and that this will be reported back at the Local Labour Forum. The Employer component also indicated that the intention is to refer the policy now to Mayco and Council for approval. Management is of the opinion that given all the unhappiness from members of the public that must pay for parking and the shortage of parking in the CBD employees should also make a contribution for the parking bays they will occupy. There is a shortage of available parking for employees and not all employees who would want a parking bay will be able to get a parking bay even if no payment takes place.

6.2 Financial implications

The policy proposes that the allocation of all parking will be subject to the payment of a parking rate per year and must be renewed annually. Parking rates may differ depending on whether it is open or covered parking.

The proposed parking tariffs are contained in the policy.

6.3 Legal implications

The introduction of the parking fee was consulted with the unions as required. The payment of the fees is voluntary and should an employee not want to pay a fee he/she will have to find a parking where no payment is required.

6.4 Employee implications

Employee Parking will not be automatically granted. Employees who wish to utilise a parking bay will have to apply for parking meaning that not all Employee members who previously parked at within the designated areas will have automatic access to parking, or at all.

6.5 Risk implications

Unhappiness amongst employees if they are not allocated a parking bay and those who do not want to pay a fee will also be unhappy. On the other side this policy treats employees in a similar manner than for instance residents or visitors who needs to make use of parking in the CBD. At this stage it does not affect parking at other offices outside the CBD in Stellenbosch.

MAYORAL COMMITTEE MEETING: 2019-10-09: ITEM 7.2.3**RESOLVED**

- (a) that the content of the report is noted; and
- (b) that it further be noted that the matter not be forwarded to Council at this stage as it is still under discussion in the Local Labour Forum.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	<i>Annalene de Beer</i>
<i>POSITION</i>	<i>Director</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT NUMBERS</i>	<i>021 – 808 8018</i>
<i>EMAIL ADDRESS</i>	<i>Annalene.deBeer@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>17 September 2019</i>

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

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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7.4.1	REVISION OF THE HOUSING ALLOCATION POLICY
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Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 9 October 2019

1. SUBJECT: REVISION OF THE HOUSING ALLOCATION POLICY

2. PURPOSE

To obtain Council's approval for public consultation of the Draft Housing Allocation Policy for Stellenbosch Municipality.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The application is for Council to approve the Housing Selection Policy to ensure the proper management of the Housing Demand Database system and that all prospective housing beneficiaries are selected from the Council's Database System. Council has noticed that there is confusion, perceived bias and favouritism in the allocation of houses. There is also widespread dissatisfaction around queue-jumping. Council is also concerned that many people do not understand the procedure for applying for government subsidy houses. It is Council's feeling that allocation procedures for subsidy houses should be transparent and accessible to all the residents of WC024.

Council therefore supports the following objectives:

- Promotion of equal access to housing for WC024 residents
- Transparency
- Prevention of unfair discrimination
- Promotion of fair administrative justice
- Apply the principle of "first come first serve"
- Proper recording of all housing applicants

MAYORAL COMMITTEE MEETING: 2019-10-09: ITEM 7.2.3**RESOLVED**

that this item stands over till 16 October 2019 at 10:00.

FOR FURTHER DETAILS CONTACT:

NAME	ROTANDA NONA SWARTBOOI
POSITION	MANAGER: HOUSING ADMINISTRATION
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021 808 8757
E-MAIL ADDRESS	Rotanda.Swartbooi@ Stellenbosch.gov.za
REPORT DATE	

7.4.2	IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA
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Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 9 October 2019

1. SUBJECT: IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA

2. PURPOSE

- (i) To inform Council of studies that were undertaken to identify properties in Cloetesville for possible future development.
- (ii) To inform Council of a site visit that was undertaken by officials, the Ward Councillor, the Deputy Mayor and the representatives of the Backyarders Committee. During the site visit a few additional possible development sites were identified by the visiting group.
- (iii) To obtain Council's approval to enter into a tender process to develop some of the sites as identified in the paragraphs hereunder.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Municipality commissioned two desktop studies in order to determine the suitability of Municipal owned vacant erven in Cloetesville for further infill development.

The first desktop study was undertaken to identify all Municipal owned vacant property in Cloetesville.

The second study zoomed in on the services available to all properties and from that four (4) properties have been identified with a higher possibility of successful development.

A site visit was undertaken by officials, the Ward Councillor, the Deputy Mayor and the representatives of the Backyarders Committee. During the site visit a few additional possible development sites were identified by the visiting group and will be elaborated on under paragraph 6, table 1, hereunder.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-10-09: ITEM 7.4.2

- (a) that the Directorate: Planning and Economic Development be requested to conduct feasibility studies on all the erven that were identified in the Aurecon Report, as well as the sites identified by the representatives of the Backyarders Committee except those mentioned in paragraph (c) below;

-
- (b) that these studies include the feasibility for housing, including emergency housing, and different housing typologies that address the challenges the communities are facing in the Cloetesville area; or whether it will be better suited for other community needs;
- (c) that the Municipal Manager be mandated to start an investigation of non-municipal land, including properties owned by national or provincial government, that may be acquired by Council for housing purposes; and
- (d) that a Feasibility Study Report be submitted as soon as possible but not later than the end of the current financial year.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director</i>
DIRECTORATE	<i>Planning & Economic Development</i>
CONTACT NUMBERS	<i>021-808 8493</i>
E-MAIL ADDRESS	Tabiso.Mfeya@stellenbosch.gov.za
REPORT DATE	

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
7.5.1	CREATION OF A NEW DELEGATION TO AUTHORISE THE PAYMENT OF REWARDS FOR INFORMATION ON CRIMINAL ACTIVITIES WITHIN THE AREA OF JURISDICTION OF THE MUNICIPALITY OF STELLENBOSCH, BASED ON THE SIMILAR ACTION OF THE CITY OF CAPE TOWN

Collaborator No: 663706
IDP KPA Ref No: Good Governance
Meeting Date: 09 October 2019

1. SUBJECT: CREATION OF A NEW DELEGATION TO AUTHORISE THE PAYMENT OF REWARDS FOR INFORMATION ON CRIMINAL ACTIVITIES WITHIN THE AREA OF JURISDICTION OF THE MUNICIPALITY OF STELLENBOSCH, BASED ON THE SIMILAR ACTION OF THE CITY OF CAPE TOWN

2. PURPOSE

To propose the creation of a delegation to be conferred upon the Executive Mayor and Municipal Manager, to authorize the payment of rewards for information on criminal activities in circumstances as prescribed below.

3. FOR DECISION BY

Council

4. EXECUTIVE SUMMARY

There is no current system of delegations of payment of rewards to any individual who supplies information that would lead to the successful prosecution of individuals or groups effecting material or financial harm to the Municipality.

A recent City of Cape Town system of delegations for the payment of rewards conferred upon the City Manager, provides for two broad categories under which the City Manager may authorize the payment of a reward not exceeding R20 000. The first category relates to information leading to a successful criminal prosecution where a criminal act has been committed against the city, as defined in the Systems Act and which is controlled and or effectively managed by the City and any councillor or official of the city. The second instance is for information leading to council achieving substantial savings, recovering monies due to it and or the implementation of measures which substantially improves the manner in which it conducts its business.

The Executive Mayor of the City of Cape Town may authorize the payment of a reward not exceeding R100 000.

This report to the Council of Stellenbosch Municipality seeks to adapt the equivalent report from the City of Cape Town to the conditions within the Municipality of Stellenbosch in order to create a new delegation to the above to cater for broader circumstances where an arrest and subsequent criminal prosecution is not necessarily required but where information provided can lead to the recovery of funds lost through fraudulent activities of staff and public, theft of equipment, illegal drugs, firearms as well as alcohol and the prevention and combatting of crime generally

5. RECOMMENDATIONS

- (a) that this report on the delegation proposal for rewards to the successful supply of information, be noted;
- (b) that the scenario of reward informants who supply information to the benefit of Stellenbosch, be accepted; and
- (c) that the following delegation proposals be debated and adjusted to Stellenbosch conditions:

Delegations proposed:

a. Executive Mayor

- i) To authorize the payment of a reward exceeding R10 000 but not more than R20 000 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act against the Municipality, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the Municipality and any Councillor or official of the Municipality.
- ii) To authorize the payment of a reward exceeding R10 000 but not more than R20 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

b. Municipal Manager

- i) To authorise the payment of a reward not exceeding R10 000.00 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act in or against the Municipality, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the Municipality and any Councillor or official of the Municipality
- ii) To authorize the payment of a reward not exceeding R10 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

c. Director: Community Services

- i) That Council agrees to a delegation to the Director: Community Services to authorise the payment of rewards for information on criminal activities in the Stellenbosch Municipal Area being reported to the Municipality's Uniform Services;
- ii) The delegation authorise the payment of a reward not exceeding R1 000 to any person for information provided;
- iii) The payment of a reward will be considered for information that leads to:

- an arrest, confiscation of stolen or illegal goods or the handing-in of illegal or stolen goods with the understanding that opening of a formal case docket and provision of the relevant CAS number will be a prerequisite for such payment;
 - any other consequence, which, in the discretion of the Director, will promote good governance in the Municipality, enable the Council to achieve substantial savings, recover monies due to it or implement measures which substantially improve the manner in which it conducts its business.
- iv) The exercise of such delegation be done in terms of a standard operating procedure to be approved by the Municipal Manager and Chief Financial Officer to ensure accountability and good governance, including provisions for the protection of the identity of informers where appropriate.

That the Directorate Community Services be requested to draft a Standard Operating Procedure to regulate the awarding of rewards.

6. DISCUSSION / CONTENTS

6.1 BACKGROUND

The identification and development of reliable information sources is a necessity in every policing agency. For years, the Municipality's Law Enforcement Departments as well as all other law enforcement sections such as (but not limited to):

- Building Inspectors
- Electricity Installation Inspectors
- Water and Sanitation Installation Inspectors
- All other Law Enforcement and Peace Officers

Have acted on information received from member of the public, whether that be random tip-offs, information provided by suspects that have been arrested or formal assistance from the SAPS, concerned members of the public or any other eye witness.

A growing need exist within these divisions to have access to a system by means of which members of the public can be compensated for valuable information provided.

There is no current system of delegation for the rewarding informants. The equivalent system within the city of Cape Town is as follows:

“The current system of delegations contains provisions under which both the Executive Mayor and City Manager may authorize the payment of rewards for information. The only difference are the amounts which can be offered, the city manager has a maximum limit of R20 000 and the Executive mayor R100 000.

In addition the City introduced a reward that could be authorised by the equivalent of Stellenbosch's Director: Community Services.

This additional delegation was required to enable the City to deal with reporting of incidents which do not necessarily lead to prosecution but the information is of such a nature that once verified and acted upon it can lead to an arrest, confiscation of stolen or illegal goods or the handing-in of illegal or stolen goods. The opening of a formal case docket and provision of the relevant CAS number will be a prerequisite to payment for such information. It is furthermore required that the delegation provides for payment of information to be considered in any other consequence, which, in the discretion of the

Executive Director, will promote good governance in the City, enable the Council to achieve substantial savings, recover monies due to it or implement measures which substantially improve the manner in which it conducts its business.

Staff within Metro Police, Traffic Services and Law Enforcement will act upon this information and engage in a process of information verification as well as action if required. If the information proves to be accurate and confiscations and arrests do take place, consideration will be given to the payment of a pre-determined sum of money to the source of the information. This must be done with due regard to the financial control guidelines as well as auditing requirements. The South African Police Services have a National Instruction dealing with the Registration and Finances of informers. This is used as part of their constitutionally mandated function for the prevention, detection and investigation of crime. The City will not be managing informers in terms of this suggested delegation. All the City is seeking to do is to reward persons who provide information which could result in any of the listed situations above.

Prescripts pertaining to the abovementioned actions are to be provided for in a Standard Operating Procedure which will include the following:

- Registration of people providing information
- Verification process
- Confidentiality
- Guidelines for amount determination
- Application process for approval by the Executive Director
- Payment process
- Auditability
- Protection of informant identity
- General principles guiding the SOP”

6.2 Delegations accepted by the City of Cape Town

The following delegations were accepted by the City of Cape Town:

6.2.1 Executive Mayor

Rewards:

- a. Delegation 10 (13) To authorize the payment of a reward exceeding R20 000 but not more than R100 000 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act against the City, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the City and any Councillor or official of the City.
- b. Delegation 10 (14) To authorize the payment of a reward exceeding R20 000 but not more than R100 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations. Delegations 116(1) and 10(13) are confined to rewards for information which lead to a successful prosecution.

- c. Delegations 116(2) and 10(14) authorise rewards for information which lead to the Council achieving substantial savings, recovering monies due to it or implementing measures which substantially improve the manner in which it conducts its operations. This will depend on the facts of each case, but in broad terms information which helps to trace persons with multiple outstanding warrants, information on service delivery protests and information on illegal drugs may well fit into these categories.

6.2.2 Municipal Manager

Rewards:

- a. To authorise the payment of a reward not exceeding R20 000.00 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act in or against the City, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the City and any Councillor or official of the City.
- b. To authorize the payment of a reward not exceeding R20 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

6.2.3 Stellenbosch Proposed set of delegations:

Since Stellenbosch is considerably smaller than the City of Cape Town, it would by nature not be able to afford such high rewards. It is however also true that the criminal element is increasing which is proven by the higher state of vandalism taking place with Stellenbosch.

The following delegations are therefore proposed:

- a. Executive Mayor
- i) To authorize the payment of a reward exceeding R10 000 but not more than R20 000 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act against the Municipality, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the Municipality and any Councillor or official of the Municipality.
- ii) To authorize the payment of a reward exceeding R10 000 but not more than R20 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.
- b. Municipal Manager
- i) To authorise the payment of a reward not exceeding R10 000.00 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act in or against the Municipality, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the Municipality and any Councillor or official of the Municipality.

- ii) To authorize the payment of a reward not exceeding R10 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

6.2.4 Director: Community Services

Rewards:

- a. To authorise the payment of rewards for information on criminal activities in the Stellenbosch Municipal Area being reported to the Municipality's Uniform Services;
- b. To authorise the payment of a reward not exceeding R1 000 to any person for information provided;
- c. The payment of a reward will be considered for information that leads to:
 - an arrest, confiscation of stolen or illegal goods or the handing-in of illegal or stolen goods with the understanding that opening of a formal case docket and provision of the relevant CAS number will be a prerequisite for such payment;
 - any other consequence, which, in the discretion of the Director, will promote good governance in the Municipality, enable the Council to achieve substantial savings, recover monies due to it or implement measures which substantially improve the manner in which it conducts its business.
- d. The exercise of such delegation be done in terms of a standard operating procedure to be approved by the Municipal Manager and Chief Financial Officer to ensure accountability and good governance, including provisions for the protection of the identity of informers where appropriate.

6.3 Financial Implications

The expenditure is to be absorbed within the budgets of the Municipality and will be transferred to the correct cost element after the approval of the 2019/2020 adjustment budget at the beginning of the second semester and the commencement of the 2020/2021 financial year.

6.4 Legal Implications

Delegations are regulated by the relevant provisions of the Municipal Systems Act. Any payments authorised will also have to meet the requirements of the MFMA as well as Auditing standards.

6.5 Staff Implications

None.

6.7 Previous / Relevant Council Resolutions:

Not applicable.

7. Comments from Executive Management:

7.1 DIRECTOR: INFRASTRUCTURE SERVICES:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.2 DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.3 DIRECTOR: COMMUNITY SERVICES:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.4 DIRECTOR: CORPORATE SERVICES:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.5 CHIEF FINANCIAL OFFICER:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.6 MUNICIPAL MANAGER:

Accepted at the DIRECTORS' MEETING of 17 September 2019

MAYORAL COMMITTEE MEETING: 2019-10-09: ITEM 7.5.1**RESOLVED**

that this item stands over till 16 October 2019 at 10:00.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Deon Louw</i>
POSITION	<i>Director: Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	<i>Deon.louw@ Stellenbosch.gov.za</i>
REPORT DATE	<i>18 September 2019</i>

7.5.2	APPROVAL AND ADOPTION OF THE WATER SERVICE DEVELOPMENT PLAN 2019
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

09 October 2019

1. SUBJECT: APPROVAL AND ADOPTION OF THE WATER SERVICE DEVELOPMENT PLAN 2019

2. PURPOSE

To submit the proposed Water Service Development Plan of the Stellenbosch Municipality to Council for approval.

3. DELEGATED AUTHORITY

COUNCIL.

The Water Service Development Plan must, in terms of the Water Services Act (Act 108 of 1997), be adopted by the Municipal Council.

4. EXECUTIVE SUMMARY

The current Water Service Development Plan (WSDP) must be updated every five years as directed by the Water Services Act. (Act 108 of 1997) and regulations relating to compulsory National Standard Measures to Conserve Water”.

The Water Services Development Plan contains provisions in support of basic human services, replacement and upgrading of old infrastructure, cleaned piped water, sanitation services and procedures relating to service connections to consumers, services specifications, compliance regulations and obligation matters relating to municipality’s Constitutional obligation to effective service delivery, to all relevant legislation.

The WSDP propose to regulate all activities, infrastructure and entities associated with potable water, waste water generation, the disposal of sewerage effluent by all types of consumers

The proposed plan is also not in contradiction with any existing policies (e.g. credit control policy).

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-10-09: ITEM 7.5.2

- (a) that the content of this report be noted;
- (b) that the attached Draft Water Service Development Plan (2019) be approved in principle by Council;
- (c) that the Department: Water & Wastewater Services invite public comment on the Water Services Development Plan (2019) by means of a notice in the local media; and
- (d) that Council approves the Water Services Development Plan (2019) after public comment has been considered.

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	<u>Deon.louw@stellenbosch.gov.za</u>
REPORT DATE	<i>04 October 2019</i>

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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7.6.1	DRAFT TREE MANAGEMENT POLICY OF MUNICIPAL TREES WITHIN WC024
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Collaborator No: 664071
IDP KPA Ref No: Strategic Focus Area 2
Meeting Date: 09 October 2019

1. SUBJECT: DRAFT TREE MANAGEMENT POLICY OF MUNICIPAL TREES WITHIN WC024

2. PURPOSE

For Council to consider and approve the Draft Tree Management Policy on municipal trees within WC024.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The policy is developed for the management of trees within the WCO24. The tree policy addresses all tree related aspects to ensure effective functionality of daily operations. The amendments will ensure the consistent application of the policy by all users.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-10-09: ITEM 7.6.1

- (a) that the attached Draft Tree Management Policy be accepted by Council;
- (b) that Council approves the advertisement of the Draft Tree Management Policy (August 2019) for a period of 60 days for public input; and
- (c) that the inputs received during the above public participation process be worked into a final draft Tree Management Policy to be presented to Council for approval.

FOR FURTHER DETAILS CONTACT:

NAME	TAMMY LEIBRANDT
POSITION	MANAGER: ENVIRONMENTAL MANAGEMENT
DIRECTORATE	COMMUNITY AND PROTECTION SERVICES
CONTACT NUMBERS	021 808 8180
E-MAIL ADDRESS	tammy.leibrandt@stellenbosch.gov.za
REPORT DATE	30 July 2019

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, SPORTS AND CULTURE: (PC: CLLR M PIETERSEN)
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7.9.1	REVIEWING OF THE POLICY ON LEASING AND USE OF MUNICIPAL HALLS
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Collaborator No: 662957
IDP KPA Ref No: Good Governance
Meeting Date: 09 October 2019

1. SUBJECT: REVIEWING OF THE POLICY ON LEASING AND USE OF MUNICIPAL HALLS

2. PURPOSE

To inform Council about the revision done on the Leasing and Use of Municipal Halls Policy and to obtain Council approval.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

The policy has reached its maturity and the department identified elements to be revised. The amendments will ensure the consistent application of the policy by all respective users.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-10-09: ITEM 7.9.1

that the attached draft revised policy on the hiring and use of municipal halls be approved in principle, and be circulated for public comments for 30 days before it is re-submitted for final approval.

FOR FURTHER DETAILS CONTACT:

NAME	ALBERT VAN DER MERWE
POSITION	SENIOR MANAGER: COMMUNITY SERVICES
DIRECTORATE	COMMUNITY AND PROTECTION SERVICES
CONTACT NUMBERS	021 808 8165
E-MAIL ADDRESS	Albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	30 April 2019

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

The meeting adjourned at 11:30.

CHAIRPERSON:

DATE:

Confirmed on

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

Councillors: PR Crawley (Ms)
A Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
M Pietersen
Q Smit

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

Officials: Acting Municipal Manager (G Boshoff)
Chief Financial Officer (K Carolus)
Acting Director: Infrastructure Services (J Fullard)
Director: Corporate Services (A de Beer (Ms))
Director: Planning and Economic Development (T Mfeya)
Senior Manager: Governance (S de Visser (Ms))
Senior Administration Officer (B Mgcushe (Ms))

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

2.	COMMUNICATION BY THE CHAIRPERSON
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NONE

3.	DISCLOSURE OF INTERESTS
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NONE

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

Municipal Manager (G Mettler (Ms)) - 16 October 2019

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.2	TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE

Collaborator No:

IDP KPA Ref No: *Institutional Transformation*

Meeting Date: 16 October 2019

1. SUBJECT: TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE

2. PURPOSE

To provide feedback and to get direction in regard to the transfer of the 80 houses at La Motte.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL,

In terms of paragraph 3.1 of Stellenbosch Municipality's Irrecoverable Debt Policy the CFO has the delegated authority to consider applications up to an amount of R20 000.00 In the circumstances under discussion the Municipal Council must make a decision.

4. EXECUTIVE SUMMARY

The transfer of the 80 houses in the La Motte Village to identified beneficiaries has a very long history. A new Transferring Attorney had to be appointed to attend to this long outstanding matter. Due to the long delay in attending to the transfers, and due to the fact that no municipal accounts were rendered as no properly completed and signed agreements were concluded, none of the Lessees made any payments with regards to occupational rental. For this reason the outstanding debt in respect of rental was an amount of R15 770 700.11 (**APPENDIX 1**)

It would be very difficult to recoup the outstanding amounts. The outstanding debt should be recouped before the transfer of the houses can take place as the payment of the rental amounts was provided for in the 2010 and 2014 Council resolutions. Council will have to approve that the debt to be written off or change the 2014 council resolution to allow for the.

The matter was referred back to the department to provide the outstanding updated annexure and to make changes to the recommendations in line with the discussion at MAYCO.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-10-16: ITEM 7.2.2

- (a) that transfer to the 10 households that are paid up be effected as a matter of urgency;
- (b) that a monthly progress report from the transferring attorney on the status quo and progress of the transfer be provided to the Municipality;

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- (c) that letters be given as a matter of urgency to the 9 beneficiaries who allowed illegal occupants to occupy the houses to provide reasons why the houses should not be transferred to other beneficiaries;
- (d) that letters be given as a matter of urgency to all illegal occupying households to provide reasons why they should not be evicted from the houses they are occupying illegally as they were not recognised as the beneficiaries for the houses they occupy;
- (e) that an investigation as a matter of urgency be lodged as to how the 10 illegal occupants of unallocated houses were allowed to occupy the houses; and
- (f) that letters be given as a matter of urgency to all beneficiaries who are in arrears on the outstanding rental amounts to inform them that council intend to assist them, should they qualify for financial assistance from financial institutions or government subsidies to buy the houses. They will however still be liable for outstanding amounts on services.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-02-07

7.2.4	ACQUISITION OF ERF 1852
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Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: **16 October 2019**

1. SUBJECT: ACQUISITION OF ERF 1852

2. PURPOSE

To obtain council's permission to enter into a tender process to purchase the property, Erf 1852 on the corner of Plein and Ryneveld Street. The acquisition of Erf 1852 will address some of the need for municipal office space currently addressed through rental contracts.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

Council is currently renting office space in the CBD in three different buildings from 3 different companies. These lease agreements are concluded for a three year period and is not a permanent solution to address the lack of office space.

There are currently 3 (three) lease agreements in place for office space in Stellenbosch CBD:

Name of building	Landlord	Size
Oude Bloemhof Building	Absa Bank Ltd	764.41m ²
Ecclesia	Octofin Commercial (Pty) Ltd	2254.49m ²
Eikestad Mall	Eikestad Joint Venture	989.31m ²
Total		4008.21m²

The lease agreements will cost the municipality **R33 192 125.20** over the next three financial years.

An advert was placed in the Eikestad newspaper for the sale of property Erf 1852 on the corner of Plein and Ryneveld Street. This is a unique opportunity to acquire office space on a large scale that does not come round regularly and for the CBD is rare. The property offers office space of 2065 m². The last municipal valuation of the property was R 20 Million. This amount will be higher in the next valuation.

Erf 1852 offers office space of 2065 m², which will be sufficient to accommodate staff that's situated in the ABSA Bank and Eikestad Mall buildings. In total the municipality will spend R14 187 974.36 over the next three financial years on rental cost for these two buildings.

The Chief Financial Officer made financial projections based on financing using own funds as well as external financing in order to determine the breakeven point (attached as Annexure B). In both instances the breakeven point would be reached in less than 10 years. The lifetime of the asset will evidently be much longer than 10 years and hence it would make sense to procure Erf 1852. The property also houses some commercial space that can bring additional income.

5. RECOMMENDATION

that the Municipal Manager be authorised to enter into a tender process for the acquisition of erf 1852, Stellenbosch.

6. DISCUSSION / CONTENT

6.1 Background

Council is currently renting office space in the CBD in three different buildings from 3 different companies. These lease agreements are concluded for a three year period and is not a permanent solution to address the lack of office space.

An advert was placed in the Eikestad newspaper for the sale of property Erf 1852 on the corner of Plein and Ryneveld Street. The property offers office space of 2065 m and it will be sufficient to accommodate the staff that is situated in the ABSA Bank and Eikestad Mall buildings.

6.2. DISCUSSION

Section 14 of the MFMA, as well as Regulation 34 of the Asset Transfer regulations deals with the **disposal** of property or rights in property, whilst Chapter 11 of the MFMA deals with the procurement of **goods and services**.

Seeing that the acquisitions of rights in property does not fall into any of the categories listed above, the normal SCM Regulations does not apply. The matter is therefore referred to council for a resolution.

6.2.1 Existing Lease Agreements: Office space

The following lease agreements are currently in place.

Name of building	Landlord	Size
Oude Bloemhof Building	Absa Bank Ltd	764.41m ²
Ecclesia	Octofin Commercial (Pty) Ltd	2254.49m ²
Eikestad Mall	Eikestad Joint Venture	989.31m ²
Total		4008.21m²

6.2.2 Procurement of Erf 1852

Council is currently renting office space in the CBD in three different buildings from 3 different companies. These lease agreements are concluded for a three year period and is not a permanent solution to address the lack of office space.

There are currently 3 (three) lease agreements in place for office space in Stellenbosch CBD:

Name of building	Landlord	Size
Oude Bloemhof Building	Absa Bank Ltd	764.41m ²
Ecclesia	Octofin Commercial (Pty) Ltd	2254.49m ²
Eikestad Mall	Eikestad Joint Venture	989.31m ²
Total		4008.21m²

The lease agreements will cost the municipality **R33 192 125.20** over the next three financial years.

An advert was placed in the Eikestad newspaper for the sale of property Erf 1852 on the corner of Plein and Ryneveld Street. This is a unique opportunity to acquire office space on a large scale that does not come round regularly and for the CBD is rare. The property offers office space of 2065 m². The property's valuation is estimated at R35 million.

Erf 1852 offers office space of 2065 m², which will be sufficient to accommodate staff that's situated in the ABSA Bank and Eikestad Mall buildings. In total the municipality will spend R14 187 974.36 over the next three financial years on rental cost for these two buildings.

The Chief Financial Officer made financial projections based on financing using own funds as well as external financing in order to determine the breakeven point (attached as **ANNEXURE B**). In both instances the breakeven point would be reached in less than 10 years. The lifetime of the asset will evidently be much longer than 10 years and hence it would make sense to procure Erf 1852.

6.2.3 Financial implications

The financial projections based on financing using own funds as well as external financing in order to determine the breakeven point (attached as Annexure B). In both instances the breakeven point would be reached in less than 10 years. The lifetime of the asset will evidently be much longer than 10 years and hence it would make sense to procure Erf 1852. The last Municipal valuation is R20 million.

The shortfall in funding for the procurement of the property will be accommodated in the Mid-year adjustments budget.

6.4. Legal Implications

Section 14 of the MFMA, as well as Regulation 34 of the Asset Transfer regulations deals with the **disposal** of property or rights in property, whilst Chapter 11 of the MFMA deals with the procurement of **goods and services**.

Seeing that the acquisitions of rights in property (renting of office space) does not fall into any of the categories listed above, the normal SCM Regulations does not apply.

6.5 Staff Implications

More permanent arrangements can be made around office space where the Municipality owns a building that in the uncertain situation where office space is rented on a short term basis of two or three years.

6.6. Previous / Relevant Council Resolutions

None on the acquisition of this erf, but in various other council resolution discussions around rental of office space the administration was requested to find other alternatives to the rental of office space.

6.7. Risk Implications

The acquisition of this building will relieve the need for the rental of office space.

6.8. Comments from Senior Management

Management support the recommendations.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-10-16: ITEM 7.2.4

- (a) that the Municipal Manager be authorised to enter into a tender process for the acquisition of erf 1852, Stellenbosch; and
- (b) that should the municipality be the successful tenderer it be subject to Council's approval.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	ANNALENE DE BEER
<i>POSITION</i>	<i>DIRECTOR</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT NUMBERS</i>	<i>021-8088018</i>
<i>E-MAIL ADDRESS</i>	<i>Annalene.deBeer@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>2019 – 10- 16</i>

7.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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7.4.1	REVISION OF THE HOUSING ALLOCATION POLICY
-------	--

Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: **16 October 2019**

1. SUBJECT: REVISION OF THE HOUSING ALLOCATION POLICY

2. PURPOSE

To obtain Council's approval for public consultation of the Draft Housing Allocation Policy for Stellenbosch Municipality.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The application is for Council to approve the Housing Allocation Policy to ensure the proper management of the Housing Demand Database system and that all prospective housing beneficiaries are selected from the Council's Database System. Council has noticed that there is confusion, perceived bias and favouritism in the allocation of houses. There is also widespread dissatisfaction around queue-jumping. Council is also concerned that many people do not understand the procedure for applying for government subsidy houses. It is Council's feeling that allocation procedures for subsidy houses should be transparent and accessible to all the residents of WC024

Council therefore supports the following objectives:

- Promotion of equal access to housing for WC024 residents
- Transparency
- Prevention of unfair discrimination
- Promotion of fair administrative justice
- Apply the principle of "first come first serve"
- Proper recording of all housing applicants

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-10-16: ITEM 7.4.1

- (a) that Council adopts the Housing Allocation Policy as a draft, in principle, and
- (b) that the Housing Allocation Policy for Stellenbosch Municipality be advertised for public comments whereafter it be resubmitted to Council for final consideration and subsequent adoption.

FOR FURTHER DETAILS CONTACT:

NAME	ROTANDA NONA SWARTBOOI
POSITION	MANAGER: HOUSING ADMINISTRATION
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021 808 8757
E-MAIL ADDRESS	Rotanda.Swartbooi@ Stellenbosch.gov.za
REPORT DATE	

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
7.5.1	CREATION OF A NEW DELEGATION TO AUTHORISE THE PAYMENT OF REWARDS FOR INFORMATION ON CRIMINAL ACTIVITIES WITHIN THE AREA OF JURISDICTION OF THE MUNICIPALITY OF STELLENBOSCH, BASED ON THE SIMILAR ACTION OF THE CITY OF CAPE TOWN

Collaborator No: 663706
IDP KPA Ref No: Good Governance
Meeting Date: 16 October 2019

1. **SUBJECT: CREATION OF A NEW DELEGATION TO AUTHORISE THE PAYMENT OF REWARDS FOR INFORMATION ON CRIMINAL ACTIVITIES WITHIN THE AREA OF JURISDICTION OF THE MUNICIPALITY OF STELLENBOSCH, BASED ON THE SIMILAR ACTION OF THE CITY OF CAPE TOWN**

2. **PURPOSE**

To propose the creation of a delegation to be conferred upon the Executive Mayor and Municipal Manager, to authorize the payment of rewards for information on criminal activities in circumstances as prescribed below.

3. **FOR DECISION BY**

Council

4. **EXECUTIVE SUMMARY**

There is no current system of delegations of payment of rewards to any individual who supplies information that would lead to the successful prosecution of individuals or groups effecting material or financial harm to the Municipality.

A recent City of Cape Town system of delegations for the payment of rewards conferred upon the City Manager, provides for two broad categories under which the City Manager may authorize the payment of a reward not exceeding R20 000. The first category relates to information leading to a successful criminal prosecution where a criminal act has been committed against the city, as defined in the Systems Act and which is controlled and or effectively managed by the City and any councillor or official of the city. The second instance is for information leading to council achieving substantial savings, recovering monies due to it and or the implementation of measures which substantially improves the manner in which it conducts its business.

The Executive Mayor of the City of Cape Town may authorize the payment of a reward not exceeding R100 000.

This report to the Council of Stellenbosch Municipality seeks to adapt the equivalent report from the City of Cape Town to the conditions within the Municipality of Stellenbosch in order to create a new delegation to the above to cater for broader circumstances where an arrest and subsequent criminal prosecution is not necessarily required but where information provided can lead to the recovery of funds lost through fraudulent activities of staff and public, theft of equipment, illegal drugs, firearms as well as alcohol and the prevention and combatting of crime generally

THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE: 2019-10-16: ITEM 7.5.1

RESOLVED

that this item be referred back to Administration for further refinement and be re-submitted to the next Mayco meeting.

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>04 October 2019</i>

The meeting adjourned at 10:45.

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
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NONE

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC: CLLR Q SMIT)
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7.1.1	REVIEW OF TRAFFIC MANAGEMENT PLAN 2017-2022
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Collaborator No: 665472
IDP KPA Ref No:
Meeting Date: 20 November 2019

1. SUBJECT: REVIEW OF TRAFFIC MANAGEMENT PLAN 2017-2022

2 PURPOSE

To submit the revised Traffic Management Plan to Council for approval.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Traffic Services has an obligation in accordance with the Constitution to ensure the safety of all road users within our area of jurisdiction. The revised traffic management plan will give overview of our current status within our area of jurisdiction, integration and implementation of provincial and national initiatives.

South Africa has pledged its support to the United Nations Decade of Action for Road Safety by setting milestones which are in line with the UN resolution. Participating road entities consists of the Local Authority Municipalities of which Stellenbosch Traffic Services form part of, Road Traffic Management Corporation (RTMC), the Road Safety Infringement Agency (RTIA), the South African National Roads Agency (SANRAL), the Road Accident Fund (RAF), and the Cross Border Road Transport Agency (CBRTA).

Road safety and its high fatality rate has become a burning issue and rank as one of the most pressing challenges facing modern society today. Stellenbosch Traffic Services have recorded within the WC024 area, 21,683 accidents (crashes) between 2012 to 2018 and 169 road deaths (fatalities) during the same period. South Africa has been ranked to having as one of the worst road death rates in the world.

South Africa has in support of the United Nations Decade of Action (UNDoA 2011-2020) for Road Safety has undertaken to save lives and prevent serious injuries caused by road accidents (crashes). A Road Safety Strategy being developed by the RTMC will

include the principles of the Safe Systems' approach and gives effect to the five pillars of the UNDoA.

These pillars are:

- Road Safety Management,
- Safer Roads and Mobility,
- Safer Vehicles,
- Safer Road Users and
- Post-crash response.

These strategies are cascaded down to all road safety practitioners for implementation and execution. The Western Cape Government implemented the "Safely Home Programme" which will be provided later in the document. Stellenbosch Traffic Services including all local/provincial authorities implements initiatives as set by national and provincial government.

5. **RECOMMENDATION**

that the revised plan be noted.

6. **DISCUSSION / CONTENTS**

6.1. **Background**

The revised Traffic Management Plan 2017-2022 is attached as **ANNEXURE A**

6.2 **Discussion**

Plan is to be noted as a revised plan.

6.3. **Financial Implications**

None

6.4 **Legal Implications**

None

6.5 **Staff Implications**

None

6.6 **Previous / Relevant Council Resolutions:**

None

6.7 **Risk Implications**

None

6.8 **Comments from Senior Management:**

No comments required.

6.8.1 Director: Infrastructure Services

No comments required

6.8.2 Director: Planning and Economic Development

No comments required

6.8.3 Director: Community and Protection Services:

No comments required

6.8.4 Director: Strategic and Corporate Services:

No comments required

6.8.5 Chief Financial Officer:

No comments required

6.8.6 Municipal Manager:

No comments required

ANNEXURES**Annexure A:** Revised Traffic Management Plan 2017-2022**FOR FURTHER DETAILS CONTACT:**

NAME	<i>Harold Williams</i>
POSITION	<i>Deputy Chief: Traffic Law Enforcement</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8838</i>
E-MAIL ADDRESS	<i>harold.williams@stellenbosch.gov.za</i>
REPORT DATE	<i>29/08/2019</i>

ANNEXURE 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



TRAFFIC MANAGEMENT PLAN 2017 – 2022

Revised by Harold Williams

August 2019

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EXECUTIVE SUMMARY

Stellenbosch Traffic Services has an obligation in accordance with the Constitution to ensure the safety of all road users within our area of jurisdiction. The revised traffic management plan will give overview of our current status within our area of jurisdiction, integration and implementation of provincial and national initiatives.

South Africa has pledged its support to the United Nations Decade of Action (UNDoA) for Road Safety by setting milestones which are in line with the UN resolution. Participating road entities consists of the Local Authority Municipalities of which Stellenbosch Traffic Services form part of, Road Traffic Management Corporation (RTMC), the Road Safety Infringement Agency (RTIA), the South African National Roads Agency (SANRAL), the Road Accident Fund (RAF), and the Cross Border Road Transport Agency (CBRTA).

Road safety and its high fatality rate has become a burning issue and rank as one of the most pressing challenges facing modern society today. Stellenbosch Traffic Services have recorded within the WC024 area, 21,683 accidents (crashes) between 2012 to 2018 and 169 road deaths (fatalities) during the same period. South Africa has been ranked to having as one of the worst road death rates in the world.

South Africa has in support of the United Nations Decade of Action (UNDoA 2011-2020) for Road Safety undertaken to save lives and prevent serious injuries caused by road accidents (crashes). A Road Safety Strategy being developed by the RTMC will include the principles of the Safe Systems approach and gives effect to the five pillars of the UNDoA.

These pillars are:

- Road Safety Management,
- Safer Roads and Mobility,
- Safer Vehicles,
- Safer Road Users and
- Post-crash response.

These strategies are cascaded down to all road safety practitioners for implementation and execution. The Western Cape Government implemented the “Safely Home Programme” which will be provided later in the document. Stellenbosch Traffic Services including all local/provincial authorities implements initiatives as set by national and provincial government.

1. INTRODUCTION

In the Revised Traffic Management Plan of Stellenbosch Traffic Services will look at all the factors (human, vehicle and Roads/environment) that contribute to accidents (crashes) on the roads within the WC024 area. Stellenbosch Traffic Services will base our approach on the relationship between the different variables found in the information that we have gathered through the different information sources. Stellenbosch Traffic Services will also look at number of accidents (crashes), fatalities and also the type of accidents and the time of day it occurred in the WC024 area. Stellenbosch Traffic Services will focus on the variables contributing to accidents, and deploy our resources intelligently. With this approach Stellenbosch Traffic Services would like to decrease our accidents (crashes) and fatality rate in the WC024 area. In line with international best practice and global guidelines, and the provincial safety home plan, the components of the revised traffic management plan were brought in line with the Five Pillars for road safety, as propagated by the United Nations Decade of Action (UNDoA) for Road Safety and the objectives of the provincial safety home plan.

2. CAUSAL ANALYSIS OF ACCIDENTS (CRASHES)

In order to assist with the identification of problems underlying accidents, an analysis of the causes of accidents in particular is useful. Local research conducted by the RTMC determined the following breakdown of accident (crash) causes in South Africa. The figures depicted are, human factor:73.6%, vehicle factor: 14.1% and Roads and Environment factor: 12.3%. Although it is acknowledged that human factors play a significant role as a contributory factor to accidents (crashes), factors such as the road environment begin to play an ever increasing role in influencing road user behaviour and reducing the risk of serious injury and death when accidents(crashes) occur. It must be noted that there are other elements such as the road environment, which influences road user behaviour and thus conversely also contributes to the reduction of serious injuries and accidents (crashes).

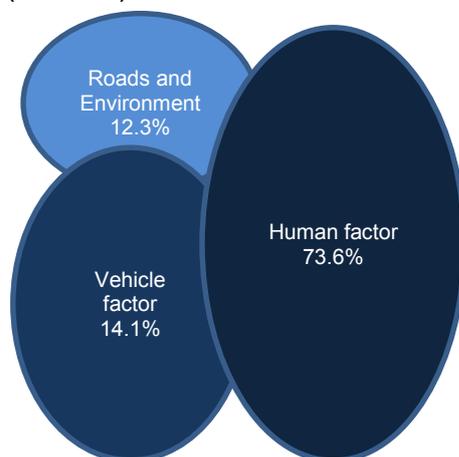


Figure 1: Factor contribution to accidents(crashes) (RTMC 2014)

2.1. Accident data for the period 2012 – 2018

There was a total of 21683 accidents recorded in the WC024 area from 2012 to 2018. A gradual increase in road traffic accidents/crashes from 2012 till 2017 was observed.

The highest total recorded in 2017. It is unclear why there was an increase in accidents, but since the implementation of the Traffic Management Plan there was a slight decrease in 2018. See figure 1 below.

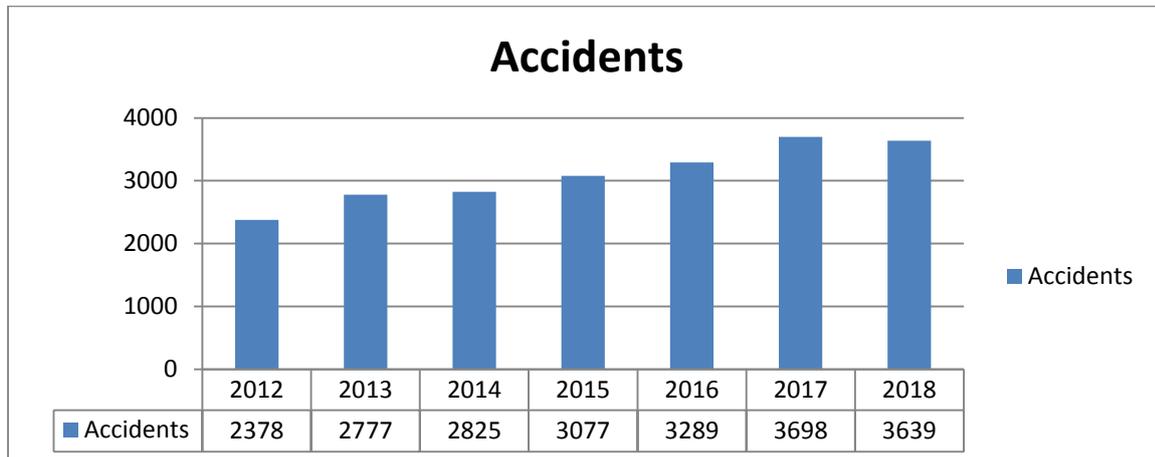


Figure 2: Number of accidents (crashes) in the Greater Stellenbosch area.

2.2. Road accident fatality data

From 2012 to 2018 a number of 169 fatalities were recorded in the WC 024 area due to road accidents. The average fatality rate annually is in the mid-twenties, with an exception of two years, 2016; 34 and 2017; 17.

After the implementation of the Traffic Management Plan in 2017 there was a decrease in fatalities in the area.

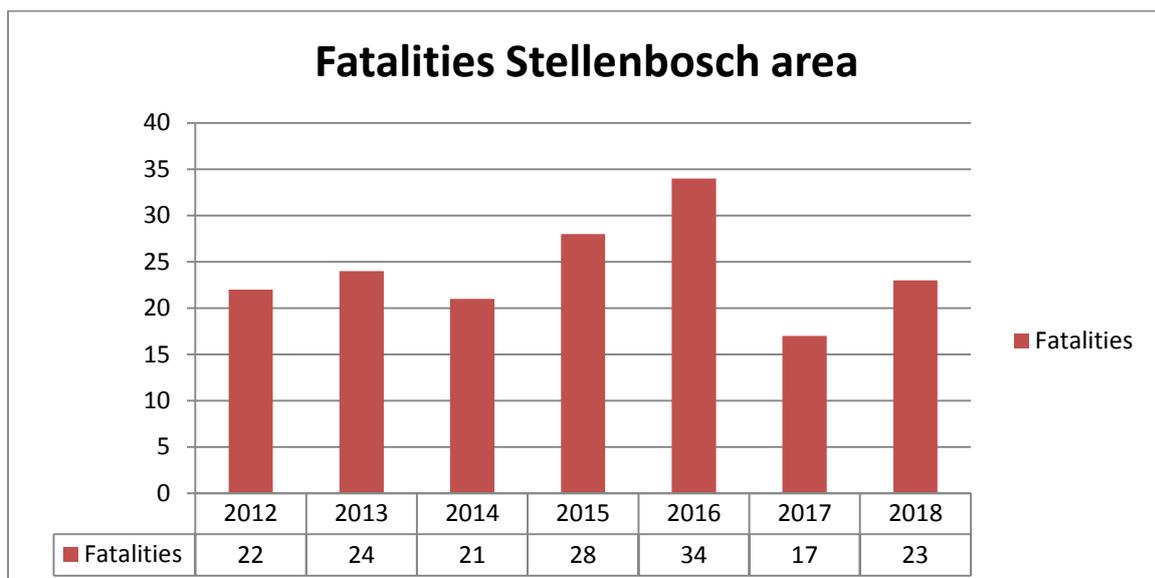


Figure 3: Road accident (crash) fatalities

2.3. Accidents(crashes) per time of day

With the analysis of the graph below it is clear what time the day our visibility is needed.

It is evident in the graph below that the accident rate increases with the peak traffic volumes. Between 06h00 and 08h00 in the morning there is an increase in accidents, and between 15h00 and 18h00 in the afternoon.

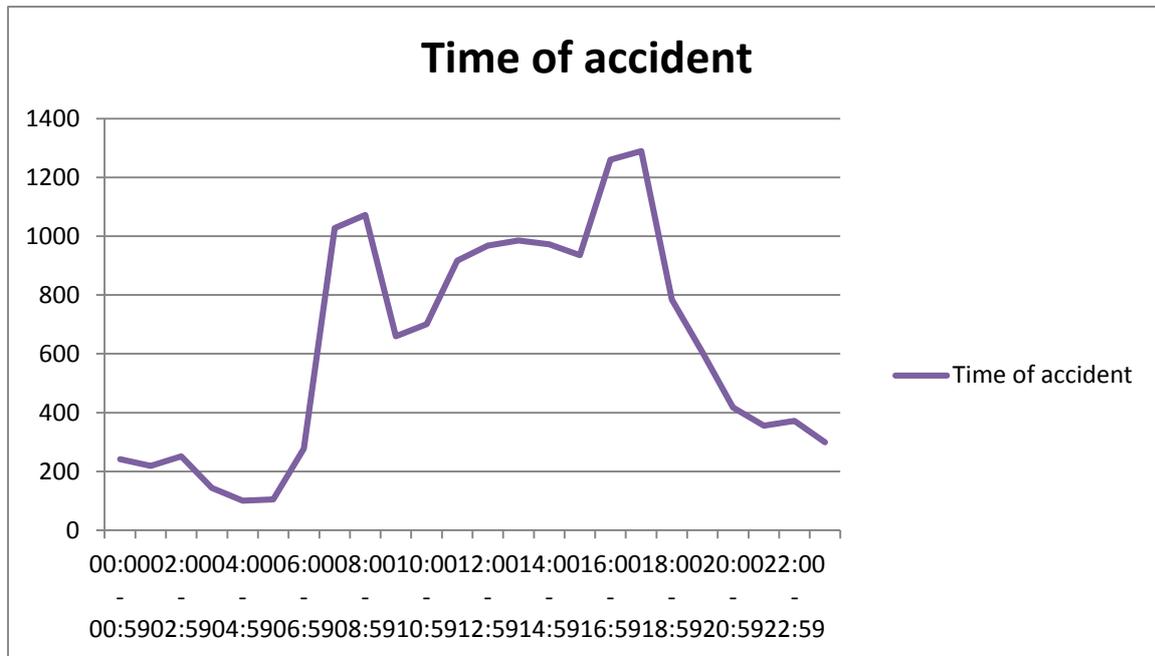


Figure 4: Accidents per time of day

2.4. Accident types

The table below depicts that most accidents occurred due to vehicles that crashed into another vehicle from behind. This could be the result of an unsafe following distance.

Accident Type:	
Accident with animal	224
Accident with fixed object	471
Accident with fixed/other object	908
Accident with pedestrian	606
Accident with train	15
Approach at angle - one or both turning	6
Approach at angle- both travel straight	944
Head on	203
Head/Rear end	4815
Other	218
Reversing	1947
Sideswipe - opposite direction	586
Sideswipe - same direction	1709

Single vehicle overturned	301
Single vehicle: left the road	255
Turn left from wrong lane	11
Turn right in face of oncoming traffic	7
Unknown	735

Table 1: Accidents by type

2.5. Causes of accidents (crashes)

The table below depicts that most accidents were caused by an unsafe following distance. This could be a result of speeding and or distracted driving, especially during peak hours.

Specified Cause:	
Animals in road	193
Aquaplane	5
Bicycle	2
Blinded	3
Bypass a vehicle that turned	103
Bypass distance too close	1521
Bypass on left side	42
Bypass with oncoming traffic	10
Change lane while unsafe	185
Cut in front of other	178
Did not yield	118
Drive on wrong side	329
Driver Error / Other	1199
Driving too fast	21
Drunk in Charge	22
Drunk pedestrian	2
Entered traffic while unsafe	619
Failing to keep left	12
Falling asleep/blackout	19
Falling object	35
Hit and run	287
Ignored barrier lines	1
Ignored red robot	182
Ignored stop sign	632
Insufficient following distance	4382
Lost control	1238
Making a U-turn when unsafe	110
Mechanical problems	50
No sign of turning	2
Object in road	144
Park in dangerous situation	4

Park without lights	1
Parking on-road	16
Passenger fell out of vehicle	1
Pedestrian	565
Pothole	8
Private Property Incident	3
Severe weather conditions	1
Severe weather conditions/poor visibility	2
Slippery road – gravel	6
Slippery road – oil	9
Slippery road – wet	80
Stop in dangerous situation	4
Sudden stop	69
Swerving	73
Turn in face of on-coming traffic	282
Tyre burst	6
Vehicle reversed	2134
Wild animals in road	51

Table 2: Causes of accidents

3. STELLENBOSCH VEHICLE POPULATION

The following tables give record of registered licenced vehicles and unlicensed vehicles within the registering authority of Stellenbosch Municipality. The tables below depicts the totals of different classes of vehicles, and also the different categories, on the national database regarding Stellenbosch Municipality, e.g. in the second column from the left, heavy load vehicles(trucks) with a GVM(gross vehicle mass) of more than 3500kg equip to draw(trailer)=826. In the seventh column from the left it reads Motorcycles, Motor tricycles (motorcycle with three wheels) and quadrucycles (motorcycle with four wheels)=2042.

RA	Heavy load veh(GVM>3500Kg equip to draw)	Heavy load veh(GVM>3500Kg, not to draw)	Heavy passenger mv (12 or more persons)	Light load vehicle (GVM 3500Kg or less)	Light passenger mv(less than 12 persons)	Motorcycle/ Motor tricycle/ Quadrucycle	Special Vehicle	Unknown	Grand Total
Stellenbosch	826	652	601	12800	30761	2042	2052	76	49810

Table 3: Stellenbosch licenced vehicle population (Natis: May 2017)

RA	Heavy load veh(GVM>3500Kg equip to draw)	Heavy load veh(GVM>3500Kg, not to draw)	Heavy passenger mv (12 or more persons)	Light load vehicle (GVM 3500Kg or less)	Light passenger mv(less than 12 persons)	Motorcycle/ Motor tricycle/ Quadrucycle	Special Vehicle	Unknown	Grand Total
Stellenbosch	10	13	18	318	810	124	55	3	1351

Table 4: Stellenbosch unlicensed vehicle population (Natis: May 2017)

4. GOALS

South Africa has developed a Road Safety Strategy which is aligned with the goals and targets of both the UNDoA and National Development Plan 2030. The Road Traffic Management Corporation as the prime agency on road safety in South Africa is responsible for leading the process of strategy development together with the support of various public and private stakeholders. The strategy is aimed at addressing the goals as set by the UNDoA and is supported by a separate Implementation Plan to enable and facilitate the execution thereof.

4.1. Below are goals as set by national government for implementation various spheres of government:

- 4.1.1. To achieve a measurable improvement in road user behaviour – including skill, safer decisions and better regard for other road users.
- 4.1.2. To reduce the incidence of traffic offences, including speeding, drink-driving and drug-driving, dangerous overtaking etc.
- 4.1.3. Improving traffic enforcement; and road safety education.
- 4.1.4. To improve the standards of road design to ensure that all road users are given adequate protection and information.
- 4.1.5. To ensure that unfit road users are identified and appropriately removed from traffic.
- 4.1.6. To ensure that un-roadworthy (including overloaded) vehicles are appropriately removed from traffic.
- 4.1.7. To improve the safety level of public transport vehicles and drivers.
- 4.1.8. To support an improved network of public transport.
- 4.1.9. To minimise concentration of traffic flow on strategic roads during holiday periods.
- 4.1.10. To reduce the incidence of dangerous driving.
- 4.1.11. To improve the risk-taking behaviour of pedestrians.
- 4.1.12. To reduce impact forces by lowering speeds.
- 4.1.13. To increase the use of protective vehicle technologies including, amongst others, seatbelts, airbags and warning devices.
- 4.1.14. To ensure that road design is forgiving, this allowing motorists to recover from error, or to survive an impact when it is inevitable.
- 4.1.15. To reduce the average response times of emergency services.
- 4.1.16. To improve the quality of post-crash care.
- 4.1.17. To prioritise the safety of pedestrians and other VRUs in road design.
- 4.1.18. To legislate for safety of all vehicle occupants, including light delivery vehicles and truck passengers.
- 4.1.19. To develop education programmes for VRUs to enhance their road safety knowledge.
- 4.1.20. Identify and address key VRU crash sites on a rolling basis.
- 4.1.21. Improve formal cooperation between government departments.
- 4.1.22. Clarify lines of responsibility between entities.
- 4.1.23. Ensure adequate funding for road safety interventions.
- 4.1.24. Ensure more consistent road safety efforts across South Africa.
- 4.1.25. Significantly improve enforcement systems.
- 4.1.26. Ensure that all road safety professionals are competent, and that entities have sufficient capacity.
- 4.1.27. Ensure that all road safety interventions are intelligence led.
- 4.1.28. Ensure that all road safety interventions are monitored, evaluated and enhanced.
- 4.1.29. Increase respect for rule of law in traffic.

- 4.1.30. Improve public understanding of traffic regulations and prosecution process.
- 4.1.31. Develop clear and straightforward anti-corruption processes, utilising modern technologies where appropriate to detect instances of corruption.
- 4.1.32. Ensure that penalties for corruption are sufficiently punitive to act as a deterrent.
- 4.1.33. Improved public education and awareness of road crashes and their impact on South African society.
- 4.1.34. Educate South Africans to know that change in road safety is possible and achievable.
- 4.1.35. Encourage a shared sense of responsibility and respect.
- 4.1.36. Involve young people in debates around road safety, and in leading road safety campaigns and interventions.
- 4.1.37. Developing incentives for people to comply with traffic laws.

4.2. Critical goals

Stellenbosch Traffic Services have identified ten of the National goals which was prioritised as critical issues within the WC024 area:

- 4.2.1. To achieve a measurable improvement in road user behaviour – including skill, safer decisions and better regard for other road users.
- 4.2.2. To reduce the incidence of traffic offences, including speeding, drink-driving and drug-driving, dangerous overtaking etc.
- 4.2.3. To ensure that unfit road users are identified and appropriately removed from traffic.
- 4.2.4. To ensure that un-roadworthy (including overloaded) vehicles are appropriately removed from traffic.
- 4.2.5. To improve the safety level of public transport vehicles and drivers.
- 4.2.6. To reduce the incidence of dangerous driving
- 4.2.7. To improve the risk-taking behaviour of pedestrians
- 4.2.8. To develop education programmes for VRUs to enhance their road safety knowledge.
- 4.2.9. Identify and address key VRU crash sites on a rolling basis.
- 4.2.10. Ensure that all road safety interventions are intelligence led.

4.3. Targets

The strategic evaluation considered international, national, and provincial government targets relating to road safety.

Where specific targets have been established, they identify fatalities as the primary indicator for measuring success and international and provincial targets are aligned in this regard.

- *To halve the number of deaths and injuries from road traffic accidents by 2020*
- *To provide access safe roads by improving road safety with special attention to the needs of VRU's, by 2020."*

Increases in population, vehicle numbers and events have not been matched with increases in traffic officer numbers within the WC024 area. Traffic law enforcement also lacks certain basic equipment, like firearms, bulletproof vests, and traffic cones. Traffic law enforcement resources are found to be wholly inadequate with no dedicated staff to address some of the priority goals. This is of particular concern in the face of rising pedestrian fatalities and fatal accidents in the WC024 area.

5. LEGISLATIVE FRAMEWORK & MANDATE

The Constitution (Act 108 of 1996) provides for traffic as a schedule 5 functional area where local government is to promote a safe and healthy environment.

Powers conferred upon a traffic officer are in terms of section 3 of the National Road Traffic Act (Act 93 of 1996) and as Peace Officer in terms of the Criminal Procedures Act (Act 51 of 1977). A traffic officer is also appointed as a Process Server in terms of Section 15(2) of the Magistrate's Court Act 32 of 1944.

The role of the traffic services is to pro-actively and reactively deal with traffic related matters such as enforcement of Municipal by laws, National Land Transport Act (Act 5 of 2009) and Administrative Adjudication of Road Traffic Offences (Act 46 of 1998) including compliance to the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), the White Paper on Local Government dated 9 March 1998.

See Annexure A: Powers & Duties of a traffic officer in terms of Act 93 of 1996 (3I)

6. CURRENT STATUS

Stellenbosch has a road network of 602 km which includes all provincial and urban roads within WC 024. The department is divided into 2 (two) sections, namely traffic law enforcement and traffic administration. Both play a pertinent role in ensuring road safety.

Tasks performed by each division:

6.1. Traffic Law Enforcement

- 6.1.1 Enforcement of the National Road Traffic Act and National Land Transport Act
- 6.1.2 Parking enforcement/management
- 6.1.3 Point-duty during morning, midday and evening peak at critical locations as well as school points (20)
- 6.1.4 Special actions such as enforcement of driving under influence of alcohol or drugs, illegal racing, transportation of illegal substances
- 6.1.5 Road safety training and education provided for crèches, nursery schools, primary/high schools, colleges, university as well as pedestrian, cyclists, farm workers, rehabilitation centres and youth groups. Training also includes learner's licence programs for youth and scholar patrol and level-crossing awareness.
- 6.1.6 Accident (post-crash) response and information gathering on accident (crash) scenes.
- 6.1.7 Events (road closures, escort duties)
- 6.1.8 Incident management of national key points including escorting of dangerous substances.

- 6.1.9. Public Transport activities and checking of roadworthy status of governmental appointment of busses.
- 6.1.10. Speed enforcement and ANPR (Automatic number-plate recognition) and speed adjudication
- 6.1.11. Impoundment facility

6.2. Traffic Administration

- 6.2.1 Driving and learner's license testing, driver's license conversions/renewals, PrDP applications
- 6.2.2 Vehicle testing (all class vehicles)
- 6.2.3 Vehicle registration and licensing
- 6.2.4 Court section with assistance of external service provider processes all notices, financial management of court section, motor-vehicle registration and driving license divisions

6.3. Main Challenges

- 6.3.1 Traffic officers (30 in total) performs overlapping/multiple tasks such as adjudication of all speed offences, driver/learner licence testing, vehicle testing and additional new tasks, the testing of all municipal employees authorised to drive council vehicles.
- 6.3.2 Traffic law enforcement division is divided into 3 shifts operating from 06:00 until 24:00. In addition, the traffic law enforcement component (traffic officers) is allocated to various units such as public transport unit, speed enforcement and adjudication, training and accident (post-crash) response.
- 6.3.3 Overall challenges are experienced with the lack of traffic officers, motor-vehicles, safety of officers and total hours of overtime worked.
- 6.3.4 With the annual increase in Stellenbosch student population (30 000) and increasing vehicle purchases (registration and licencing of vehicles) places an enormous strain and frustration on both staff and public, which gave rise to extended working hours (weekends) as well as deployment of current staff to Franschoek office.

7. ACTION PLAN

It is of utmost importance to have a holistic approach to the prevention of accidents. There are various recommendations provided for improvement of road safety and reduction of fatalities. The UNDoA Global Plan provides five pillars for improvement of road safety, together with the Safe Systems Approach which forms the basis for the establishment of goals and the development of the strategy developed by national stakeholders and which is to be implemented by all spheres of government. The department intends to further extend its actions with specific focusses to prevent and/or reduce injuries and to investigate causes and possible interventions.

Pillar		Action
1.	<p>Road Safety Management</p> <ul style="list-style-type: none"> - Lack of direction and resources - Fragmentation 	<ul style="list-style-type: none"> • Motivate for annual funding with projected milestones. • High risks areas of WC 024 to be mapped

	<ul style="list-style-type: none"> - Fraud and corruption - Lawlessness and lack of effective law enforcement - Formal driving standards - Crash data 	<p>and investigate. We will focus on developing suitable solutions and implement it.</p> <ul style="list-style-type: none"> • Recommendation for VMS – speed signs on all main entrances. • Conduct more regular public transport vehicle fleet roadworthiness. • Conduct regular assessment of road signage and road markings within rural and urban area. (Road safety education and social marketing)
<p>2. Roads</p>	<p>South Africa has been documented as having some of the best road infrastructure on the African continent. Authorities constantly invest in road infrastructure and improvements by the growing vehicle population and increasing freight. Transport models designed by authorities now incorporate non-motorised transport but results in higher risk to pedestrians. Accident data reflects that many of these accident locations have poor or no street lighting. The road infrastructure in the WC024 area is in a fairly good condition but poor lighting on certain roads, such as the R45 near Franschoek.</p>	<ul style="list-style-type: none"> • Increase education and training strategies by initiating more frequent campaigns to raise awareness in the WC024 area. • The department currently networks with various entities and private organisations but intends to further improve the partnerships through public exposure. (Road safety education and social marketing)
<p>3. Vehicles</p>	<p>A substantial percentage of active vehicles are not roadworthy with an average age of 11 years old. The condition of public transport and freight vehicles are an on-going concern, with poor quality tyres and brakes, compounded by overloading, is frequently a factor in fatal crashes.</p>	<ul style="list-style-type: none"> • Stellenbosch unlicensed vehicle population totals 1351. General notices for un-licensed vehicles are being issued which does not solve the problem. Inter-governmental actions by using mobile roadworthy vehicles are to be arranged with Provincial Traffic.
<p>4. Road Users</p>	<p>Accident data reflects that the most contributing factor to accidents and fatalities are due to</p>	<ul style="list-style-type: none"> • As per Stellenbosch Accident statistics, 80% of accidents are caused by

	<p>irresponsible driver behaviour, distracted driving, drunken driving, speeding, non-compliance with traffic laws, fatigue, irresponsible and dangerous behaviour by pedestrians, poor attitudes towards traffic law and violations, poor understanding of basic road safety principles.</p>	<p>irresponsible driver behaviour. In developing programmes the 4 “E” on road safety are to be considered, namely: education, enforcement, evaluation and engineering.</p> <ul style="list-style-type: none"> • Audit high pedestrian hazloc locations. • Manual enforcement Implement new speed management strategies (Combination of regulatory speeds and enforcement)
<p>5.</p>	<p>Post-crash Care</p> <p>Inconsistent post-crash care between private and public sector. Further challenges identified are response rates, training of emergency staff and the quality of the equipment utilised by such staff as well as the lack of a single emergency call number within the WC024 area.</p>	<ul style="list-style-type: none"> • Traffic Services` responsibility is to ensure accurate capturing of accident data to ensure positive processing. The department has established a unit with additional training on safe-guarding accident scenes, collecting/recording information within the WC024 area. • As known in the traffic fraternity, the first hour of a scene is most crucial, “the golden hour”, where well-trained, equipped staff is required to save a life/lives. A good relationship has been developed between the unit and local police stations, where traffic response times are faster and where after relevant emergency services can be activated.

7.1. Additional action strategies

7.1.1. 24/7 Shift System

In order to achieve successes, the departmental structure needs to be aligned with the developing area. Local traffic services are obligated to change the manner of operation such as the implementation of a 24/7 shift system. Due to lack of resources and other tasks, the department fails to provide on-going patrols/visibility on rural/provincial roads including residential areas. Compliance should be improved by harsher parking management and enforcement, equal deploying of staff throughout the 22 wards. We have implemented an EPWP project to provide assistance at rural schools during peak hours, motivate and secure funding for extension of projects such as issuing reflective gear for pedestrians, cyclists as well as raising awareness to various road safety risks.

7.1.2. Capacitating human resources

On-going training should be provided for traffic officers including refresher training and defensive/advanced driving. Officer safety is also a huge concern. Budget should be made available to it in their safety, by purchasing body-cams and front/rear camcorders. On-board E-Natis access is currently being investigated to allow for efficient access to roadworthy, driver and stolen vehicle particulars.

7.1.3. Awareness and Education

Our educational strategies should emphasise the danger of poor behaviour and show the affecting result of deaths and injuries on the road. All forms of media should be exploited for maximum coverage. (e.g. Billboards, VMS, flyers, municipal website/newsletters, newspapers) Current campaigns are mainly provided at schools, university, colleges, centres as well as by certain major events, but still lack interaction with the business sectors. These interactions still to be investigated. Long-term desires is the construction of an onsite training centre which would allow for visits by schools as well as procurement of a mini-bus for purpose of transportation of training equipment and less privileged scholars to other educational road safety locations.

7.1.4. Non-motorised routes

Regular interaction and motivation is done to local, district and provincial engineering departments for traffic calming measures or any other relevant intervention such as risk of street furniture for pedestrians or obstruction. Non-motorised routes are identified which includes set routes for disabled. Recommendations will also be done for lower speeds and implementation of electronic notice boards surrounding schools, implementation of technology such as the multi-purpose use of speed cameras to address crime.

7.1.5. Anti-Fraud and Corruption

Other risks identified are risk for fraud and corruption within traffic law enforcement as well as within the administrative divisions. Implementation of fraud and corruption strategies will ensure accurate and correct performance of transactions, also done in conjunction with provincial government's licensing department and national prosecuting authority. Examples of non-compliance: mistakes made on issue of notices directly affect enforcement when judiciary withdraws such notices, illegal registration of vehicles, illegal processing of PrDP's and learner/driving licenses. A possible solution to this challenge is the implementation of electronic notice printers which also allows for accurate/detailed statistics and record, on-going training for vehicle registration and licensing, refresher courses for examiners of driving licenses. The department intends processing notices issued including all court documents and finalisation of cases. This would require additions to staff establishment and aligning the budget for procurement of equipment and contravention system.

To further reduce possibilities of fraud and corruption, procurement for surveillance will be done for vehicle testing station and driving license test yard. Installation for camcorders in driving school vehicles is currently being investigated.

7.1.6. Upgrade of Traffic Service Centre

As previously stated, motor-vehicle registration/licensing as well as driving license divisions can no longer accommodate the number of walk-ins to the department. Regularly planning is done with Property Management for upgrading/renovating of current office, reconstruction of Franschoek and Pniel offices to accommodate these functions as well as investigated for establishment of a Grade A driving license testing yard (capable of testing all class of vehicles).

8. BUDGET

Below find medium term revenue and expenditure framework for financial period 2017 – 2020:

Project Name	2017/2018	2018/2019	2019/2020
Replacement of patrol vehicles	500 000	600 000	980 000
Furniture, tools & Equipment	120 000	120 000	120 000
Mobile Radios	-	100 000	-
Alcohol Screeners	30 000	30 000	30 000

9. SAFELY HOME PROGRAMME (CALENDAR)

The Safely Home Programme is an initiative driven by the Western Cape Government is aimed at reducing the number of people killed on the province's road by 50%.

The programme prescribes law enforcement activities and inter-provincial movements.

Each authority is to assess its own area and arrange suitable actions. Safely Home is based on the four E's of road safety recognised as international best practice by the United Nations.

- 9.1. Enforcement
- 9.2. Education
- 9.3. Engineering
- 9.4. Evaluation

Recognising the current accidents rate by Stellenbosch Traffic within the WC024 area, we have adopted the Safely Home Calendar as part of our strategy to reduce accidents (crashes) and fatalities within the WC024 area.

Annexure B: Safely Home Monthly Calendar

10. CONCLUSION

In conclusion, the revised traffic management plan covers all the factors (human, vehicle and environment) that contribute to the carnage on the roads within the WC024 area. Our approach is going to be based on the intelligence that we have gathered by the different information sources as mentioned and seen in the tables and graphs. We are going to have a holistic approach with a zero tolerance attitude. The impetus of the plan is to reduce the number of accidents (crashes) and fatalities within the WC024 area. In order to achieve this we will need the buy-in of the greater community so that *“road safety becomes everybody`s responsibility”*.

In line with international best practice and global guidelines, the components of the revised traffic management plan were brought in line with the Five Pillars for road safety, as propagated by the United Nations Decade of Action for Road Safety. It also addresses what governance and institutional requirements are needed to ensure and enable the plan to be executed. The principle throughout the plan is that implementation must happen in a coherent and synergised manner, along a predetermined timeline in order to bring about the desired changes to the road safety environment.

Based on the statistics it is found that our main challenges are:

- Road user behaviour (e.g. speed, drinking and driving)
- Educating road users, especially pedestrians, and passengers in vehicles
- Roadworthiness of vehicles

ANNEXURE A

POWERS & DUTIES OF A TRAFFIC OFFICER IN TERMS OF ACT 93 OF 1996 (3I)

“In addition to the powers and duties conferred upon him or her or under the Act, a traffic officer may, subject to the provisions of this Act or any other law-

- (a) exercise or perform any of the powers or duties conferred upon an inspector of licenses under section 3F;
- (b) when in uniform, require the driver of any vehicle to stop such vehicle;
- (c) inspect and test or cause to be inspected and tested by a person whom he or she considers competent to do so, any part and the functioning of any vehicle, and the equipment thereof, with a view to ascertaining whether the vehicle concerned or the functioning thereof and the equipment comply with the provisions of this Act: Provided that no officer or person instructed by the officer to inspect or test such vehicle shall, in the exercise of the power hereby conferred upon him or her, dismantle the mechanism or any working parts of any motor vehicle unless he or she is also a qualified motor mechanic or has passed an examination for examiners of vehicles as prescribed, and if he or she has so dismantled the vehicle, he or she shall reassemble the dismantled mechanism or parts to the same condition in which it was before it was dismantled unless he or she is requested by the person in charge of the vehicle not to do so;
- (d) ascertain the dimensions of, the load on, or the mass, axle mass load or axle unit mass load of, any vehicle, or the mass of any combination of vehicles, loaded or unloaded, and if necessary for the purpose of ascertaining such mass, require any vehicle or combination of vehicles to proceed to a mass-meter or mass-measuring device, and if the mass of any vehicle or combination of vehicles exceeds the mass allowed in terms of this Act, prohibit the operation of the vehicle or combination of vehicles on a public road until the mass has been reduced or adjusted to comply with this Act: Provided that where the load on a vehicle includes any hazardous substance as contemplated in the Hazardous Substances Act, 1973 (Act 15 of 1973), the reduction and handling of the mass shall be undertaken in terms of that Act;
- (e) drive any vehicle where necessary in the performance of his or her duties if, in the case of a motor vehicle, he or she is licensed to drive a motor vehicle of the class concerned;
- (f) if a person, being the driver or the person apparently in charge of a motor vehicle, appears, by reason of his or her physical or mental condition, howsoever arising, to be incapable for the time being of driving or being in charge of that vehicle, temporarily forbid the person to continue to drive or be in charge of that vehicle and make the arrangements for the safe disposal or placing of the vehicle as in his or her opinion may be necessary or desirable in the circumstances;
- (g) regulate and control traffic upon any public road, and give such directions as may, in his or her opinion, be necessary for the safe and efficient regulation of the traffic, which may include the closing of any public road, and, where he or she is of the opinion that the driver of a motor vehicle is hampering or impeding the normal flow of traffic on a public road, direct the driver to remove the vehicle from such road and to follow another route with the vehicle;
- (h) require any person to furnish his or her name and address and other particulars which are required for his or her identification or for any process if the officer reasonably

suspects this person of having committed an offence in terms of this Act or any other law or, if in the opinion of the officer, he or she is able to give evidence in regard to the commission of any such offence;

- (i) in respect of any motor vehicle, demand from the owner, operator or driver thereof to produce any document prescribed in terms of this Act;
- (j) impound any document referred to in paragraph (i) produced to him or her and which in his or her opinion may afford evidence of a contravention of or failure to comply with any provision of this Act or any other law related to road traffic matters and where any document is so impounded, the traffic officer shall issue a receipt in respect thereof to the person concerned;
- (k) require any professional driver or the operator or owner of any motor vehicle to produce for inspection and to have a copy made of-
 - (i) any record or document which that person is required in terms of this Act to carry or have in his or her possession or which is required to be affixed to any such motor vehicle; or
 - (ii) any record which that person is required in terms of this Act to preserve;
- (l) at any time enter any motor vehicle of an operator and inspect such vehicle;
- (m) at any time enter upon any premises on which he or she has reason to believe that a motor vehicle of an operator is kept or any record or other document required to be kept in terms of this Act is to be found, and inspect such vehicle and copy any such record or document, which he or she finds there;
- (n) if he or she has reason to believe that an offence in terms of this Act has been committed in respect of any record or document, inspected by him or her, impound that record or document, and where any document is so impounded, the traffic officer shall issue a receipt in respect thereof to the person concerned;
- (o) inspect any motor vehicle or part thereof and impound any document issued in connection with the registration and licensing of such motor vehicle which relates to the motor vehicle, where it is found that the engine or chassis number of the motor vehicle differs from the engine or chassis number as specified on the document, and direct that the motor vehicle be taken, forthwith, to any police station specified by the traffic officer for police clearance, and may after such clearance has been obtained, return the impounded document to any person who is entitled thereto, or notify the owner of the motor vehicle concerned that the vehicle must be re-registered, as the case may be; and
- (p) require from the owner, operator or driver of a motor vehicle registered or deemed to be registered in any prescribed territory, police clearance in respect of the motor vehicle before allowing the motor vehicle to be taken across the borders of the Republic: Provided that the chief executive officer may exempt any owner, operator or driver in the prescribed manner from having to provide such police clearance.”

ANNEXURE B

SAFELY HOME CALENDAR

Month	Theme and Priorities	Hashtag	Target Audience in Priority Order ¹	Key Message & sample Tweets also search on Twitter @WCGovSafelyHome	Useful Facts see also safelyhome.westerncape.gov.za
Oct 2019	Child road safety <ul style="list-style-type: none"> • Child pedestrians • Child passengers (car seats) 	#SaveKidsLives	<ul style="list-style-type: none"> • Adult male motorists • Adult female motorists • General public 	<ul style="list-style-type: none"> • Kill your speed not a child. • Kids will follow your example when you cross roads recklessly. • Cars hit kids in the head or chest, so kids are more likely to die. • Are your kids visible when they are walking on the road? • Be the adult. Buckle up kids. • Don't leave precious cargo unsecured. 	<ul style="list-style-type: none"> • 133 children were killed on the roads in the Western Cape in 2015. • 73 children younger than 6 were killed on the roads in the Western Cape in 2015. • 131 children were run over and killed in the Western Cape last year. • 33 child passengers were killed in the Western Cape in 2015. • 75% of child road deaths are pedestrians.

<p>Nov 2019</p>	<p>Pedestrian safety</p> <ul style="list-style-type: none"> • Alcohol • Visibility 	<p>#WalkSafe #SafeRoadsForAll</p>	<ul style="list-style-type: none"> • Adult male pedestrians • Adult male motorists 	<ul style="list-style-type: none"> • Alcohol and roads don't mix. • Be smart, walk safe. • If you are not seen on the road, you may not see your future. • Kill your speed not a pedestrian. #SafeRoadsForAll 	<ul style="list-style-type: none"> • 61% of pedestrian fatalities tested for alcohol were BAC positive. • 41% of pedestrian fatalities tested for alcohol had a BAC higher than 0.2, which is four times the legal driving limit. • Male pedestrian fatalities are more likely to be impaired than females. • Young males are the most likely to die as a pedestrian after drinking, with the highest risk group being 20 – 29. • More than three times as many pedestrians die on Saturdays as on Wednesdays.
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<p>Dec 2019</p>	<p>Alcohol and roads don't mix</p> <ul style="list-style-type: none"> • Pedestrians under influence • -Driving under influence 	<p>#BoozeFreeRoads</p>	<ul style="list-style-type: none"> • Adult male pedestrians. • Adult male motorists. • Adult female motorists. • Adult female pedestrians. 	<ul style="list-style-type: none"> • Alcohol and roads don't mix. • It is up to you to make the right choices about drinking and driving. • The safest option is not to drink if you are going to drive. • Approximately 372 pedestrians were killed while under the influence on Western Cape roads last year. • Drinking and driving crashes are no accident. 	<ul style="list-style-type: none"> • See above for pedestrian alcohol information. • Over 40% of drivers killed on Western Cape roads who were tested for alcohol were BAC positive. • Western Cape drivers who die on the road are more likely to be BAC positive than all other categories, except for pedestrians. • The CSIR estimated that alcohol related destruction of roads infrastructure and other vehicles cost R7.9b in 2009. • Drinking and driving helps criminals by taking police resources away from other crimes. • Drinking and driving cases help criminals by clogging up the justice system.
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<p>Jan 2020</p>	<p>Alcohol and roads don't mix</p> <ul style="list-style-type: none"> - Pedestrians under influence - Driving under influence 	<p>#BoozeFreeRoads</p>	<ul style="list-style-type: none"> • Adult male pedestrians. • Adult male motorists. • Adult female motorists. • Adult female pedestrians. 	<ul style="list-style-type: none"> • Alcohol and roads don't mix. • It is up to you to make the right choices about drinking and driving. • Drinking and walking is killing hundreds of people each year. • Drinking and driving crashes are no accident. 	<ul style="list-style-type: none"> • See above for pedestrian alcohol information. • Over 40% of drivers killed on Western Cape roads who were tested for alcohol were BAC positive. • Western Cape drivers who die on the road are more likely to be BAC positive than all other categories, except for pedestrians. • The CSIR estimated that alcohol related destruction of roads infrastructure and other vehicles cost R7.9b in 2009. • Drinking and driving helps criminals by taking police resources away from other crimes. • Drinking and driving cases help criminals by clogging up the justice system.
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<p>Feb 2020</p>	<p>Vulnerable road users (VRUs)</p> <ul style="list-style-type: none"> - Child pedestrians - Senior pedestrians - Cyclists and other NMT including disabled. - Motor-cyclists 	<p>#ShareTheRoad</p>	<ul style="list-style-type: none"> • Adult male motorists • Adult female motorists • General public 	<ul style="list-style-type: none"> • Cars dent, children/cyclists/bikers/pedestrians/seniors die. • The road belongs to all, not just trucks, cars and buses. • Child pedestrians get hit on the the head or chest, so are less likely to survive a crash. • Senior pedestrians are more fragile, and recovery from a crash is much less likely. • Kill your speed not a child / senior / cyclist • Safety starts with respect, respect starts with you. • Bikes: same roads, same rules. 	<ul style="list-style-type: none"> • 31 cyclists were killed in the Western Cape last year. • 64 motor-cyclists were killed in the Western Cape last year. • 57 senior citizens were run over and killed in the Western Cape last year. <p>62 motor-cyclists were killed on the roads in the Western Cape last year.</p>
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Mar 2020	Personal Responsibility	#BeTheChange	<ul style="list-style-type: none"> • Adult male pedestrians. • Adult male motorists. • Public transport operators, especially minibus taxis. • Adult female motorists. • Adult female pedestrians. 	<ul style="list-style-type: none"> • It is up to you to make the difference on our roads. • All road users are responsible for their own safety and the safety of every other road user. • See Seatbelts, Speed, Children, VRUs, Pedestrians, Distracted Driving, Visibility. 	See all themes.
Apr 2020	Personal Responsibility	#BeTheChange	<ul style="list-style-type: none"> • Adult male pedestrians. • Adult male motorists. • Public transport operators, especially minibus taxis. • Adult female motorists. • Adult female pedestrians. 	<ul style="list-style-type: none"> • It is up to you to make the difference on our roads. • All road users are responsible for their own safety and the safety of every other road user. • See Seatbelts, Speed, Children, VRUs, Pedestrians, Distracted Driving, Visibility. 	See all themes.
May 2020	Distracted Driving - Texting, WhatsApp etc	#ItCanWait	<ul style="list-style-type: none"> • Adult male motorists • Adult female motorists • General public 	No text or call is worth your life – it can wait. Distracted driving is a	Brain activity in the area that processes moving images decreases by 33% when we

	- Talking on cellphone			<p>leading cause of crashes on our roads, with texting being the worst form of distraction.</p> <ul style="list-style-type: none"> Distracted pedestrians is an increasing problem world-wide. 	<p>are talking on the phone.</p> <ul style="list-style-type: none"> The US government estimates 28% of crashes involve cell phone use, mostly texting.
Jun 2020	<p>Visibility</p> <ul style="list-style-type: none"> Pedestrians Motorists 	#SeeAndBeSeen	<ul style="list-style-type: none"> Adult pedestrians Adult motorists 	<ul style="list-style-type: none"> Drivers are responsible for seeing and being seen by ensuring that all lights are in working order, and that mirrors and windows are clean and free of cracks. Pedestrians are responsible for seeing and being seen by avoiding walking on busy roads when intoxicated, and by wearing bright clothing and carrying lights. 	<ul style="list-style-type: none"> Fatalities peak in the hours around sunset, when visibility is at its worst. 20% of all fatalities occur around sunset, when visibility is at it worst. 60% of fatalities occur between 6pm and 6am.
Jul 2020	<p>Alcohol and roads don't mix</p> <ul style="list-style-type: none"> Pedestrians under influence 	#BoozeFreeRoads	<ul style="list-style-type: none"> Adult male pedestrians. Adult male motorists. Adult female motorists. 	<ul style="list-style-type: none"> Alcohol and roads don't mix. It is up to you to make the right choices 	<ul style="list-style-type: none"> See above for pedestrian alcohol information.

	<ul style="list-style-type: none"> • Driving under influence 		<p>Adult female pedestrians.</p>	<p>about drinking and driving.</p> <ul style="list-style-type: none"> • Drinking and walking is killing hundreds of people each year. • Drinking and driving crashes are no accident. 	<ul style="list-style-type: none"> • Over 40% of drivers killed on Western Cape roads who were tested for alcohol were BAC (Blood Alcohol Concentrate) positive. • Western Cape drivers who die on the road are more likely to be BAC (Blood Alcohol Concentrate) positive than all other categories, except for pedestrians. • The CSIR estimated that alcohol related destruction of roads infrastructure and other vehicles cost R7.9b in 2009. • Drinking and driving helps criminals by taking police resources away from other crimes. • Drinking and driving cases help criminals by clogging up the justice system.
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Aug 2020	Speed	#SpeedKillsFacts	<ul style="list-style-type: none"> • Adult male motorists • Adult female motorists 	<ul style="list-style-type: none"> • It won't kill you to slow down. • Get the facts about speed: • The faster you drive, the less time you will have to react to the unexpected. • The faster you drive, the more quickly you can lose control. • Therefore the faster you drive, the more likely you will be in a crash. • The faster you drive, the more force there will be in a crash, and thus more serious the injuries. • Speed makes crashes more likely, and makes them more severe. 	<ul style="list-style-type: none"> • European Union research shows that speed was a full or partial cause of 33% of fatal crashes. • The chance of a fatal crash decreases rapidly with lower speeds. A 1 kph change from 120kph to 119kph can mean 3.8% less fatalities. • South Africa has very high speed limits by standards of safe countries, so a safe driver will stay well within them. • Speed limits make a huge difference: the US State of Montana has speed limits similar to SA, and a death rate of 22 per 100k population, which is roughly the same as the Western Cape. The US State of Massachusetts has speed limits similar
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					<p>to the UK, and a death rate of 6 per 100k population, which is similar to Australia.</p> <ul style="list-style-type: none"> • Speed limits are set for optimal daytime conditions, and drivers should lower speed at night and when visibility is poor or conditions are wet.
Sep 2020	<p>Seatbelts - All vehicle occupants - Back seat passengers</p>	#AlwaysBuckleUp	<ul style="list-style-type: none"> • Adult males. • All vehicle occupants. 	<ul style="list-style-type: none"> • Buckling up is the law and the right thing to do. • Always buckle up, in every seat, on every trip. • The best place to be in a crash is in the vehicle, and seatbelts are the best way to ensure you are not ejected. • Drivers are responsible for ensuring that all passengers are buckled up. • Adults are responsible 	<ul style="list-style-type: none"> • Wearing a seatbelt reduces the risk of death in a crash by 45%. • Seatbelts prevent 99% of occupants from being ejected, and incurring secondary injuries, or injuring others. • Children who are not buckled up can be killed or permanently disfigured in low speed collisions.

				<p>for buckling up all children.</p> <ul style="list-style-type: none">• Not wearing a seatbelt is illegal, including in the back seat.• Back seat passengers become projectiles in crashes, often killing other passengers, including those who are buckled up.	
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7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BUYS ON ERF 235, STELLENBOSCH
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Collaborator No: 668813
IDP KPA Ref No: *Good Governance*
Meeting Date: 20 November 2019

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

2. PURPOSE

To obtain Council's approval to conclude an Encroachment Agreement with Lar-Shei Investments (Pty) Ltd to enable them to utilise/manage 18 parking buys on an encroachment basis 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 buys 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 buys 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.

Council must now consider this application.

5. RECOMMENDATIONS

- (a) that Council consider the application.
- (b) that if the Application is approved in principle:
 - (i) that Council decide if the area should be regarded as inside or outside the CBD.
 - (ii) that the period for the approval be determined.
 - (iii) that the approval is subject to the advertisement of the in-principle decision for objections or alternative proposals;
- (c) that, following the public participation process, the matter be re-submitted to Council to make a final decision.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Application for encroachment permit

An application was received from Lar-Shei Investments (Pty) Ltd, to lease 18 parking buys on erf 235 for exclusive use by their tenants. A copy of the application is attached as **APPENDIX 1**

6.2 DISCUSSION

6.2.1 Property description

Lar -Shei and Akkerhof is situated on erven 213 and 7646 respectively, whilst the parking buys are situated on a portion of Remainder erf 235, as shown on fig 1 and 2, below.



Fig 1: Location and context



Fig 2: Location of various sites in relation to erf 235

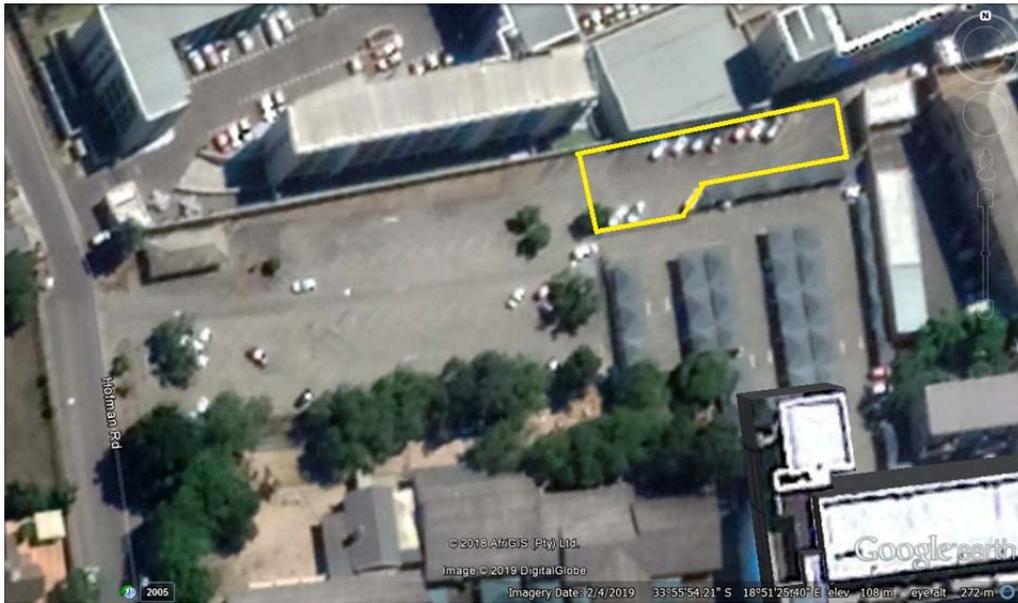


Fig 3: Extent of proposed encroachment

6.2.2 Ownership: Erf 3722

Remainder portion 235 is registered in the name of Stellenbosch Municipality by virtue of Title Deed T13664/1947. See attached as **APPENDIX 2** Windeed record.

6.2.3 The Proposal

Lar-Shei and Akkerhof is situated in Birdstreet, but is also bordering the public parking area situated on Remainder portion 235. They concluded an Agreement in August 2018 in terms whereof:

- a) Both parties would apply to use parking buys situated on erf 235 on an encroachment basis;
- b) Both parties would use 9 dedicated parking buys;
- c) A service access would still be in place over the parking area for Akkerhof residents;
- d) They would put up palisade fencing and install an electronic access system, at their cost.

6.3 Financial Implications

In terms of the current approved tariff structure a monthly rental of R275.00 (in the CBD and Techno park)) and R130.00 (outside the CBD) per parking buy will be payable. There is no clear indication of where the CBD ends at this stage. Should it be approved it will lead to an annual income of R 59 400 or R28 080.00 (pending on the tariff). Residents are currently using the parking area for free as the current service provider is not managing the area and there is no dedicated parking. If the application is approved a dedicated amount of bays will be allocated to them.

6.4 Legal requirements

6.4.1 Municipal Ordinance, No 20/1974

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take steps to regularize* such encroachment.

*The issue of a permit in terms of Section 126 (1) will be deemed to be a regularization of the encroachment referred to in such a permit.

6.4.2 Municipal Asset Transfer Regulations

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

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

6.4.3 Property Management Policy

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act. One of the circumstances listed in (h) is where encroachment applications are received from adjoining owners, subject to approved tariff structure.

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

6.5 Staff Implications

Staff parking is currently under discussion and this area might be a solution to the limited parking in the CBD for staff and other residents.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

The risks are addressed in the item

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

Encroachment / lease agreement strictly on temporary basis, with no vested rights incurred to the applicant. It must be taken into account that the municipality is in process of reviewing and assess parking requirements in the Stellenbosch CBD, and may in the near future- utilize more extensively, upgrade or develop the Latsky Street parking area for municipal purposes.

6.8.2 Director: Planning and Economic Development

None.

ANNEXURES:

Annexure 1: Application Lar-Shei Investments (Pty) Ltd

Annexure 2: Windeed search

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088750
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-11-12

ANNEXURE 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ENCROACHMENT PERMIT APPLICATION FORM

A: APPLICANT'S DETAILS

Name : LAR-SHEI INVESTMENTS (PTY) LTD.

Physical address: 63 BIRD STREET
STELLENBOSCH

Postal code: 7600

Mailing address: P O BOX 1550
STELLENBOSCH

Postal code: 7599

E-mail address: andrea@pfstrust.co.za

Telephone: (021) 889 5601

Cell phone: (082) 807 6555

B: PROPERTY DETAILS OF APPLICANT

Erf/farm number : 213

Suburb:

Town: STELLENBOSCH

C: PROPERTY DETAILS OF ENCROACHMENT AREA

Erf/farm number : ERF 235
 Suburb:
 Town: STELLENBOSCH
 Area of encroachment: ±250 m²

* To be supplemented with a sketch-plan with dimension in m²

D: TYPE OF APPLICATION:

Please mark the appropriate block

- For commercial purposes, other than for parking
- For commercial parking purposes,
- For residential parking purposes
- For non-commercial purposes (such as garden purposes, gates, ect)
- For projecting structures onto street reserves
- For projecting structures onto other council-owned land
- Other: please provide description:

Brief description of application: Lav Shei Building consists of 18 x 2 bedroom flats + 8 business premises (±1226m²) with only 12 Lock-up garages and 11 parking bays

Motivation: Sufficient parking was available on the vacant municipal area from Latsky street. The development on Erf 7551 closed off Latsky Street and reserved parking rights by means of a lease agreement with the Municipality. This caused that the previously available parking was unavailable

E: LIST OF ATTACHEMENTS AND SUPPORTING DOCUMENTS

Please mark the appropriate box

- Special Power of Attorney, where Applicant is not the owner
- Diagram of proposed area of encroachment
- Letters of consent (affected neighbours)
- Application fee (R600-00, non-refundable)

I hereby certify that the information supplied in this application form is correct and that I am property authorized to make this application.

Applicant's signature: *P. A. Emedocles*

Date: 7/10/2016

Full name: P. A. Emedocles



LAR-SHEI BELEGGINGS (PTY) LTD

Reg no: 1968/000753/07

14A Stone Square
Stellenbosch, 7600

Tel: (021) 889 5601
Fax: (086) 244 6364

Posbus/P O Box 1550
Stellenbosch, 7599

7 October 2016

APPLICATION FOR ENCROACHMENT – ERF 213 onto ERF 235

Lar Shei Building was erected on Erf 213 (± 1968).

The building consists of:

- 18 x two bedroom flats (approximately 18 x 78m²)
- 8 x commercial premises (± 1224 m²)
- 12 x lock-up garages
- 10 x parking bays

Next to the premises, municipal ground (Erf 235 from Latsky Street), supplied sufficient parking for Lar Shei and surrounding buildings over the years.

The development of erf 7551 during 2007, resulted in the closure of Latsky Street and the permanent closure of the parking facilities to Lar Shei. We have expressed our concern dated 15 March 2006 but did not object to the closure of Latsky Street and the exclusive letting of the property to the body corporate of erf 7551 as we were informed that we as Lar Shei, could apply for similar parking facilities. Even when the parking areas were erected, a conduit pipe was laid to enable enclosed parking for Lar Shei in the future.

In August 2008 we applied for the first time for additional parking facilities. We now wish to finalize this agreement.

We wish to enclose the parking area (14 parking bays) as per attached layout with a remote operated gate. As Akkerhof Body Corporate currently receives delivery via their rear entrance, we will supply a remote to the body corporate to enable them access.

As the original design of Lar Shei Building did not allow for sufficient parking, we have bought the property with the parking limitations. We wish to seek for a solution and resolve this problem at our own cost.

We trust that our application will be considered favorably.

Yours Truly

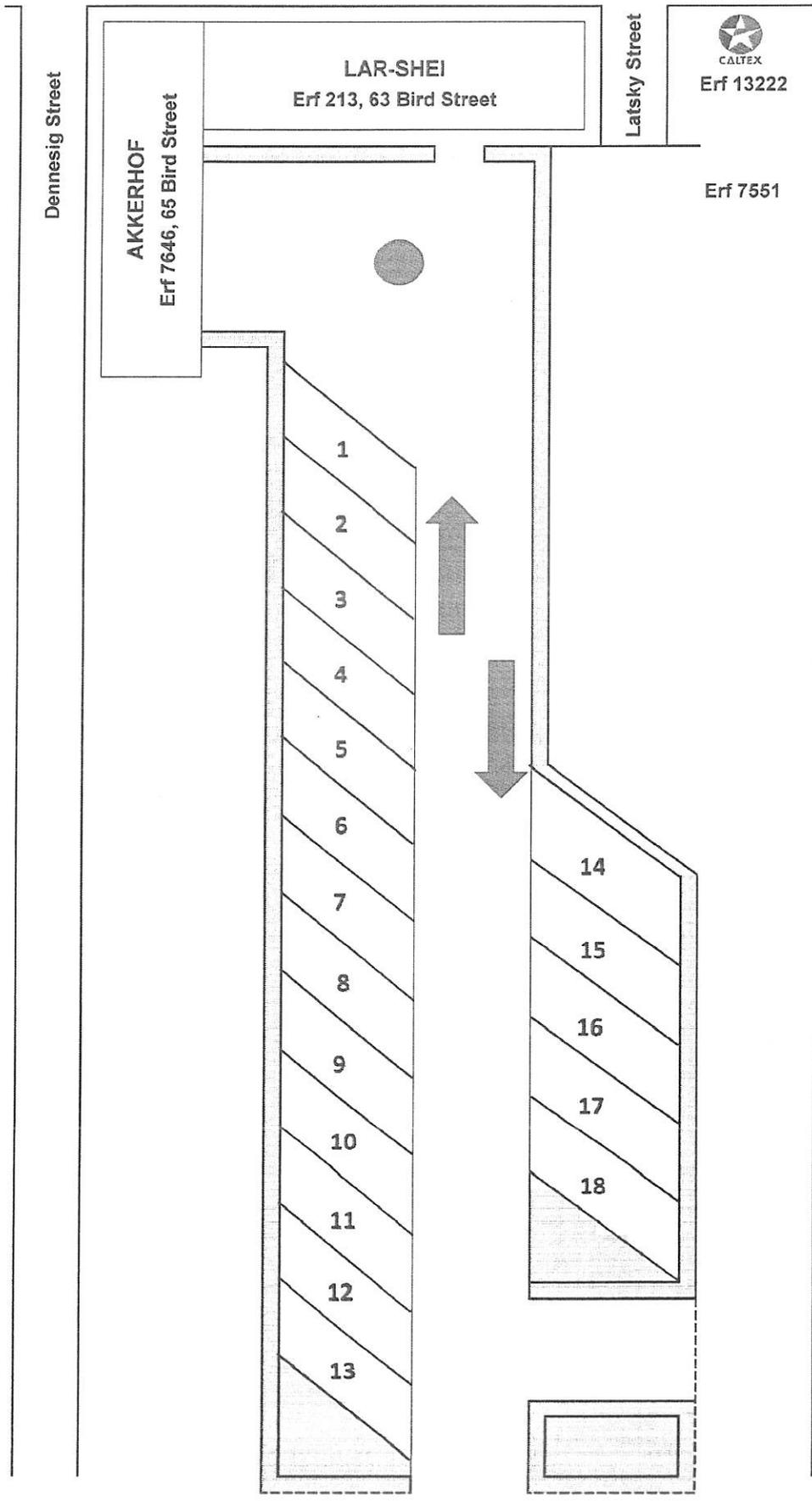
Andrea Empedocles

Director: Lar Shei Investments (Pty) Ltd

Direkteur: A P Empedocles P A Empedocles



Bird Street, Stellenbosch



Not to scale

LAR SHEI BELEGGINGS (Edms) Bpk

Reg no: 1968/00753/07

Dorpstraat 107 Dorp Street
Stellenbosch, 7600

Tel: 021-887 1373
Fax: 021-883 9634

Posbus/P O Box 1550
Stellenbosch, 7599

21 Augustus 2008

Stellenbosch Munisipaliteit
Pleinstraat
STELLENBOSCH
7600

Aandag: Mnr P Smit

Geagte heer

AANSOEK OM PARKEERPLEKKE TE ERF 235, STELLENBOSCH

Ons skrywe gedateer 10 Oktober 2007 (afskrif aangeheg), het betrekking.

Lar Shei Beleggings (Edms) Bpk is die eienaar van erwe 213 en 220, aanliggend tot Erf 235.

Hiermee doen ons aansoek vir die huur van 18 parkeerplekke op Erf 235, aanliggend tot ons perseel asook aanliggend tot die uitbreiding aan erf 7551.

Ons doen aansoek om addisionele parkeerruimte aangesien die huidige fasiliteite onvoldoende is en die oop ruimte wat tans gebruik word as parkering, ontwikkel word waardeur dit ontoeganklik sal wees vir die inwoners/huurders van Erf 213/220 (sien skrywe aangeheg).

Ons is in gesprekvoering met die ontwikkelaar van Erf 7551 om die ontwikkeling van die 18 parkeerplekke in samewerking met die parkeerplekke van Erf 7551 te doen om onder andere eenvormigheid te bewerkstellig.

Aangeheg 'n voorgestelde uitleg van die parkering waarvoor Erf 7551 aansoek gedoen het asook die voorgestelde addisionele 18 parkeerplekke vir erf 213/220 waarvoor aansoek gedoen word.

Ons verneem graag so spoedig moontlik van u

Die uwe



P A Empedocles
Direkteur
Sel: (082) 807 6555

LAR-SHEI BELEGGINGS (PTY) LTD

Reg no: 1968/000753/07

14A Stone Square
Stellenbosch, 7600

Tel: (021) 889 5601
Fax: (086) 244 6364

Posbus/P O Box 1550
Stellenbosch, 7599

UITTREKSEL VAN DIREKSIEVERGADERING

GEHOU OP 18 SEPTEMBER 2016

Daar is besluit dat:

1. Lar-Shei Beleggings aansoek doen by Stellenbosch Munisipaliteit vir die huur en gebruik van aanliggende parkering op erf 235, Stellenbosch
2. Peter Andrea Empedocles, Id no 611202 5050 08 6 gemagtig word om die nodige dokumentasie te onderteken ter uitvoering van hierdie besluit.

Geteken te Stellenbosch op 16 September 2016



Andrea Empedocles

BERGZICHT BODY CORPORATE

The Municipal Manager
Stellenbosch Manager
P.O. Box 17
Stellenbosch
7600

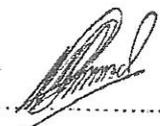
For Attention: Mr. P. Smit

Dear Sir,

CONSENT FOR ENCROACHMENT: ERF 235.....

As owner(s) of erf 7551 I/we hereby give consent that the above-mentioned open erf may be made available to the owner of erf 213..... for purposes of parking.....

Signed at Stellenbosch on this 16th day of Sep 2016.


.....
Owner/Representative



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ENCROACHMENT PERMIT APPLICATION FORM

A: APPLICANT'S DETAILS

Name : André Buys (Chairperson Akkerhof Body Corporate)

Physical address: 65 Bird Street
Stellenbosch

Postal code: 7600

Mailing address: Merriman Place, 2nd Floor, Office 2
Merriman Avenue
Stellenbosch

Postal code: 7600

E-mail address: roean@marite.co.za

Telephone: (021) 882 9061

Cell phone: N/A

B: PROPERTY DETAILS OF APPLICANT

Erf/farm number : 7646

Suburb: Stellenbosch Central

Town: Stellenbosch

C: PROPERTY DETAILS OF ENCROACHMENT AREA

Erf/farm number : 7551.....
Suburb: Stellenbosch Central.....
Town: Stellenbosch.....
Area of encroachment:m²

* To be supplemented with a sketch-plan with dimension in m²

D: TYPE OF APPLICATION:

Please mark the appropriate block

- For commercial purposes, other than for parking
- For commercial parking purposes,
- For residential parking purposes
- For non-commercial purposes (such as garden purposes, gates,ect)
- For projecting structures onto street reserves
- For projecting structures onto other council-owned land
- Other: please provide description:

Brief description of application: Akkerhof and Lar Shei have signed an agreement..
to share the parking spaces and to enclose the area for use as a parking area for our
tenants and owners.

Motivation: Both complexes do not have enough parking spaces and would like to make
the additional parking spaces available to tenants and owners

.....
.....
.....

E: LIST OF ATTACHEMENTS AND SUPPORTING DOCUMENTS

Please mark the appropriate box

- Special Power of Attorney, where Applicant is not the owner
- Diagram of proposed area of encroachment
- Letters of consent (affected neighbours)
- Application fee - non-refundable

I hereby certify that the information supplied in this application form is correct and that I am property authorized to make this application.

Applicant's signature: ..  Date: 3 August 2018

Full name: .. André Buys (Chairperson Akkerhof Body Corporate)

FOR OFFICIAL USE

- The application was considered onby.....
- The application was

APPROVED

NOT APPROVED

Conditions (if any):

.....

.....

Applicant was informed of outcome on

.....
SIGNATURE OF RESPONSIBLE OFFICIAL

.....
DATE

Name:.....

***If approved**

Encroachment fee paid

Encroachment Agreement signed

Agreement/Permit processed on Contract Management System

.....
SIGNATURE OF RESPONSIBLE OFFICIAL

.....
DATE

Name:.....

AKKERHOF REGSPERSOON / BODY CORPORATE

Merriman Place, Merriman Avenue
Stellenbosch
7600

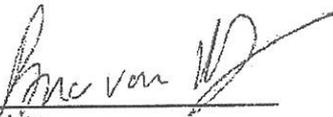
Tel: (021) 882-9061

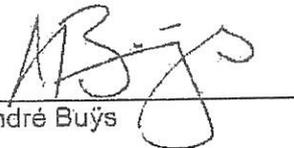
PO Box 856
Stellenbosch
7599

Letter of Consent

Herewith the Akkerhof Body Corporate would like to give consent to the affected neighbors, Lar Shei, to rent half of the parking bays on the municipal ground at the back of the Akkerhof and Lar Shei buildings, as stipulated in the cooperation agreement between the two parties.

The body corporate Akkerhof also gives consent for the enclosing of the parking space, as stipulated in the cooperation agreement between Akkerhof and Lar Shei.


Trustee


André Buys

Trustee

Date: 15 August 2018

AKKERHOF REGSPERSOON / BODY CORPORATE

Merriman Place, Merriman Avenue
Stellenbosch
7600

Tel: (021) 882-9061

PO Box 856
Stellenbosch
7599

Special Power of Attorney

At a meeting of the trustees of Akkerhof Body Corporate held at Stellenbosch on 24th day July 2018, it was resolved that Akkerhof Body Corporate give signatories to André Buys (id number 6407015013080), in his capacity as trustee (chairperson), be authorised and empowered, as he is hereby empowered, to sign and execute on behalf of Akkerhof Body Corporate, the applicable application forms, agreement and authorisation of user and all other relevant documentation required by the municipality.

Certified a true copy



Trustee



André Buys

Trustee

Date: 15 August 2018

SAMEWERKINGSOORENKOMS

tussen

Lar-Shei Beleggings (Edms) Bpk

Reg no: 1968/000753/07

(hierna **Lar-Shei** genoem)

Met Adres: Bo Langstraat 15

Paarl 7646

Epos: andrea@pfstrust.co.za

Kontaknommer: (082) 807 6555

en

Regspersoon van Akkerhof-deeltitelskema

Reg no: SS215/86

(hierna **Akkerhof** genoem)

Met adres: Birdstraat 65

Stellenbosch 7600

Epos: roean@marite.co.za

Kontaknommer: (021) 882 9061

1. DOEL VAN SAMEWERKINGSOOREENKOMS

Aangesien beide Lar-Shei en Akkerhof 'n behoefte aan bykomende parkering het, is hulle voornemens om elkeen 'n afsonderlike huurooreenkoms met die Stellenbosch-munisipaliteit (hierna **die Munisipaliteit** genoem) vir 'n gedeelte van die hierin vermelde perseel te sluit ten einde die perseel op die hierin vermelde voorwaardes tot hul voordeel as parkeerterrein vir die Lar-Shei- en Akkerhof-gebouekompleks te ontwikkel en te bestuur.

2. PERSEEL

Die perseel (hierna **die parkeerterrein** genoem) wat die Partye beoog om te huur, is geleë op Erf 235, Stellenbosch, is in die naam van die Munisipaliteit geregistreer, en bied tans parkeerplek vir **18 (agtien)** voertuie.

3. GETAL PARKEERPLEKKE PER PARTY

3.1 Die Partye beoog om ingevolge afsonderlike huurooreenkomste met die Munisipaliteit elkeen **9 (nege)** parkeerplekke te huur: Met dien verstande dat die getal parkeerplekke op die parkeerterrein finaal bepaal sal kan word slegs nadat die veiligheidsheining bedoel in Klousule 6 opgerig is.

3.2 Die finale uitleg van die parkeerplekke sal aangetoon word in 'n uitlegplan wat as **Bylae A** hierby aangeheg moet word.

4. GEBRUIK VAN PARKEERPLEKKE

4.1 Elke Partye onderneem om sy gehuurde getal parkeerplekke slegs vir die doeleindes van eienaars en huurders van eenhede in sy gebouekompleks aan te wend.

4.2 Indien 'n Partye nie al die parkeerplekke wat hy huur, kan of wil benut nie, moet hy sodanige parkeerplek(ke) te huur aan die ander Partye aanbied teen dieselfde prys as waarteen hy dit van die Munisipaliteit huur (reg van eerste weiering).

4.3 Indien 'n Partye 'n aanbod in Klousule 4.2 bedoel in die geheel of gedeeltelik van die hand wys, kan die Partye wat die parkeerplekke te huur aanbied, ondanks Klousule 4.1, behoudens die voorwaardes van sy huurooreenkoms met die Munisipaliteit, daardie parkeerplek(ke) wat die ander Partye nie wil huur nie, op 'n maand tot maand kennisgewing van opsegging aan 'n persoon (wat nie 'n eienaar of huurder van 'n eenheid in die Lar-Shei- of Akkerhof-gebouekompleks hoef te wees nie) verhuur teen die tarief wat hy goeddink.

5. DIENSINGANG VIR DOELEINDES VAN AKKERHOF

5.1 Die Partye boekstaaf hiermee dat munisipale en ander dienstevoertuie tans oor die parkeerterrein toegang tot die diensingang van Akkerhof het, en Lar-Shei onderneem

Paraaf:  

om sodanige toegang op generlei wyse te beperk of te belemmer nie.

- 5.2 Akkerhof moet behoorlike beheer oor die betrokke dienstevoertuie uitoefen en sal vir hierdie doel 'n afstandbeheerkontrolle aan die Munisipaliteit uitreik.

6. KAPITAALBESTEDING

- 6.1 Ten einde geslote afstandbeheerde toegang tot die parkeerterrein te bewerkstellig, beoog die Partye om sekere kapitaalbesteding aan te gaan, wat onder meer besteding aan die volgende items insluit:

6.1.1 oprig van 'n staalpalisadeveiligheidsheining (min of meer in ooreenstemming met dié op die aanliggende parkeerterrein);

6.1.2 installing van 'n elektronies beheerde rolhek, alternatiewelik elektronies beheerde swaaiehekke indien die uitleg van die parkeerterrein nie 'n rolhek kan akkommodeer nie;

6.1.3 elektriese installasie om die hekke te bedien;

6.1.4 heruitmerk en nommering van parkeerplekke.

6.2 Lar-Shei en Akkerhof onderneem om een kwotasie elk van diensverskaffers met 'n bewese rekord, tesame met 'n implementeringsplan, wat aan die Munisipaliteit se vereistes voldoen, vir gesamentlike goedkeuring deur die Partye voor te lê teen nie later nie as 30 dae nadat beide ooreenkomste met die Munisipaliteit onderteken is.

6.3 Die gepaardgaande kapitaalbesteding sal 50:50 deur die twee Partye gedra word.

7. SEKURITEIT EN TOEGANGSBEHEER

7.1 Alhoewel sekuriteit nie gewaarborg kan word nie, onderneem die Partye om toe te sien dat behoorlike sorg aan die dag gelê word met die gebruik van die parkeerterrein ten einde 'n redelike mate van sekuriteit te verkry.

7.2 Gesamentlik beheermaatreëls vir die gebruik van die parkeerterrein word as as **Bylae B** hierby aangeheg.

8. BESTUUR VAN PARKEERTERREIN

8.1 Die administrasie, beheer en normale instandhouding van die parkeerterrein sal deur Akkerhof hanteer word.

8.2 Enige wesentlike koste wat 'n Party in verband met sodanige administrasie, beheer en instandhouding wil aangaan, moet deur beide Partye goedgekeur word alvorens dit aangegaan kan word, en sal verdeel word in die verhouding van die getal parkeerplekke wat elke Party huur*: Met dien verstande dat —

Paraaf: 



- 8.2.1 Akkerhof vir sy rekening elektrisiteit vir die bedryf van die beheerde toegangsbeheertelsel sal verskaf; en
- 8.2.2 elke Party self die koste van die aankoop en instandhouding van afstandbeheerkontroles vir sy gebruik sal dra.
- 8.3 Indien 'n persoon wat die parkeerterrein vir die doeleindes van 'n bepaalde Party binnekom skade aanrig aan enige van die items wat op die parkeerterrein opgerig of geïnstalleer is, is daardie Party vir die herstelkoste van sodanige skade aanspreeklik: Met dien verstande dat indien daar skade aangerig word in omstandighede waar toerekenbaarheid nie redelikerwys bepaal kan word nie, sal die Partye gesamentlik vir die herstelkoste van die skade aanspreeklik wees in die verhouding van die getal parkeerplekke wat elke Party huur*.

* *Byvoorbeeld: Indien 'n Party 80% van die parkeerplekke huur, sal hy 80% van die koste dra.*

9. BEËINDIGING VAN HUUROOREENKOMS

- 9.1 Indien 'n Party sy huurooreenkoms met die Munisipaliteit wil beëindig, moet hy die ander Party twee (2) kalendermaande kennis van sy voorneme gee, en beëindig hy daarmee ook outomaties hierdie Samewerkingsooreenkoms behoudens die bepalinge van Klousule 10.2.
- 9.2 Indien die Partye wedersyds ooreenkom om hul onderskeie huurooreenkomste met die Munisipaliteit te beëindig, beëindig hulle daarmee ook outomaties hierdie Samewerkingsooreenkoms behoudens die bepalinge van Klousule 10.3.
- 9.3 Indien die Munisipaliteit die huurooreenkoms van 'n bepaalde Party beëindig, word hierdie Samewerkingsooreenkoms daarmee ook behoudens die bepalinge van Klousule 10.2 outomaties beëindig.
- 9.4 Indien die Munisipaliteit die huurooreenkoms van beide Partye beëindig, word hierdie Samewerkingsooreenkoms daarmee ook behoudens die bepalinge van Klousule 10.3 outomaties beëindig.

10. BEËINDIGING VAN SAMEWERKINGSOOREENKOMS

- 10.1 'n Party kan die Samewerkingsooreenkoms met twee (2) kalendermaande skriftelike kennisgewing aan die ander Party beëindig, behoudens enige kontraktuele verpligtinge in terme van sy huurooreenkoms met die Munisipaliteit.
- 10.2 By beëindiging van die Samewerkingsooreenkoms soos in Klousule 9.1, Klousule 9.3 en hierdie Klousule 10.1 bedoel —
- 10.2.1 gaan eiendomsreg van al die items en toerusting wat vir die doeleindes hiervan op die parkeerterrein opgerig of geïnstalleer is oor op die ander Party;

Paraaf:

MS 70 

- 10.2.2 het die betrokke Party nie 'n eis vir die verhaling van enige uitgawes hoegenaamd wat hy vir die doeleindes hiervan aangegaan het teen die ander Party nie;
- 10.2.3 is die betrokke Party verantwoordelik vir die koste van enige herstelwerk wat die Munisipaliteit vereis aan daardie deel van die parkeerterrein wat hy gehuur het.
- 10.3 By beëindiging van die Samewerkingsooreenkoms soos in Klousule 9.2 en Klousule 9.4 bedoel, is die Partye 50:50 verantwoordelik vir die koste van enige herstelwerk aan die parkeerterrein wat die Munisipaliteit vereis.
- 10.4 Indien 'n Party nie binne 'n redelike tyd na die datum van die laaste handtekening op hierdie Samewerkingsooreenkoms 'n huurooreenkoms soos hierin bedoel met die Munisipaliteit sluit nie, sal hierdie Samewerkingsooreenkoms nietig wees.

11. HANTERING VAN DISPUUT

- 11.1 Indien daar 'n dispuut, onenigheid of eis tussen die Partye (hierna **die dispuut** genoem) voortspruitend uit, of hoegenaamd in verband met, hierdie Samewerkingsooreenkoms ontstaan, moet die Partye probeer om daardie dispuut by wyse van onderhandeling op te los, wat behels dat die een Party die ander Party skriftelik uitnooi na 'n vergadering waar hulle moet probeer om die dispuut binne sewe (7) dae na die datum van die uitnodiging te besleg.
- 11.2 Indien die dispuut nie by gemelde vergadering besleg word nie, moet die Partye gesamentlik by die *Arbitration Foundation of Southern Africa* — Reg No 1996 / 007496 / 08 (hierna **AFSA** genoem) aansoek doen om die dispuut op 'n dringende grondslag deur bemiddeling, en volgens die voorskrifte, van die AFSA-sekretariaat op te los.
- 11.3 Ondanks die bepalinge van Klousule 11.1 en Klousule 11.2 kan die Partye te eniger tyd skriftelik ooreenkom om die dispuut te verwys na 'n skeidsregter wat deur AFSA aangewys word.
- 11.4 Die Partye verbind hulle onherroeplik daartoe dat die uitslag van enige dispuutbeslegtingsprosedure in hierdie Klousule 11 bedoel —
- 11.4.1 finaal en bindend vir die Partye sal wees;
- 11.4.2 in werking gestel moet word; en
- 11.4.3 'n bevel van 'n bevoegde hof gemaak kan word.
- 11.5 'n Party mag nie ophou om al sy verpligtinge ingevolge hierdie Samewerkingsooreenkoms na te kom terwyl enige dispuutbeslegtingsprosedure bedoel in hierdie Klousule 11 aan die gang is nie.
- 11.6 Hierdie Klousule 11 bly bindend vir die Partye na die beëindiging van hierdie Samewerkingsooreenkoms vir welke rede ook al.

12. VOLLE OOREENKOMS

Hierdie Samewerkingsooreenkoms bevat die volle ooreenkoms tussen die Partye en geen uitdruklike of stilswyende waarborg of voorstelling, en geen byvoeging tot, of wysiging of skraping van, 'n bepaling of voorwaarde hiervan, is geldig tensy dit op skrif gestel en deur beide Partye onderteken is nie.

13. DOMICILIUM

Die Partye kies as hul onderskeie *domicilium citandi et executandi* die adresse soos uiteengesit op bladsy 1 van hierdie Samewerkingsooreenkoms.

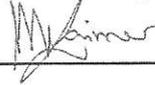
14. JURISDIKSIE

Die Partye stem toe tot die jurisdiksie van die Landdroshof vir die beslegting van enige optrede of geding wat ingevolge hiervan ingestel mag word, soos bedoel in artikel 45 van die *Wet op Landdroshowe*, No 32 van 1944 (soos gewysig).

Geteken namens Akkerhof te Stellenbosch op 3 Augustus 2018.



Trustee: A Buys
(Behoorlik daartoe gemagtig)



Trustee: D Lorimer
(Behoorlik daartoe gemagtig)

As getuie:

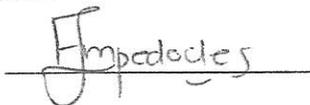


Geteken namens Lar-Shei te PAARL op 23 Augustus 2018.



Direkteur: Peter Andrea Empedocles
(Behoorlik daartoe gemagtig)

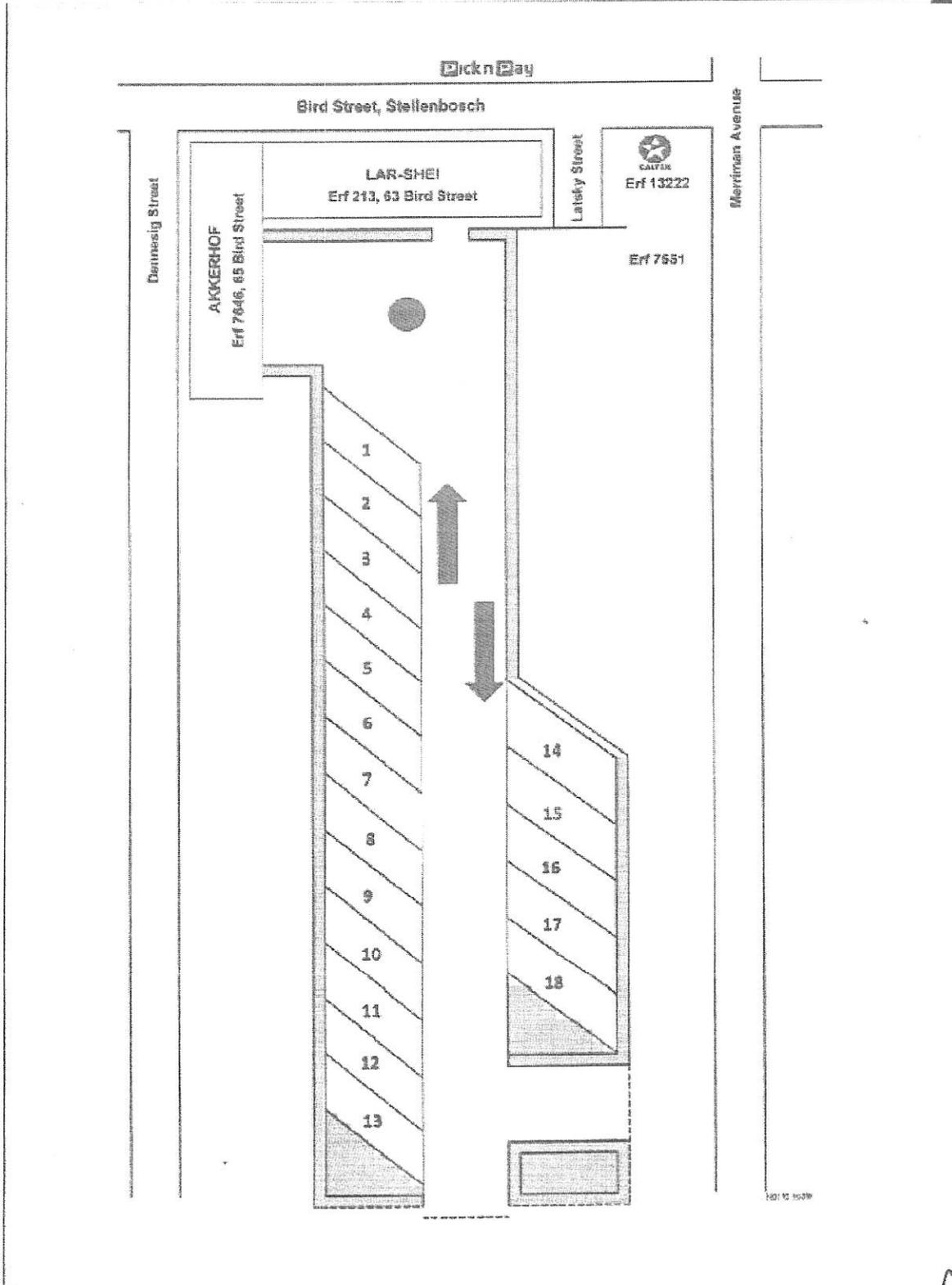
As getuie:



Paraaf:  

Bylae A

Uitleg van Parkeerterrein



Paraaf: *MB* *[Signature]*

Bylae B

BEHEERMAATREËLS**vir die gebruik van die Parkeerterrein**

Akkerhof en Lar-Shei kom gesamentlik ooreen dat:

1. Behoorlike rekord gehou sal word van persone en instansies aan wie toegangsbeheerkontroles uitgereik is;
2. die kontroles van persone en instansies wat nie meer op toegang tot die parkeerterrein geregtig is nie, terug geneem moet word;
3. die parkeerder nie sy kontrole aan 'n "vreemdeling" mag gee / leen nie;
4. gebruikers van die parkeerterrein moet wag totdat die hek behoorlik toe is voordat die terrein verlaat word;
5. voertuie nie parkeer mag word op sodanige wyse wat die vryvloei van verkeer belemmer nie;
6. voertuie nie sodanig parkeer mag word dat dit meer as een parkeerplek in beslag neem nie;
7. voertuie nie olie of ander smeermiddels mag mors op die parkeerterrein nie;
8. voertuie wat uitermatige rook of geraas maak, mag nie op die parkeerterrein gebring word nie;
9. geen herstelwerk of diens van voertuie op die parkeerterrein word toegelaat nie; en
10. gewone gedragsreëls van Lar-Shei / Akkerhof (na gelang van die geval) van toepassing is.

Paraaf: 

ANNEXURE 2

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

STELLENBOSCH, 235, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/05/27 13:24
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 235
Portion Number 0 (REMAINING EXTENT)
Township STELLENBOSCH
Local Authority STELLENBOSCH MUN
Registration Division STELLENBOSCH RD
Province WESTERN CAPE
Diagram Deed T13664/947
Extent 22.2888H
Previous Description -
LPI Code C0670022000002350000

OWNER INFORMATION**Owner 1 of 1**

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T13664/1947
Registration Date 1947/07/21
Purchase Price (R) UNKNOWN
Purchase Date -
Share 0.00
Microfilm 2000 0113 5157
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (4)

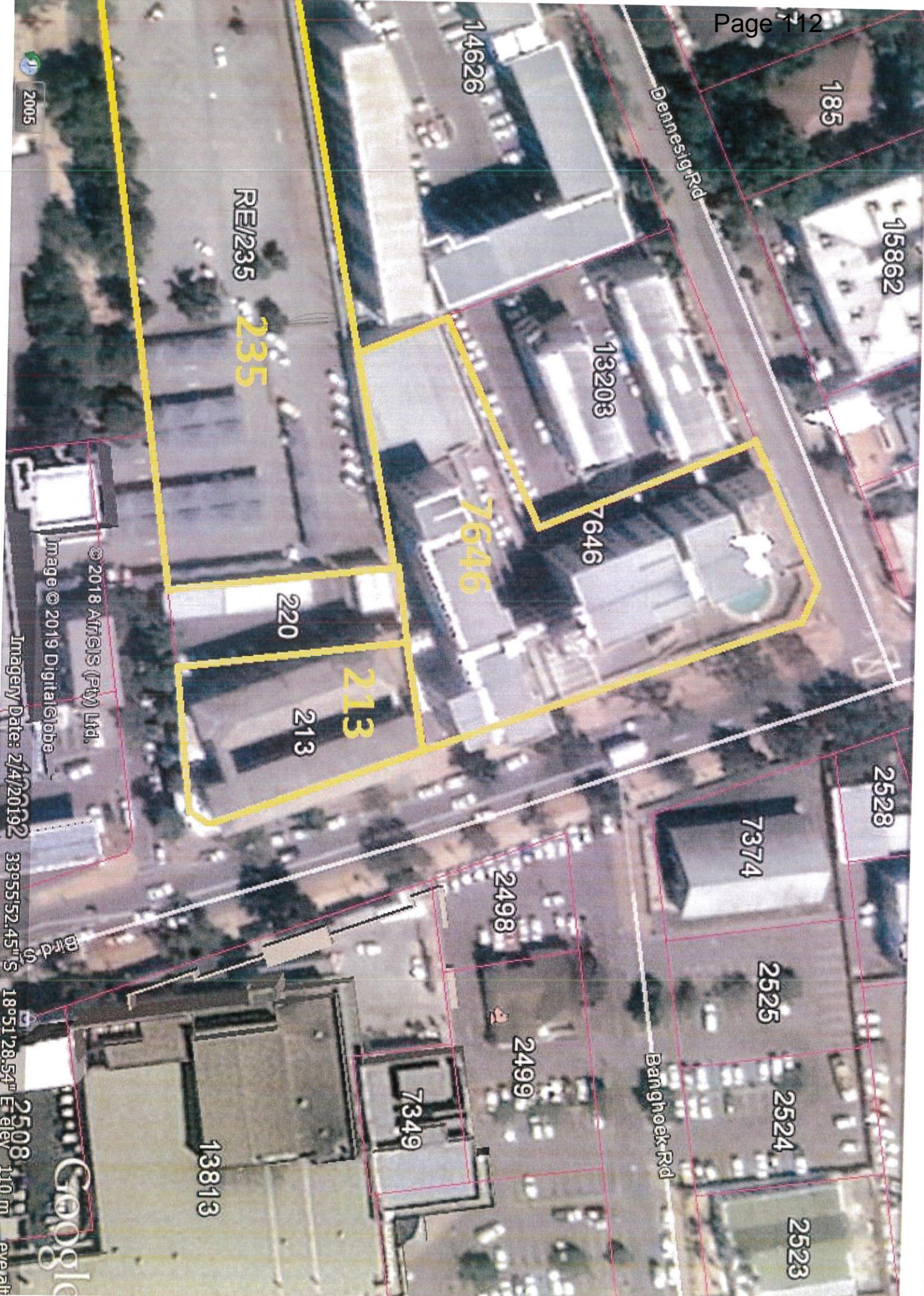
#	Document	Institution	Amount (R)	Microfilm
1	COMP-7-ERVEN	-	UNKNOWN	-
2	VIDE ERF 5356=66SQM	-	UNKNOWN	-
3	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 9543 ,PRTN 0	UNKNOWN	-
4	NOW SUBDIVISION	TOWN STELLENBOSCH ,ERF 9544 ,PRTN 0	UNKNOWN	-

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

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2005

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Image © 2019 DigitalGlobe

Imagery Date: 2/4/2019

33°55'52.45" S

18°51'28.54" E

2508

110 m eye alt

Google

7.2.2	PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYER STREET
--------------	---

Collaborator No: 668817
IDP KPA Ref No: Good Governance
Meeting Date: 20 November 2019

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

2. PURPOSE

To consider an application from Eikestad Mall (Pty) Ltd for the renewal of the Lease Agreement in relation of a portion of Beyerstreet, 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 Beyer Street. 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.

This agreement will lapse on 31 December 2019, and they have now request a renewal for a further period of 10 years. Council must now consider the requested.

5. RECOMMENDATIONS

- (a) that Council consider the application;
- (b) that should the renewal of the lease agreement be approved in principle, the in principle decision be advertised for public comment/input/counter proposals and the lessee be allowed to continue with the current lease until a final decision can be made;
- (c) that, following the public participation process, the item be submitted to Council to make a final determination in this regard.
- (d) that a new market related lease amount be determined, based on an independent valuation being obtained.

6. DISCUSSION / CONTENT

6.1 Background

6.1.2 Lease Agreement

On 2000.02.10 Stellenbosch Municipality and IPG (Pty) Ltd concluded a Lease Agreement in terms whereof a portion of 1425m² of Beyerstreet was leased on an encroachment basis. A copy of the Lease Agreement is attached as **APPENDIX 1**. The

Lease commenced on 1 January 2000 for a period of 10 (ten) years, i.e until 31 December 2009.

6.1.3 Option period

The Lease Agreement also provided for a further option (renewal) period of another 10 years. On 13 May 2008 the Lessee informed the Municipality they would like to exercise their right of renewal. This was approved, subject to the following.

- Rental : R271.16/m for first year;
- Escalation : 10%p/a

See copy of letter attached as **APPENDIX 2**.

6.1.4 Session and Assignment of Lease Agreement

During 2007 the Eikestad Mall as was sold to a new developer, Eikestad Mall (Pty) Ltd. During 2018 IPG informed the Municipality that they have reached agreement with Eikestad Mall (Pty) Ltd on the ceding of the Lease Agreement to them. They subsequently requested that the Lease Agreement be ceded to Eikestad Mall (Pty) Ltd, as provided for in clause 18.1 of the Lease Agreement.

Mayco considered the matter on 2009-05-04. Having considered the application, Mayco resolved as follows:

- (a) *that, as a first step, the proposed ceding/assigning of the Lease Agreement between Stellenbosch Municipality and IPG (now trading as Growthpoint), to Eikestad Mall (Pty) Ltd be approved,*
 - (i) *a new, market related lease amount be determined, based on an independent valuation, taking into account any capital investments as part of the redevelopment of the property;*
 - (ii) *any redevelopment will only be approved on the basis that Stellenbosch Municipality is not worse off than currently, insofar as it relates to the ownership of the kiosks;*
 - (iii) *access to erf 4430 from Andringa Street, over Beyers Street, be insured, even if such access is linked to specific times and/or actions.*
- (b) *that, should Council approve of the proposed ceding as per recommendation (a), it be subject thereto that Council's intention so to act first be advertised in terms of Section 124 of the Municipal Ordinance, 20/1974;*
- (c) *that, should objections be received as a consequence of the advertisement contemplated in (b)(supra), same first be considered by Council;*
- (d) *that, should no objections be received, the Director: Corporate Services be authorized to attend to the legal steps necessary to effect the proposed ceding;*
- (e) *that, following the successful ceding of the lease agreement to Eikestad Mall, the Director: Corporate Services be mandated to negotiate the possible alienation of the property to Eikestad Mall (Pty) Ltd, taking into account access to Erf 4430;*
- (f) *that, a progress report on the possible alienation of the property be tabled within 3 months.*

A copy of the agenda item that served before Council is attached as **APPENDIX 3**.

Following the above resolution an Agreement of cession and assignment was concluded between the parties on 2010-04-19, a copy of which is attached as **APPENDIX 4**.

In terms hereof a new, market related rental was agreed upon, being R2925.00/month, escalation at 8% per annum.

6.1.5 Application to renew agreement

On 2019-05-07 an application was received from On Trend Consulting, on behalf of Eikestad Mall (Pty) Ltd, requesting that the Lease Agreement be renewed for a further period of 10 years. A copy of the application is attached as **APPENDIX 5**.

6.2. DISCUSSION

6.2.1 Locations and context

Beyerstreet is situated between Birdstreet and Andringa Street, as indicated on Fig 1 and 2 respectively.

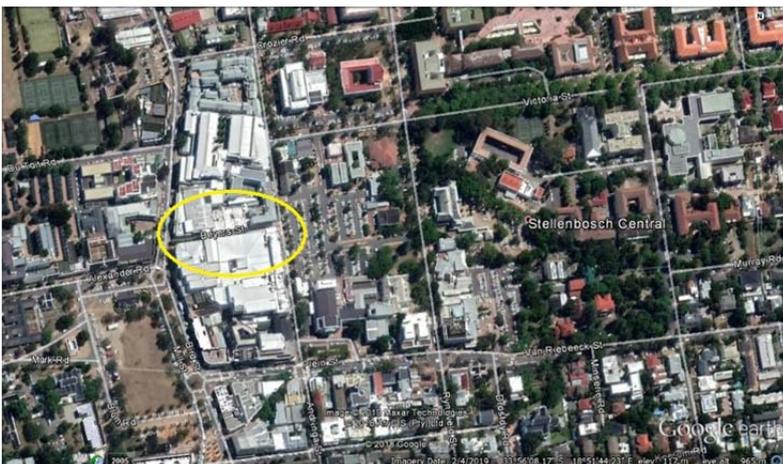


Fig 1: Location and context



Fig 2: Extent of encroachment

6.2.2 Legal requirements

6.2.2.1 Asset Transfer Regulation

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

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

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

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

The asset under discussion does not have a value in excess of R10M.

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

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

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

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

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

6.2.2.2 Policy on the Management of Council owned property

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

One of the circumstances listed in (l) is **lease contracts with existing tenants** of immovable properties, not exceeding ten (10) years. **Such agreements may be renegotiated where Council is of the opinion that public competition would not**

serve a useful purpose, subject to such renewal being advertised, calling for public comments.

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

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

6.3 Financial Implications

There are not financial implications should the recommendations as set out in the report be accepted, except the income that will derive from the rentals.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Mayco considered the matter on 2009-05-04. See par. 6.1.3 above and **APPENDIX 3**.

6.7 Risk Implications

This report has no risk implications for the municipality.

6.8 Comments from Senior Management

No comments was received from senior management.

ANNEXURES:

- Appendix 1: Lease Agreement
- Appendix 2: Letter for renewal
- Appendix 3: Item that served before Council
- Appendix 4: Cession and Assignment agreement
- Appendix 5: Application for renewal

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-07-02

APPENDIX 1

Commence 1/1/2000
Expire 31/12/2009

A

AGREEMENT OF LEASE

THE ORIGINAL HEREOF BEARS
REVENUE STAMPS DUTY
TO THE VALUE OF R 48.40
PER D. Sutherland

1. PARTIES

1.1 STELLENBOSCH MUNICIPALITY
("the Lessor")

and

1.2 IPG (PROPERTY TRADING & DEVELOPMENT) (PROPRIETARY)
LIMITED Registration Number 05/25753/07 or Nominee
("the Lessee")

2. INTERPRETATION AND DEFINITIONS

2.1 In this agreement, unless the context otherwise indicates, the following words and expressions shall bear the meanings assigned thereto below in this sub-clause 2.1:

2.1.1 "the Lessor" Shall mean Stellenbosch Municipality of Town Hall Complex, Plein Street, Stellenbosch, 7600;

2.1.2 "the Lessee" Shall mean IPG (Property Trading & Development) (Proprietary) Limited (Registration Number 05/25753/07) or its chosen Nominee of C/o. investec Property Group, 100 Grayston Drive, Sandton 2146;

2.1.3 "the Property" Shall mean the property in extent approx. 1,425 square metres, known as Beyers Street, Stellenbosch. Which area has been developed as a pedestrian mall and which incorporates 4 (four) kiosks as per Annexure "A" attached.

2.1.4 "the Design Documents" Shall mean the plans annexed to this agreement marked "B";

- 2.1.5 "the Development" Shall mean alternations, additions and improvements to the Property to be effected by the Lessee in accordance with the Design Documents and any alterations, additions and improvements thereto from time to time subject thereto and provided that no alterations and/or additions and/or improvements will be effected to the Property without the consent of the Lessor, which shall not be unreasonably withheld;
- 2.1.6 "the Commencement Date" Shall mean the first day of the month following the date of signature of this agreement by the Lessor; 1/1/2000
- 2.1.7 "Renewal Period" Shall mean any period for which this lease is renewed;
- 2.1.8 "VAT" Shall mean the tax known as Value Added Tax levied and payable in terms of Section 7 of the Value Added Tax Act, No. 89 of 1991, as amended, or any equivalent tax.

- 2.2 The headnotes to the paragraphs to this agreement are inserted for reference purposes only and shall not affect the interpretation of any of the provisions to which they relate.
- 2.3 Words importing the singular shall include the plural and vice versa and words importing the masculine gender shall include females and words importing persons shall include partnerships and bodies corporate.
- 2.4 Reference to "the lease" shall mean this agreement of lease and all annexures thereto.

3. THE PROPERTY

The Lessor hereby lets to the Lessee who hereby hires from the Lessor the Property from the Commencement Date upon the terms and conditions set out herein.



4. PERIOD OF LEASE

4.1 Initial Period

This lease shall commence on the Commencement Date and, subject to earlier termination in accordance with any of the provisions hereof, shall continue thereafter until the expiry of an initial period of 10 (TEN) years. The last of this 10 (TEN) year period shall hereinafter be called "the first termination date".

4.2 Option Period

The Lessee shall:

4.2.1 have an option to renew for a further period of 10 (TEN) years commencing on the day immediately following on the first termination date ("the option period");

4.2.2 exercise the option by written notice to the Lessor not less than three (3) months prior to the termination of the initial period, failing which the option shall lapse;

4.3 Any renewal of this lease shall be on the same terms as are set out herein save that the rental payable during the first year of the Renewal Period, and the annual escalation during the Renewal Period, shall be determined as follows:

4.4 The rental and the escalation for the option period shall be established in accordance with the following provisions:

4.4.1 after the Lessee has exercised its option as provided in 4.2.2 above, the parties shall endeavour to reach agreement as to the rental for the first year of the option period and the escalation for the Renewal Period based upon the then market rental charged for the letting and hiring of property substantially the same as the Property as well as the escalation rates imposed in terms of leases of property similar to the Property;

4.4.2 if the parties are unable to reach the agreement referred to in 4.4.1 above within three (3) months of the exercise by the Lessee of its option or such later date as the parties may agree, then the rental and the escalation for the option period shall be established by such person as the parties shall mutually agree upon;

Handwritten signatures and initials are present at the bottom right of the page. There are several distinct signatures, including one that appears to be 'J' and another that looks like 'ROR'. There are also some scribbles and initials that are less legible.

- 4.4.3 if the parties are unable to reach agreement as contemplated by the provisions of 4.4.2 above within fourteen (14) days after the expiration of the period stipulated in 4.4.2 above or if the person having been appointed in terms of 4.4.2 shall fail to advise the parties of his determination within twenty eight (28) days after the date of his appointment, then the rental and the escalation for the period shall be determined by a valuer appointed by the chairman for the time being of that branch of the South African Institute of Valuers exercising jurisdiction over the area within which the Property is situated, within twenty eight (28) days of the expiration of the relevant period referred to in this paragraph;
- 4.4.4 if for any reason the appointment referred to in 4.4.3 above shall not be made within the period stipulated or it shall not be possible or practicable to make the appointment of a valuer in accordance with 4.4.3 or to implement the provisions of 4.4.3 or if the valuer appointed in terms of 4.4.3 shall fail to advise the parties of his determination within twenty eight (28) days of his appointment, then the rental for the first year of the option period and the rate of escalation shall be determined by arbitration in accordance with the arbitration laws of South Africa, provided that :
- 4.4.4.1 the proceedings to be conducted in accordance with the procedures laid down by the arbitrator shall be as informal and as expeditious as may be practicable;
- 4.4.4.2 either party shall be entitled to legal representation at any hearing before the arbitrator;
- 4.4.5 any valuer or arbitrator charged with the duty of determining the rental and the escalation for the option period shall be bound to determine a market related rental and a market related future rate of escalation;
- 4.4.6 the parties shall be jointly responsible for all costs and charges incurred in implementing the above provisions, except that each party shall be responsible for the payment of its own legal costs that it may incur.

5. RENTAL, FURTHER PAYMENTS AND CONDITIONS OF PAYMENT

5.1 The Initial Period

The rental payable by the Lessee to the Lessor shall be an amount of R 100,00 (One Hundred Rand) per month for the first year of the initial period, escalating at the rate of 10% (ten per centum) per annum thereafter.

5.2 The Option Period

In the event that the Lessee exercises the option granted in accordance with the provisions of Clause 4.2 above, the rental payable during the option period shall be determined in an amount not exceeding 115% of the final months rental obligation of the lessee during the initial period. The rental escalation in the option period will be determined at that time. In the event of agreement not being reached it shall be determined in accordance with clauses 4.4.2 to 4.4.6 above.

- 5.3 The monthly rentals payable by the Lessee to the Lessor shall be payable monthly in advance without deduction or set-off for whatever reason, on the first day of each and every month, commencing on the Commencement Date, to the Lessor at the Lessor's address as set forth in 2.1.1 above or such other places as the Lessor may notify the Lessee in writing.

6. **CONDITION AND USE OF PROPERTY BY LESSEE**

- 6.1 The Lessee has developed the Property as a pedestrian mall according to the design documents as per clause 2.1.4.

- 6.2 The Lessor gives no warranty to the Lessee that the Property as it now stands will be fit for the purposes for which it is let, whether as regards location, access, facilities or otherwise, or that any licence or authority will be granted to the Lessee to carry on the activities which it proposes to carry on from the Property after the Commencement Date. Accordingly, there shall be no liability on the Lessor to do any work or make any alterations or repairs to the Property to comply with the requirements of any licensing authorities.

- 6.3 No activity different to an activity contemplated in sub-clause 6.1 shall be undertaken by the Lessee at the Property without the prior written consent of the Lessor which consent shall not be unreasonably withheld, and the Lessee shall procure that no such unauthorised activities are undertaken by any other person. The Lessor shall be entitled, in granting its consent to any proposed activities, to impose such reasonable conditions relating to such activities as it may deem fit, and the Lessee shall be bound to observe the same.

- 6.4 Access to the Property, for the purpose of delivery, will be regulated by the local authority in consultation with the Lessee, as far as possible at the following times:

Monday to Friday	before 09h30
Saturday	before 08h30

Handwritten signatures and initials in the bottom right corner of the page, including a large signature, a smaller signature, and several initials.

7. UTILITIES, ASSESSMENT RATES AND TAXES

7.1 The Lessor shall:

7.1.1 be responsible, where applicable, for the installation of main services, including but not limited to all electricity, water, sewerage, storm water and other services required in respect of the Property at the Lessor's cost; and

7.1.2 ensure that adequate arrangements are made with a branch of the Lessor for the disposal of refuse from the Property and the sweeping of Beyers Street, with effect from the Commencement Date.

7.2 The Lessor shall, with effect from the Commencement Date, be solely responsible for all assessment rates and other taxes as may from time to time be levied in respect of ownership of the Property.

7.3 The Lessee shall pay for the cost of all electricity, gas and water supplied to and consumed upon the Property during this Lease.

7.4 The Lessor shall not be obliged to provide any security services in respect of the Property and the Lessee shall make its own arrangements in this regard.

8. LICENCES AND PERMITS

The Lessor does not warrant that the Property is fit for the purpose for which they are let and the Lessee accepts the responsibility for obtaining such licences or permits from the relevant Local Authority, Government Department or any other authority having jurisdiction, as may be necessary to enable the Property to be used for the aforesaid purposes.

9. VOETSTOOTS

The Property is let voetstoots, and subject to all conditions and/or servitudes from time to time mentioned or referred to in, or registered against the title deed(s) of the Property.

10. DEVELOPMENT OF THE PROPERTY

10.1 The Lessee has developed the Property as a pedestrian mall to the satisfaction of the Lessor subject to paragraph 10.3.4.

10.2 The Development shall be substantially in accordance with the Design Documents, unless otherwise agreed to by the parties in writing.

Handwritten signatures and initials are present in the bottom right corner of the page, including a large signature that appears to be 'R. [unclear]' and several other initials and marks.

10.3 Without derogating from the generality of clause 10.2 above or any other clause of this lease, the Development shall be subject to the following requirements:

10.3.1 All alterations or additions to the Development shall be subject to the prior approval of the Lessor, which approval shall not be unreasonably withheld.

10.3.2 The Lessee has provided suitable refuse storage facilities on the Property to the satisfaction of the Cleansing Branch of the Lessor.

10.3.3 The Lessee acknowledges that the Development does not comply with all the local authority and other regulations, by-laws and requirements. Approval for deviations has been granted subject to the lessee indemnifying the lessor against any damages flowing from work that has to be done to services where such services do not comply with the local authority regulations, by-laws and requirements.

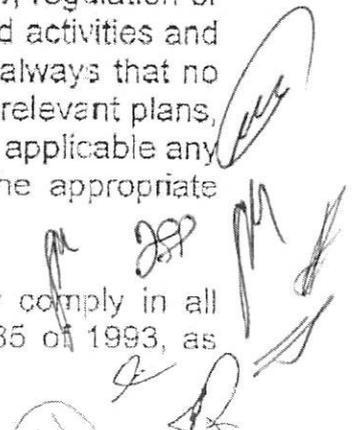
10.3.4 It is recorded that the lessee shall contribute R46,500 (Forty Six Thousand Five Hundred Rand only) to the lessor, to finalise such alterations to the pedestrian mall as required by the lessor.

10.4 The Development and all other improvements effected to the Property shall, on termination of this lease for any reason whatsoever, become the property of the Lessor without any compensation becoming payable to the Lessee therefor.

11 MAINTENANCE OF THE PROPERTY

11.1 The Lessee shall, at all times, with the permission of the Lessor, which permission shall not be unreasonably withheld, be obliged, at its own cost, to make alterations and/or additions to the Property as may be required to comply with each and every statutory or local Act, law, by-law, regulation or enactment governing the Lessee's conduct of its business and activities and those of its subtenants on and from the Property; provided always that no such alterations and/or additions shall be effected unless the relevant plans, specifications and building contracts, where applicable, and if applicable any other related contract, shall first have been submitted to the appropriate branch of the Lessor and approved of by it.

11.2 The Lessee shall ensure that all activities on the Property comply in all respects with the Occupational Health and Safety Act No. 85 of 1993, as amended; and the regulations framed thereunder.



11.3 The Lessee shall provide fire appliances in accordance with and shall abide by the National Building Regulations and Building Standards Act, 1977 as amended from time to time, relating to Fire Protection and in particular by Regulation T1 (General Requirement) and Regulation T2 (Offences), the contents and effect of which the Lessee acknowledges to know and understand. The Lessee hereby indemnifies the Lessor against any claim of whatsoever nature which may be made against the Lessor arising either directly or indirectly from non-compliance with the said Fire Protection Regulations.

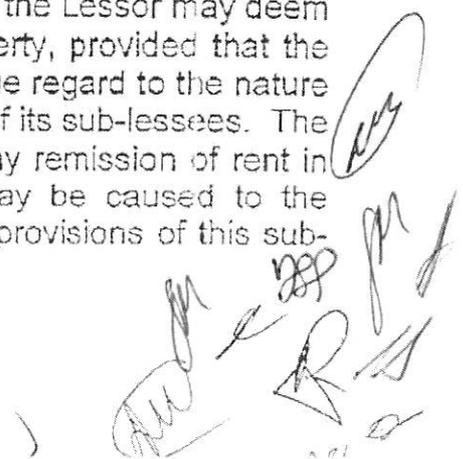
11.3.1 The Lessee shall at all times obey the lawful instruction of, allow inspection by, and in general co-operate with the Fire Prevention Services of the Lessor or any other authority which may replace the said bodies or take over the responsibility of ensuring compliance with Fire Regulations as amended from time to time.

11.3.2 The Lessee shall maintain and repair all fire prevention equipment on the Property and shall have same serviced on a regular basis as required by the Fire Prevention Services of the Lessor or any other authority which may replace the said bodies or take over the responsibility of ensuring compliance with the relevant Regulations as amended from time to time.

11.4 The Lessee shall, at its own cost, for the full duration of this lease, keep and maintain the Property, in good order and condition and to the reasonable satisfaction of the Lessor.

12. INSPECTION OF THE PROPERTY

12.1 The Lessor shall be entitled at all reasonable times through its officials to enter the Property to ensure that the Lessee is complying with all of its obligations as set out in this Lease. In particular, without derogating from the generality of this sub-clause 12.1, the Lessor shall be entitled, at any time through its employees, agents or other authorised representatives, to enter the Property at all reasonable times for purposes of inspecting or effecting such repairs or alterations to the Property as the Lessor may deem necessary for the safety or preservation of the Property, provided that the Lessor shall exercise this right reasonably and with due regard to the nature of the Lessee's business and activities or that of any of its sub-lessees. The Lessee shall have no claim against the Lessor for any remission of rent in respect of any inconvenience or damage which may be caused to the Lessee or its business and activities by virtue of the provisions of this sub-clause 12.1.

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- 12.2 The Lessor's officials, representatives and workmen shall, upon reasonable notice to the Lessee, be entitled to have full rights of access to the Property for purposes of, inter alia, the inspection, cleaning, maintenance, renewal, repair and reconstruction of existing foul sewers, rising mains, stormwater drains, water mains or any ancillary works, or in connection with any such or other municipal services which the Lessor may at any time in the future choose to lay in or across the Property, provided that the Lessor shall exercise this right reasonably and with due regard to the Lessee's business and activities and that of its sub-lessees.
- 12.3 The lessor undertakes to restore the property at its own cost when the lessor has to act in terms of paragraph 12.1 and 12.2 where services were provided in accordance with the requirements. The lessor shall act without causing any undue damage to the lessee or any of the sub – lessees.

MUNICIPAL SERVICES

The Lessor reserves to itself the right to lay and use and to allow third parties to lay and use such underground services on or across the Property, save that the Lessor shall not interfere with the improvements on the Property without the prior written consent of the Lessee, which consent shall not be unreasonably withheld.

LESSOR'S LIABILITY LIMITED

The Lessor shall not be responsible for:

- 14.1 any loss or damage to any goods or property of the Lessee caused by water, rain, storm, gas or electricity which may leak into, or issue, or flow from any part of the Property, or by reason of any defect in the Property.
- 4.2 any damage to, or any loss of, any property of any nature owned by whomsoever as may from time to time be in or about the Property, or any injury or death caused to anyone whomsoever who may be on the Property howsoever such damage, loss, injury or death may be caused (specifically including damage, loss, injury or death caused by falling objects). and the Lessee hereby waives any claim which, but for this waiver, it may have had against the Lessor arising out of any such damage, loss, injury or death, and further hereby indemnifies the Lessor against any claim of whatsoever nature as may be made against the Lessor by any person whomsoever in respect of any such damage, loss, injury or death, such indemnity to include an indemnity against all such costs which may be incurred by the Lessor in connection with any such claim, and provided that this waiver and indemnity shall apply notwithstanding that any such damage, loss, injury or death may be due to the fault of the Lessor and/or the fault of anyone for whose actions the Lessor may in law be responsible; and

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- 15.3 The Lessee shall arrange with the Insurer concerned to submit to the Lessor the duplicate originals of such policies and all receipts in respect of the payment of current and annual renewal premiums. The original policies will be returned to the Lessee. Under no circumstances shall any such policy be cancelled or be allowed to lapse by the Lessee, without the written consent of the Lessor.
- 15.4 The Lessee shall not do or omit to do anything or keep in or on, or permit anything to be done or kept in or on the Property which in terms of any insurance policy held from time to time by the Lessee in terms of this lease may render such policy void or voidable and the Lessee shall comply in all respects with the terms and conditions of any such policy.
- 15.5 Should the Lessee fail to insure or keep in force any insurance cover which it is obliged or required to obtain in terms of this clause 15, the Lessor shall be entitled to make such payment on behalf of the Lessee and to recover from the Lessee, forthwith upon demand, any premiums paid in respect thereof together with interest thereon calculated at the rate of 1% (one per centum) above the prime bank commercial overdraft lending rate charged from time to time by the Lessor's bankers on an unsecured basis to its first grade customers.
- 15.6 Where the Lessee sublets any portion of the Property pursuant to the provisions of this lease, it shall ensure that the conditions of all insurance policies which it is required to keep in force as provided for in this clause 15 are strictly observed by the sublessees concerned.

DESTRUCTION OF OR DAMAGE TO THE PROPERTY

16.1 Should the Property or portion thereof be destroyed or damaged, then:

16.1.1 this lease shall not be cancelled;

16.1.2 the rental payable by the Lessee shall be reduced pro rata to the extent to which the Lessee is deprived of the beneficial use of the Property;

16.1.3 the Lessee shall at its own cost repair the damaged or destroyed portion of the Property as expeditiously as is reasonably possible in the circumstances and to the satisfaction of the Lessor; and

16.1.4 the Lessee shall have no claim of any nature whatsoever against the Lessor as a result of the said destruction or damage, no matter how it is caused.

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16.2 Notwithstanding anything to the contrary contained in this lease, the provisions of this clause 16 shall not prejudice any claim which the Lessor may have against the Lessee where the destruction of, or damage to, the Property or any part thereof is occasioned by the act, default or neglect of the Lessee or of any person for whose actions the Lessee is at law responsible.

7. ADVERTISING

The Lessee shall not be entitled to use any fence, building or structure situate on the Property at any time for the display of any advertisements of any nature without the Lessor's prior consent, and then only in accordance with such regulations as may be issued by the Lessor from time to time relative to such advertising, and shall likewise procure that all occupiers of the Property from time to time observe this restriction.

SUBLETTING, ASSIGNMENT AND CESSION

18.1 The Lessee shall not, without the prior written consent of the Lessor which consent shall not be unreasonably withheld, cede or assign any of its rights or delegate any of its obligations hereunder.

18.2 The Lessee may, with the prior written consent of the Lessor, which consent shall not be unreasonably withheld, sublet the Property or any portion thereof provided that such sub-lease shall be subject to the terms and conditions of this lease.

18.3 Where the Lessee sublets the Property or any portion thereof, it shall procure that the sub-lease shall be in writing and that a copy thereof and any future amendments thereto shall be given to the Lessor for its approval, which approval shall not be unreasonably withheld.

18.4 In sub-letting space in Beyers Street for the purpose of placing tables and chairs in the open air thereat, preference must be given to traders and businesses in and adjacent to Beyers Street.

9. BREACH

19.1 Should either party the Lessor or the Lessee (hereinafter referred to as "the Defaulting Party") breach any of its obligations in terms of this agreement, and fails to remedy such breach within 14 (Fourteen) days after receipt of written notice by the other party (hereinafter referred to as "the Non-defaulting Party") requiring the Defaulting Party to remedy that breach, then the Non-defaulting Party shall be entitled, notwithstanding any previous waiver, to:

19.1.1 cancel this agreement and claim damages from the Defaulting Party;

or

19.1.2 alternatively and in its sole discretion, claim specific performance of all the terms of this agreement without prejudice to any claim which it may have against the Defaulting Party.

19.2 The Lessor shall be entitled at its option to institute any legal proceedings which may arise out of or in connection with this lease in any Magistrate's Court having jurisdiction, notwithstanding the fact that the claim or value of the matter in dispute might exceed the jurisdiction of such Magistrate's Court in respect of the cause of action.

19.3 Without prejudice to all or any of the Lessor's rights hereunder, should the Lessee fail to pay the monthly rentals or any other sums which may become due by the Lessee to the Lessor on due date, then and in either or both of such events, the Lessee shall pay the Lessor penalty interest thereon at the rate of 1% (one per centum) above the prime bank commercial overdraft lending rate charged by the commercial bank of the Lessor's choice to its best grade customers on an unsecured basis from time to time. The rates so payable shall be the rates as certified by any manager or assistant manager of any branch of the said bank and shall be final and binding on the parties.

LESSOR'S PERFORMANCE OF LESSEE'S OBLIGATIONS

Should the Lessee fail to fulfil or perform any of its obligations under this lease, the Lessor shall be entitled to do so on the Lessee's behalf and at the Lessee's expense, and the Lessee shall refund to the Lessor, upon demand, any amount so expended, together with interest thereon calculated at the same rate and on the same basis as is provided for in clause 19.3 from the date on which the Lessor incurred such expense to the date of payment thereof by the Lessee, both inclusive.

NOTICES AND DOMICILIA

All notices given by either party to the other shall be given by prepaid registered post:

21.1 to the Lessor at Town Hall Complex, Plein Street, Stellenbosch, 7600.

21.2 to the Lessee at C/o. Investec Property Group, 100 Grayston Drive, Sandton, 2146.

at which address the parties respectively choose domicilium citandi et executandi or to such address as either may notify the other in writing from time to time for all purposes hereunder.

Handwritten signatures and initials, including 'M DBP' and 'Dell', are present on the right side of the page.

GENERAL

- 22.1 No variation of this lease shall be of force or effect unless it is in writing and is signed by both the Lessor and the Lessee provided that in the event of the one party being prepared to grant any particular benefit to the other party and the former recording the relevant undertaking in writing duly signed, such undertaking shall bind the former.
- 22.2 This lease contains all the terms and conditions of the agreement between the Lessor and the Lessee. The parties acknowledge that there are no understandings, representations or terms between the Lessor and the Lessee in regard to the letting of the Property other than those set out herein provided that in the event of the one party having granted any particular benefit to the other party and the former having recorded the relevant undertaking in writing duly signed, such undertaking shall bind the former.
- 22.3 No act of relaxation on the part of the Lessor in regard to the carrying out of any of the Lessee's obligations in terms of this lease shall prejudice or be deemed to be a waiver of any of the Lessor's rights in terms hereof.
- 22.4 Wherever in this lease or any annexure thereto provision is made for the furnishing of a certificate or for a decision to be made by the Lessor's architect, then and in such event such architect shall act as an expert and not as an arbitrator.
- 22.5 The Lessor records that it is the registered owner of the Property.

3. COSTS

The costs of an incidental to this agreement of lease shall be borne by the parties in equal shares.

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SIGNED AT STELLENBOSCH THIS 10 DAY OF December 1999

WITNESSES:



Loj Robinson

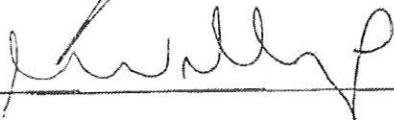


duly authorised
For and on behalf of
Stellenbosch Municipality

SIGNED AT Stellenbosch THIS 10 DAY OF FEBRUARY 1999 2000

WITNESSES:



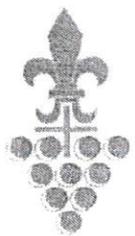




duly authorised
For and on behalf of
IPG (Property Trading & Development)
(Pty) Ltd



APPENDIX 2



STELLENBOSCH
STELLENBOSCH • PNATI • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our ref. :

Lorelle Adams (021-8088028)

2008-10-29

Marlon Shevelew and Associates
PO Box 3330
Cape Town
8000

Dear Sir

RENEWAL OF LEASE AGREEMENT: IPG (PTY) LTD AND STELLENBOSCH MUNICIPALITY: EXERCISE OF OPTION

Your letter dated 13 May 2008, as well as our subsequent discussions in this regard, refers.

This letter serves to confirm that we acknowledge that you have exercised your option in terms of the Agreement to renew the Lease Agreement for a further period of 10 years.

I further confirm that the terms and conditions for the renewal period will be the same as per the original Lease Agreement. (See clause 4.3 of original agreement)

The rental and escalation for the renewal period will be as per clause 4.4 read with clause 5.2 of the original agreement. In terms hereof the following rental and escalation is suggested:

- Rental: R271.16 p.m for the first year
- Escalation: 10% per annum

Please confirm your agreement with the Rental and Escalation as set out above.

Yours faithfully



PIET SMIT
MANAGER: PROPERTY MANAGEMENT & ADMINISTRATION



Marlon Shevelew BA LLB (UCT)
Member of the Cape Law Society
Member of the Ombudsman

**Marlon Shevelew
and Associates**
Attorneys at Law

Our Ref: MS/av
30 October 2008

Per fax: 021 808 8200

Stellenbosch Municipality
Townhall Complex
Plein Street
Stellenbosch 7600

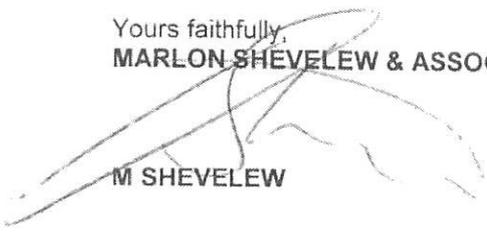
Dear Sirs,

**RE: RENEWAL OF LEASE AGREEMENT: IPG (PTY) LTD AND STELLENBOSCH MUNICIPALITY:
EXERCISE OF OPTION**

The above matter and your letter of 29 October 2008 refers.

Please be advised that our client is in agreement with the proposed rental and escalation as per your letter under reply.

Yours faithfully,
MARLON SHEVELEW & ASSOCIATES


M SHEVELEW



APPENDIX 3

5.2.3 PROPOSED CESSION AND ASSIGNMENT OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERS STREET, STELLENBOSCH

File number : 7/2/2/1/Eikestad Mall
 Report by : Municipal Manager
 Compiled by : Acting Director: Corporate Services
 Delegated Authority : Mayco

1. PURPOSE OF REPORT

To consider an application from Growthpoint Properties (Pty) Ltd (previously Investec) to cede and assign the current Lease Agreement pertaining Beyers Street to Eikestad Mall (Pty) Ltd, the new Developer of the Eikestad Mall.

2. BACKGROUND

2.1 Lease Agreement

On 10 February 2000, following approximately 2 years of negotiations pertaining the pedestrianisation and re-development of Beyers Street, a Lease Agreement was concluded between Stellenbosch Municipality and IPG (Pty) (Investec) the then co-developer of the Eikestad Mall. A copy of the Lease Agreement is attached as **APPENDIX 1**.

In terms of this Lease Agreement, which came into effect on March 2000, it was *inter alia*, agreed that:

- (a) IPG would lease Beyers Street for an initial period of 10 years;
- (b) IPG would have an option to renew the lease for a further period of 10 years on pre-agreed terms; and
- (c) IPG would be allowed to do certain upgrading (construction of kiosks) and would take responsibility for the management and maintenance of the property.

2.2 Option period

During May 2008 IPG (now trading as Growthpoint) informed Stellenbosch Municipality that they will have exercised their right to renew the Lease Agreement for a further period of 10 years, as per clause 4.2.2 of the Lease Agreement.

2.3 Application to cede and assign Lease Agreement to Eikestad Mall (Pty) Ltd

During 2007 the Eikestad Mall was sold to a group of Developers (Eikestad Mall (Pty) Ltd.) Approval for the redevelopment of the Eikestad Mall was granted during 2008, and construction commenced during 2008.

Following various discussions between IPG and Eikestad Mall (Pty) Ltd during 2008, IPG informed Stellenbosch Municipality on 28 November 2008 that they have reached agreement on the terms and conditions of ceding the current Lease Agreement to Eikestad Mall (Pty) Ltd, the new owners of the property known as the Eikestad Mall. They further requested in terms of clause 18.1 of the Lease Agreement to cede and assign their rights arising out of the Lease Agreement to Eikestad Mall (Pty) Ltd, in their capacity as new owners of the adjacent properties, known as Eikestad Mall. A copy of their letter is attached as **APPENDIX 2**.

3. DISCUSSION

3.1 Proposed ceding/assignment of rights

In terms of clause 18.1 of the Lease Agreement “*The Lessee (now Growthpoint) shall not, without the prior written consent of the Lessor, which consent shall not be unreasonably be withheld, cede or assign any of its rights or delegate any of its obligations hereunder*”. As already mentioned in paragraph 2.1 (*supra*), at the time of concluding the Lease Agreement, IPG was the co-owner/developer of the adjacent site, commonly known as the Eikestad Mall. It is clear from the content of the Lease Agreement that the owner of the Eikestad Mall, from a functional point view, should be the Lessee.

Seeing that Eikestad Mall is now the new owners of the Eikestad Mall, and further seeing that IPG (now trading as Growthpoint) has no further interest in the surrounding properties, it makes common sense that the Lease Agreement be ceded to the new owners/developers of the Eikestad Mall. The application is therefore supported.

3.2 Related issues

During recent discussions with representatives of Eikestad Mall (Pty) Ltd as well as the owners of erf 4430, it became apparent that:

- (a) The kiosks that were erected by IPG (in terms of the Lease Agreement was constructed partly on Council-owned land (lease land) as well as land belonging to Eikestad Mall (Pty) Ltd; and

- (b) The owners of erf 4430 were effectively “*land locked*” as a result of the Lease Agreement, insofar as vehicular access is concerned.

3.2.1 Dual ownership

Although the negotiations leading to the conclusion of the Lease Agreement was done on the basis that the Lessee would construct the kiosks on Council-owned land (Beyers Street), and that the ownership (and control) of these assets would vests with the Municipality after the two lease periods of 10 years (20 years in total), it now became apparent that the kiosks (in my view, wrongfully) were indeed constructed on both Council owned and private owned land (Eikestad Mall Property).

The new owners of Eikestad Mall has already indicated that they plan to re-develop the entire area, including Beyer Street.

The detail of this re-development (and possible demolition of the existing kiosks) and the conditions attached thereto, should form part of the discussions/negotiations following the ceding/assignment of the Lease Agreement, including ways and means of ensuring that Stellenbosch Municipality are not in a worse position as currently (referring to the ownership of the kiosks).

3.2.2 Access to Erf 4430

As mentioned above, the consequence of the Lease Agreement is that the owners of erf 4430 is “*land-locked*” insofar as vehicular access is concerned, as can be seen on Fig 1, below.

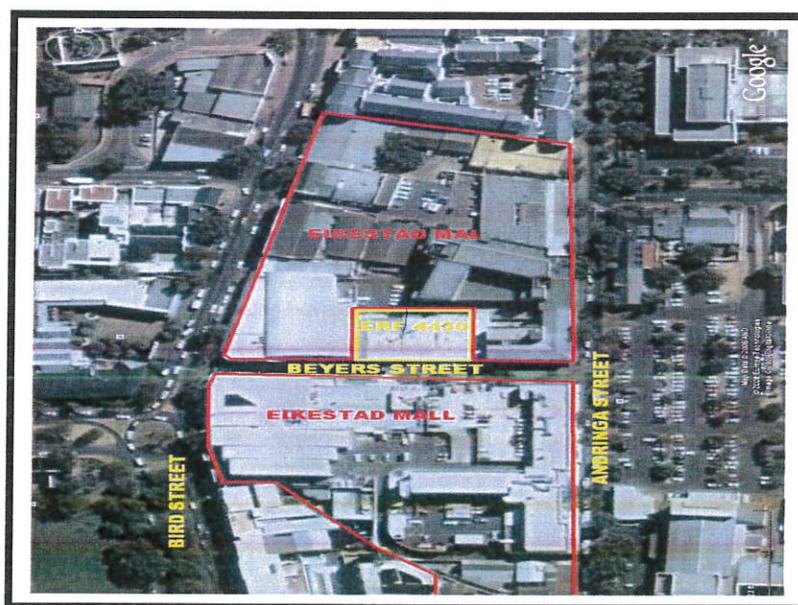


Fig.1 Location of erf 4430 in relation to Beyers Street and Andringa Street.

Should Council therefore approve of the ceding/assignment of the Lease Agreement, it should be subject thereto that imicable arrangements be put in place as to ensure that the owners of Ere 4430 has (restricted) vehicular access over Beyers Street to their property, allowing them to do deliveries, maintenance work to their building, ect.

4. COMMENTS BY RELEVANT DEPARTMENTS

4.1 CFO

The CFO has indicated that he is in support of the recommendations contained in this report, subject there to that the cession agreement be brought in line with the Supply Chain Management Policy, i.e. that market-related rental be payable.

4.2 CLA

The CLA has indicated that he is in support of the recommendations contained in this report.

5. CONCLUSION

As set out above, it makes common sense that the current Lease Agreement with IPG (now trading as Growthpoint) be ceded to the new owners of Eikestad Mall, as requested, subject thereto that any development of the property be done on the basis that:

- (a) Council would not be in a worse position than currently (regarding ownership of the existing kiosks); and
- (b) that, the owners of erf 4430 have (even restricted) vehicular access from Andringa Street over Beyer Street to their property.

RECOMMENDED

- (a) that the proposed ceding/assigning of the Lease Agreement between Stellenbosch Municipality and IPG (now trading as Growthpoint), to Eikestad Mall (Pty) Ltd be approved, subject to the following conditions:
 - (i) a new, market related lease amount be determined, based on an independent valuation, taking into account any capital investments as part of the redevelopment of the property;
 - (ii) any redevelopment will only be approved on the basis that Stellenbosch Municipality is not worse off than currently, insofar as it relates to the ownership of the kiosks;

- (iii) access to erf 4430 from Andringa Street, over Beyers Street, be insured, even if such access is linked to specific times and/or actions.
- (b) that, should Council approve of the proposed ceding as per recommendation (a), it be subject thereto that Councils intention so to act first be advertised in terms of Section 124 of the Municipal Ordinance, 20/1974;
- (c) that, should objections be received as a consequence of the advertisement contemplated in (b) (*supra*), same first be considered by Council;
- (d) that, should no objections be received, the Director: Corporate Services be authorized to attend to the legal steps necessary to effect the proposed ceding; and
- (e) that the CFO be mandated to determine a market related lease amount based on an independent valuation.

**FINANCE AND CORPORATE SERVICES COMMITTEE MEETING :
2009-02-10 : ITEM 6.1.1.3**

RESOLVED (majority vote)

that this matter be referred back to the Administration and that the Acting Director: Corporate Services be requested to investigate the possible sale of the portion of land including Beyers Street, to the developer.

**COMMENTS BY THE ACTING DIRECTOR: CORPORATE SERVICES
(Compiled by the Manager: Property Management & Administration)**

Following the above decision, a meeting was scheduled with the current **LESSEE** (IPG, now trading as Growthpoint) and a representative of Eikestad Mall (Pty) Ltd on 2009-03-02.

During the discussions the representative of Eikestad Mall (Pty) Ltd has indicated that they would indeed be interested in acquiring the said property, but due to the fact that Investec currently hold a lease over the property, such transaction would not be possible. They therefore suggests that, as a first step, Stellenbosch Municipality consent to the cession and assignment of the lease agreement to Eikestad Mall (Pty) Ltd, whereafter the parties can enter into negotiations regarding the possible alienation of the property. The **LESSEE** confirmed that they share this view.

Please find hereto attached as **APPENDIX 3** a copy of a self-explanatory letter, dated 2 March 2009, received from Eikestad Mall (Pty) Ltd, confirming the above.

In light hereof it is

RECOMMENDED

- (a) that, as a first step, the proposed ceding/assigning of the Lease Agreement between Stellenbosch Municipality and IPG (now trading as Growthpoint), to Eikestad Mall (Pty) Ltd be approved, subject to the following conditions:
 - (i) a new, market related lease amount be determined, based on an independent valuation, taking into account any capital investments as part of the redevelopment of the property;
 - (ii) any redevelopment will only be approved on the basis that Stellenbosch Municipality is not worse off than currently, insofar as it relates to the ownership of the kiosks;
 - (ii) access to erf 4430 from Andringa Street, over Beyers Street, be insured, even if such access is linked to specific times and/or actions.
- (b) that, should Council approve of the proposed ceding as per recommendation (a), it be subject thereto that Council's intention so to act first be advertised in terms of Section 124 of the Municipal Ordinance, 20/1974;
- (c) that, should objections be received as a consequence of the advertisement contemplated in (b) (*supra*), same first be considered by Council;
- (d) that, should no objections be received, the Director: Corporate Services be authorized to attend to the legal steps necessary to effect the proposed ceding;
- (e) that, following the successful ceding of the lease agreement to Eikestad Mall, the Director: Corporate Services be mandated to negotiate the possible alienation of the property to Eikestad Mall (Pty) Ltd, taking into account access to Erf 4430; and
- (f) that, a progress report on the possible alienation of the property be tabled within 3 months.

APPENDIX 4



PROPERTY MANAGEMENT

TO / AAN : Acting Municipal Manager
 FROM / VAN : Manager: Property Management
 DATE / DATUM : 2010-04-12
 RE / INSAKE : PROPOSED AGREEMENTS OF CESSION AND ASSIGNMENT OF
 LEASE: BEYERS STREET

1. PURPOSE OF REPORT

The purpose of this memo is to obtain approval for the signing of a Cession and Assignment Agreement, in terms whereof the current Lease Agreement between Stellenbosch Municipality and Investec Property Ltd is assigned to Eikestad Mall (Pty) Ltd).

2. BACKGROUND

2.1 Lease Agreement

On 10 February 2000, a Lease Agreement was concluded between Stellenbosch Municipality and IPG (now doing business as Investec Property Ltd), in terms whereof they would lease a portion of Beyer street for a period of 10 years, with an option to renew for a further period of 10 years.

2.2 Option exercised

During May 2008 IPG informed us that they will exercise their right to renew the Lease Agreement for a further period of 10 years, as per clause 4.2.2 of the Lease Agreement.

2.3 Application to cede and assign lease Agreement to Eikestad Mall (Pty) Ltd

During November 2008, IPG informed us that they have reached agreement with Eikestad Mall (Pty) Ltd, the new owners of the surrounding properties, on the ceding and assignment of the Lease Agreement to Eikestad Mall.

2.4 Approval of cession and assignment

On 2009-05-04 the Mayoral Committee approved the cession and assignment of the Lease Agreement to Eikestad Mall (Pty) Ltd, subject to the following conditions:

- (a) *that, as a first step, the proposed ceding/assigning of the Lease Agreement between Stellenbosch Municipality and IPG (now trading as Growthpoint), to Eikestad Mall (Pty) Ltd be approved, subject to*
- (i) *a new, market related lease amount be determined, based on an independent valuation, taking into account any capital investments as part of the redevelopment of the property;*
 - (ii) *any redevelopment will only be approved on the basis that Stellenbosch Municipality is not worse off than currently, insofar as it relates to the ownership of the kiosks;*
 - (iii) *access to erf 4430 from Andringa Street, over Beyers Street, be insured, even if such access is linked to specific times and/or actions.*

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

2.5 Valuation

Following the above resolution, an independent valuer has been appointed to determine a market related rental. Hereto attached as **APPENDIX 2** a copy of the valuation.

3. DISCUSSION

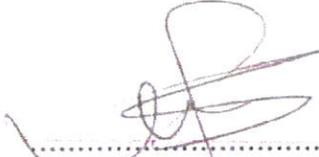
3.1 Final Draft Cession and Assignment Agreement

Following the above decision, a final, draft Cession and Assignment Agreement has now been negotiated, a copy of which is attached as **APPENDIX 3**.

RECOMMENDATION

- a) that the final draft cession and Assignment Agreement be approved;
- b) that the Manager: Property Management be authorised to sign the agreement on behalf of Stellenbosch Municipality, thereby giving consent for the cession and assignment of the Lease Agreement to Eikestad Mall (Pty) Ltd.

For CONSIDERATION by the Acting Municipal Manager

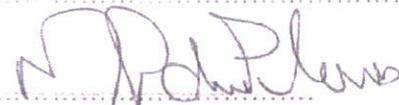

.....
Manager: Property Management
Piet Smit

2010.04.12
.....
Date:

APPLICATION

APPROVED	<input checked="" type="checkbox"/>	NOT APPROVED	<input type="checkbox"/>
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Conditions (if any):.....
.....
.....


.....
The Acting Municipal Manager

12/04/2010
.....
Date

AGREEMENT OF CESSION

AND

ASSIGNMENT OF LEASE

Between

INVESTEC PROPERTY LIMITED

(the Cedent)

(Registration Number: 1947/25753/06)

and

EIKESTAD MALL (PTY) LTD

(the Cessionary)

(Registration Number: 2006/037145/07)

Teyer Street

Handwritten signature and date
2006

1. INTERPRETATION

- 1.1 In this agreement, clause headings are for convenience and shall not be used in this interpretation,
- 1.2 unless the context clearly indicates a contrary intention, an expression which denotes any gender shall include the other genders, a natural person shall include an artificial person and vice versa, the singular shall include the plural and vice versa and the following expressions shall bear the meanings assigned to them below and cognate expressions shall bear corresponding meanings:
- 1.3 "the Cedent" means INVESTEC PROPERTY LIMITED, previously INVESTEC PROPERTY GROUP LIMITED, previously IPG (PROPERTY TRADING & DEVELOPMENT) (PROPRIETARY) LIMITED, the Lessee in terms of the Lease and which, by virtue of a certificate of change of name of company on 11 February 2008 is now called INVESTEC PROPERTY LIMITED
- 1.4 "the Cessionary" means EIKESTAD MALL (PTY) LTD;
- 1.5 "the Effective Date" means the date of the fulfillment of clause 6.1;
- 1.6 "Lease" means the agreement of lease dated 10 February 2000 and expiring on 31 December 2009 between the Stellenbosch Municipality and the Cedent, whereby Stellenbosch Municipality let and the Cedent hired the Premises, which Lease has been renewed from 1st January 2010 to 31 December 2019 and which is attached hereto marked "A" and incorporated herein for reference purposes;
- 1.7 "the Municipality" means Stellenbosch Municipality, or its successors in title;
- 1.8 "the Premises" means the property described in the Lease;

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- 1.9 "the Purchase Price" means the sum of R600 000.00 (Six Hundred Thousand Rand) (exclusive of Value Added Tax);
- 1.10 "the Signature Date" means the last date of signature of this agreement by the signatories;
- 1.11 expressions in the singular also denote the plural and vice versa;
- 1.12 words and phrases denoting natural persons refer also to juristic persons, and vice versa; and
- 1.13 pronouns of any gender include the corresponding pronouns of the other gender.
- 1.14 Clause headings appear in this agreement for purposes of reference only and shall not influence the proper interpretation of the subject matter.
- 1.15 This agreement shall be interpreted and applied in accordance with South African law.

2. **CESSION AND ASSIGNMENT**

- 2.1 With effect from the Effective Date, the Cedent cedes to the Cessionary all the Cedent's rights, title and interest under, in and to the Lease, and assigns to the Cessionary all its obligations thereunder.
- 2.2 The Cessionary accepts the cession and assignment in terms of Clause 2.1.

3. **PAYMENT CONSIDERATION**

- 3.1 The Purchase Price is exclusive of Value Added Tax (VAT).

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3.2 The payment of the Purchase Price, excluding VAT, will be paid by the Cessionary within 7 (seven) business days after the Effective Date by means of bank transfer or bank guaranteed cheque.

4. **WARRANTIES AND UNDERTAKINGS**

The Cedent guarantees that it exercised its option of renewal as per clause 4.2. of the Lease and which option of renewal has been accepted by the Municipality.

5 **NOTICES AND DOMICILIUM**

5.1 The parties choose as their respective *domicilium citandi et executandi* for the purpose of legal proceedings and for the purposes of giving or sending any notice provided for or necessary in terms of this agreement, the following addresses -

5.1.1 **CEDENT** Investec Property Limited
Level 1 Grayston West,
Investec Building
100 Grayston Drive
Sandton 2146

5.1.2 **CESSIONARY** Office 301 Eikestad Mall
43 Andringa Street
Stellenbosch 7600

provided that a party may change its *domicilium* to any other physical address and its address for the purposes of notices to any other postal address or telefax number within the Republic of South Africa by written notice to the other party to that effect. Such change of address will be effective 7 (seven) days after receipt of notice of the change of *domicilium*.

OSP
MH
AS

- 5.2 All notices to be given in terms of this agreement will be in writing and -
- 5.2.1 if delivered by hand during normal business hours, be rebuttably presumed to have been received on the date of delivery;
 - 5.2.2 if sent by prepaid registered post from within the Republic of South Africa be rebuttably presumed to have been received within 7 (seven) business days of posting;
 - 5.2.3 if sent by telefax before 16h30 on a business day be rebuttably presumed to have been received on the date of successful transmission of the telefax. Any telefax sent after 16h30 or on a day which is not a business day will rebuttably be presumed to have been received on the following business day.
- 5.3 Notwithstanding the above, any notice actually received by the party to whom the notice is addressed will be deemed to have been properly given and received, notwithstanding that such notice has not been given in accordance with the provisions of this clause.

6. CONDITIONS PRECEDENT

- 6.1 This agreement is subject to the suspensive condition that the Cedent obtain the Municipality's written consent to the cession and assignment constituted by this agreement.

7. RECORDALS

- 7.1 It is expressly recorded that the Cessionary has reached agreement with the Municipality that upon conclusion of this written agreement of cession and assignment it:

- 7.1.1 shall pay an increased rental of R2 925.00 per month for the Premises escalating at 8 percent per annum. Should approval for

Handwritten signatures and initials in the bottom right corner of the page. There are several distinct marks, including what appears to be a signature and some initials.

the building plans for the bridge design not be granted by the Municipality, for whatever reason, then the rental will be decreased, based, on a new market valuation being obtained from an independent valuer to be appointed by the Municipality.

7.1.2 may upgrade the Premises by:

7.1.2.1 resurfacing the area of Beyers Street,

7.1.2.2 hard and soft landscaping including planting new trees, and

7.1.2.3 adding a bridge and a new canopy protecting pedestrians against the elements;

7.1.3 shall allow access over the Premises for Erf 4430 subject to the conditions that such access:

7.1.3.1 shall be used for deliveries and repair and maintenance to the building only,

7.1.3.2 shall be restricted to an area of 3 meters wide along the northern boundary of Beyers Street and;

7.1.3.3 will be regulated by the local authority, in consultation with the Cessionary, as far as possible, at the following times.

Monday to Friday before 09:30

Saturday before 08:30

7.2 It is furthermore expressly recorded that the Cessionary has reached agreement with the Municipality that none of the foregoing upgrades and



structural changes shall leave the Municipality in a financially worse off position than under the Lease.

To that end, the Cessionary and the Municipality have reached agreement that the capital loss of the kiosks that were demolished by the Cessionary, will be set off against future upgrades to be undertaken by the Cessionary, the details whereof shall be negotiated in good faith between the Cessionary and Stellenbosch Municipality. It is specifically recorded that when calculating the value of the capital loss as aforesaid, that it be taken into consideration that the kiosks were built partially on Beyers Street and partially on Erf 6083 (the property of the Cessionary)

8. VALUE ADDED TAX

8.1 It is hereby recorded and agreed by the parties that:

8.1.1 the Cedent is a registered vendor as defined in the Value Added Tax Act 1991; and

8.1.2 the Cessionary is a registered vendor as defined in the Value Added Tax Act 1991 alternatively the Cessionary shall register as such prior to the Effective Date; and

8.1.3 the Lease and the Cedent's rights and obligations in terms thereof shall be transferred in terms hereof to the Cessionary as part of an enterprise which is supplied to it as a going concern, together with all assets necessary for the Cessionary to conduct it as such; and

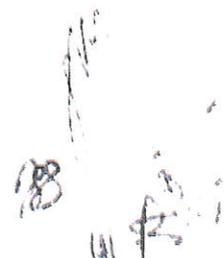
8.1.4 that the Lease and the Cedent's rights and obligations in terms thereof shall on the Effective Date be part of an income earning activity; and



- 8.15 that this transaction is as such exempt from the payment of transfer duty; and
- 8.1.6 that Value Added Tax at a rate of zero percent shall be payable in respect of this transaction.
- 8.2 It is agreed and hereby recorded that in the event of either:
 - 8.2.1 the Cessionary failing to register as a Vendor in terms of the Value Added Tax Act within 30 (thirty) days from the Signature Date; or
 - 8.2.2 in the event of VAT being levied in respect of the supply in clause 7.1.3 above at a rate other than zero percent, the Cedent shall be entitled to recover such amount from the Cessionary upon demand.

9. **ADJUSTMENT ACCOUNT**

- 9.1 The Cedent shall prepare an adjustment account in respect of the business and affairs of the business as at the Effective Date, if requested in writing by either party, procure its certification of correctness by the auditors of the Cessionary (which certification shall be at the Cedent's expense) and to that end deliver such adjustment account to the Cessionary not later than 30 (thirty) days after the Effective Date.
- 9.2 After the Effective Date, the Cedent shall, if requested by the Cessionary, as soon as practicable deliver to the Cessionary copies of every document used by the Cedent in respect of the preparation of the adjustment account.
- 9.3 Payment of any monies due to any party in terms of the adjustment account shall not constitute part of the purchase price of the business and shall be effected separately from the payment of such purchase price.



of the respective parties) shall meet at the offices of the Cedent (unless otherwise agreed between the parties) to settle the adjustment account.

9.6 Any amount payable by any party to another party in terms of the adjustment account, shall be paid within 2 (two) days of the payment date.

10. BREACH

If either the Cessionary or Cedent commits a material breach of this agreement and fails to remedy such breach within 7 (seven) days of written notice requiring the breach to be remedied, then the party giving the notice will be entitled, at its option, either to cancel this agreement and claim damages or alternatively to claim specific performance of all the defaulting party's obligations, together with damages, if any, whether or not such obligations have fallen due for performance.

11. ALL PARTIES TO SIGN

This agreement shall take effect only when signed by all parties.

12. COSTS

All costs associated with the drafting of this agreement shall be borne by the Cedent.

13. GENERAL

13.1 This document constitutes the sole record of the agreement between the parties in respect of the subject matter thereof.

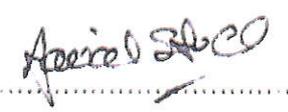


- 13.2 No party shall be bound by any express or implied term, representation, warranty, promise or the like not recorded herein.
- 13.3 No addition to, variation, or agreed cancellation of this agreement shall be of any force or effect unless in writing and signed by or on behalf of the parties.
- 13.4 No extension of time or indulgence which either party ("the grantor") may grant to the other ("the grantee") shall constitute a waiver of any of the rights of the grantor, who shall not thereby be precluded from exercising any rights against the grantee which may have arisen in the past or which may arise in the future.
- 13.5 This agreement shall be binding on the heirs, executors, administrators and assigns of each of the parties.

SIGNED at STELLENBOSCH on this 19th day of APRIL 2010 in the presence of the undersigned witnesses.

WITNESESS

1. 

2. 

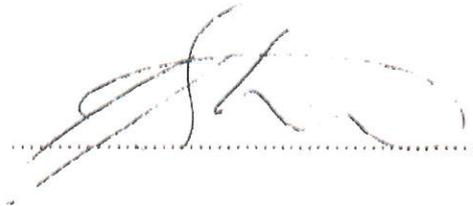
(Signature of CEDENT)

SIGNED at STELLENBOSCH on this 19th day of April 2010 in the presence of the undersigned witnesses.

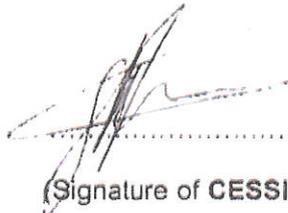
WITNESESS



1.



2.


.....
(Signature of CESSIONARY)

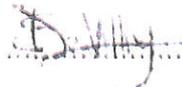
LESSOR'S CONSENT IN TERMS OF CLAUSE 18.1 OF THE LEASE

The STELLENBOSCH MUNICIPALITY as the Lessor of the Premises consents to the Cession and Assignment in terms of clause 18.1 of the Lease agreement.

SIGNED at *Stellenbosch* on this *Friday* of *April 2010*
In the presence of the undersigned witnesses

WITNESESS

1.


.....

2.


.....


.....

For and on behalf of the
STELLENBOSCH MUNICIPALITY



**FINANCE AND CORPORATE SERVICES COMMITTEE MEETING :
2009-04-30 : ITEM 6.1.1.2**

RECOMMENDED

- (a) that, as a first step, the proposed ceding/assigning of the Lease Agreement between Stellenbosch Municipality and IPG (now trading as Growthpoint), to Eikestad Mall (Pty) Ltd be approved, subject to the following conditions:
 - (i) a new, market related lease amount be determined, based on an independent valuation, taking into account any capital investments as part of the redevelopment of the property;
 - (ii) any redevelopment will only be approved on the basis that Stellenbosch Municipality is not worse off than currently, insofar as it relates to the ownership of the kiosks;
 - (iii) access to erf 4430 from Andringa Street, over Beyers Street, be insured, even if such access is linked to specific times and/or actions.
- (b) that, following the successful ceding of the lease agreement to Eikestad Mall, the Acting Director: Corporate Services be mandated to negotiate the possible alienation of the property to Eikestad Mall (Pty) Ltd, taking into account access to Erf 4430; and
- (c) that, a progress report on the possible alienation of the property be tabled within 30 days (by the end of May 2009).

MAYORAL COMMITTEE MEETING : 2009-05-04 : ITEM 5.2.3

RESOLVED (nem con)

- (a) that, as a first step, the proposed ceding/assigning of the Lease Agreement between Stellenbosch Municipality and IPG (now trading as Growthpoint), to Eikestad Mall (Pty) Ltd be approved, subject to the following conditions:
 - (i) a new, market related lease amount be determined, based on an independent valuation, taking into account any capital investments as part of the redevelopment of the property;
 - (ii) any redevelopment will only be approved on the basis that Stellenbosch Municipality is not worse off than currently, insofar as it relates to the ownership of the kiosks;
 - (iii) access to erf 4430 from Andringa Street, over Beyers Street, be insured, even if such access is linked to specific times and/or actions.

- (b) that, following the successful ceding of the lease agreement to Eikestad Mall, the Acting Director: Corporate Services be mandated to negotiate the possible alienation of the property to Eikestad Mall (Pty) Ltd, taking into account access to Erf 4430; and
- (c) that, a progress report on the possible alienation of the property be tabled within 30 days (by the end of May 2009).

(Acting DCORP)

APPENDIX 5

Piet Smit

From: Anita Petersen <anita@ontrend-consulting.com>
Sent: 07 May 2019 03:33 PM
To: Piet Smit
Cc: 'Chris Brunner'; karin@eikestadmall.co.za
Subject: [EX] Renewal - Beyers steeg
Attachments: Lease.pdf; Cession.pdf

Dear Piet,

Trust you are doing well.

In absence of Karin Retief being on Maternity leave, we wish to bring the following under your attention.

The attached lease for the Beyers steeg (for which an option to renew has already been exercised) expires end of Dec 2019 and we wish to start the process to engage with the council to renew this for another 10 years.

Can you please advise what the process would be or how we go about securing this renewal.

Best regards,
Anita



ON TREND
CONSULTING

ANITA PETERSEN
MANAGING DIRECTOR

+27 (0)76 715 5771

anita@ontrend-consulting.com
www.ontrend-consulting.com

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7.2.3	DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH
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Collaborator No: 668851
 IDP KPA Ref No: Good Governance
 Meeting Date: 20 November 2019

1. SUBJECT: DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH

2. PURPOSE

To make a final determination on the proposed disposal, following the public participation process.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

The Franschhoek Methodist Church is leasing a portion of erf 23, Franschhoek from Stellenbosch Municipality since 1995. The lease will expire in 2020, where after they will have an option of renewal for a further period of up to ten (10) years on terms and conditions to be mutually agreed upon between the parties. They have applied to purchase the land from the Municipality. The property has been developed by the church, at their cost. The improvements consists of the following buildings:

- Church building: ±175m²
 - Crèche/ ECD Centre: ±260m²
- Total** : ±435m²

Having considered the request Council, on 24 April 2019, *inter alia* resolved as follows:

- 5.1 *that Council, **in principle**, approve the disposal of land to the Franschhoek Methodist Church without following a public tender process, and subject to the following conditions:*
- a) *that the **purchase price** be determined at **30% of market value**, the market value to be determined by two (2) independent valuers;*
 - b) *that a **reversionary clause** be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore;*
 - c) *that the church be responsible for the **sub-division** and rezoning of erf 23, Franschhoek, to allow for a separate unit to be transferred;*
 - d) *that a servitude be registered in favour of the Municipality regarding all municipal services crossing the property;*
 - e) *that a right of access from Bagatelle Street be registered in favour of the church.*

- 5.2 *that Council's intention to dispose of the property under the provisions set out above, be advertised for **public inputs/objections/alternative proposals** as provided for in par 9.2.2.1 of the Property Management Policy; and*
- 5.3 *that, following the public participation process, the matter be submitted to Council to make a final decision on the disposal, or not."*

Following the above decision two (2) independent valuers has been appointed to do a valuation and the proposed disposal was advertised for public comment/inputs.

The intended disposal was advertised and the closure of the inputs were 11 July 2019. No inputs or comments were received. The valuation reports are attached as **APPENDIX 3 and 4.**

Council must now make a final determination in this regard.

5. RECOMMENDATION

- (a) that Council take note of the fact that no public inputs/objections/alternative proposals were received;
- (b) that Council approve of the disposal of the land indicated in Fig 3 to the Franschoek Methodist Church, subject to the following conditions:
- i) that the purchase price be determined at 30% of market value, being R376 500.00(excluding VAT), based on the weighted average of two (2) valuations being obtained;
 - ii) that a reversionary clause be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore;
 - iii) that the church be responsible for the sub-division and rezoning of erf 23, Franschoek, to allow for a separate unit to be transferred;
 - iv) that a servitude be registered in favour of the Municipality regarding all municipal services crossing the property;
 - v) that a right of access from Bagatelle Street be registered in favour of the church.
- (c) that the Municipal Manager be authorised to sign all documents necessary to attend to the transfer of the property.

6. DISCUSSION/CONTENT

6.1 Background

6.1.1 Lease Agreement

On 29 November 1995 Franschoek Municipality and the Methodist Church of Franschoek concluded a 25 year lease agreement in relation to a portion of erf 23, Franschoek. In terms of this agreement they would be granted first right of refusal to procure the property, should the Municipality decide to sell the property.

6.1.2 Application to purchase land

During 2018 the Franschhoek Methodist Church requested to purchase the property at 10% of market value.

Council considered the matter on 24 April 2019. Having considered the application, Council resolved as follows:

- “(a) that the portion of erf 23, excluding the parking area, Franschhoek, as land indicated in Fig 3, be identified as land not needed to provide the minimum level of basic municipal services;*
- (b) that Council, **in principle**, approve the disposal of land to the Franschhoek Methodist Church without following a public tender process, and subject to the following conditions:*
- i) that the **purchase price** be determined at **30% of market value**, the market value to be determined by two (2) independent valuers;*
 - ii) that a **reversionary clause** be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore;*
 - iii) that the church be responsible for the **sub-division** and rezoning of erf 23, Franschhoek, to allow for a separate unit to be transferred;*
 - iv) that a servitude be registered in favour of the Municipality regarding all municipal services crossing the property;*
 - v) that a right of access from Bagatelle Street be registered in favour of the church.*
- (c) that Council’s intention to dispose of the property under the provisions set out above, be advertised for **public inputs/objections/alternative proposals** as provided for in par 9.2.2.1 of the Property Management Policy; and*
- (d) that, following the public participation process, the matter be submitted to Council to make a final decision on the disposal, or not”.*

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

6.1.3 Public Notice

Following the above resolution, a public notice was published, soliciting public input/objections/alternative proposals. A copy of the notice is attached as **APPENDIX 2**.

The closing date for inputs/objections or an alternative proposal was 11 July 2019.

No inputs/objections or alternative proposals were received.

6.1.4 Valuation report

Hereto attached as **APPENDIX 3** and **4** valuation reports, compiled by Cassie Gerber Property Valuers cc and Pendo Property Valuers, valuating the land at R1 050 000.00 (exclusive of VAT) and R1 460 000.00 (Excluding VAT) respectively. The weighted average of the two (2) valuations is R1 255 000.00 (Excluding VAT). In terms of the previous Council resolution, the sales price is to be determined at 30% of market value, i.e. R376 500 (Excluding VAT).

6.2. DISCUSSION

6.2.1 The Property

The portion of land, being a portion of Remainder erf 23, Franschoek, measuring approximately 2086m² in extent, is situated at the corner of Bagatelle Street and Lamprecht Street, Franschoek, as shown on Fig 1, 2 and 3 below.



Fig 1: Location and context



Fig 2: The Property



Fig 3: Extent of property

The property is owned by Stellenbosch Municipality and is zoned for Institutional use.

The property has been developed by the church, at their cost. The improvements consist of the following buildings:

- Church building: $\pm 175\text{m}^2$
 - Crèche/ ECD Centre: $\pm 260\text{m}^2$
- Total** : $\pm 435\text{m}^2$

The church also developed a parking area which is fenced in. This area has been excluded from the area recommended for disposal to the church.

There is a 50m building restriction applicable, measured from the middle of Lamprecht Street (Northern boundary of site) which would not allow the church to develop on that area.

6.3 Financial Implications

There are no financial implications except for the income (purchase price) that will be derived from the sale of the asset. All cost associated with the transfer will be for the account of the church.

6.4 Legal Implications

The recommendations contained in this report comply with Council's policies and all applicable legislation. The legal framework is discussed in paragraph of the previous council item and already taken into account.

6.5 Staff Implications

No additional staff implications

6.6 Previous / Relevant Council Resolutions

Item 7.2, 24 April 2019 resolution reflected under 6.1.2 above.

6.7 Risk Implications

This report addresses the risk implications for the Municipality.

6.8 Comments from Senior Management

No comments received.

ANNEXURES:

- 1: Agenda item that served before Council
- 2: Official Notice
- 3: Valuation report: Cassie Gerber
- 4: Valuation report: Pendo Property Valuers

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	ANNALENE DE BEER
<i>POSITION</i>	<i>DIRECTOR</i>
<i>DIRECTORATE</i>	<i>Corporate services</i>
<i>CONTACT NUMBERS</i>	<i>021-8088018</i>
<i>E-MAIL ADDRESS</i>	Annalene.deBeer@stellenbosch.org.za
<i>REPORT DATE</i>	<i>2019-10-03</i>

ANNEXURE 1



Collaborator No: *(To be filled in by administration)*
IDP KPA Ref No: **INSTITUTIONAL TRANSFORMATION**
Meeting Date: **10 April and 24 April 2019**

1. SUBJECT

POSSIBLE DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH

2. PURPOSE

To consider an application from the Franschhoek Methodist Church for the acquisition of a portion of erf 23, Franschhoek.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Franschhoek Methodist Church is leasing a portion of erf 23, Franschhoek from Stellenbosch Municipality since 1995. The lease will expire in 2020, where after they will have an option of renewal for a further period of up to ten (10) years on terms and conditions to be mutually agreed upon between the parties.

They have applied to purchase the land from the Municipality at 10% of the market value. The new Property Management Policy allow for direct negotiations subject to a public participation process and further allows a disposal of between 10 and 60% of the market value for inter alia church institutions. The Policy also allow for disposal at a discounted rate in specific circumstances. Council must, however first make an in principle determination, i.e. whether it supports the disposal of the property or not.

The property has been developed by the church, at their cost. The improvements consists of the following buildings:

- Church building: $\pm 175\text{m}^2$
- Crèche/ ECD Centre: $\pm 260\text{m}^2$
- Total** : $\pm 435\text{m}^2$

The church also developed a parking area which is fenced in. This area has been excluded from the area recommended for disposal off to the church.

Should Council approve the recommendations, the Sales Agreement should provide for:

- Use right of the parking area by the church, but also available to the broader public; and
- Right of access from Bagatelle street.

There is a 50m building restriction is applicable, measured from the middle of Lamprecht Street (Northern boundary of site) which would not allow the church to develop on that area.

5. RECOMMENDATIONS

- 5.1 that the portion of erf 23, Franschhoek, as land indicated in Fig 3 be identified as land not needed to provide the minimum level of basic municipal services;
- 5.2 that Council , **in principle** , approve the disposal of land to the Franschhoek Methodist Church without following a public tender process and subject to the following conditions:
- a) that the **purchase price** be determined at **30% of market value**, the market value to be determined by two (2) independent valuers;
 - b) that a **reversionary clause** be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore;
 - c) that the church be responsible for the **sub-division** and rezoning of erf 23, Franschhoek, to allow for a separate unit to be transferred;
 - d) that a servitude be registered in favour of the Municipality regarding all municipal services crossing the property.
 - e) that the church be allowed to use the parking area to the west of the site be that it not be exclusive use i.e that the public also be allowed to use the parking area.
 - f) that a right of access from Bagatelle street be registered in favour of the church.
- 5.3 That Council's intention dispose of the property under the provisions set out above, be advertised for **public inputs/objections**, alternative proposals as provided for in par 9.2.2.1 of the Property Management Policy;
- 5.4 That, following the public participation process, the matter be submitted to Council to make a final decision on the disposal, or not.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Lease Agreements

On 29 November 1995 Franschhoek Municipality and the Methodist Church of Southern Africa, Franschhoek concluded a 25 year Lease Agreement, in terms where the church would be able to use a portion of erf 23, Franschhoek, measuring approximately 3386m²

in extent, for erecting a church building. A copy of the Lease Agreement is attached as **APPENDIX 1**.

In terms of clause 24 of the agreement the Lessee would be granted **first right of refusal to purchase** the property, should the municipality decide to sell the property.

Further, in terms of clause 25 of the agreement the Lessee shall have the option to renew the Lease Agreement for a further period of up to ten (10) years on the terms and conditions to be mutually agreed upon between the parties.

6.1.2 Application to purchase leased property

Hereto attached as **APPENDIX 2** a self-explanatory letter received from the Franschoek Methodist Church, requesting to purchase the lease area from the Municipality at 10% of market value.

6.2 Discussion

6.2.1 The property

The portion of land, being a portion of Remainder erf 23, Franschoek, measuring approximately 2086m² in extent, is situated at the corner of Bagatelle Street and Lamprecht street, Franschoek, as shown on Fig 1, 2 and 3 below.



Fig 1: Location and context



Fig 2: The Property



Fig 3: Extent of property

The property is owned by Stellenbosch Municipality and is zoned for Institutional use.

The property has been developed by the church, at their cost. The improvements consists of the following buildings:

- Church building: $\pm 175\text{m}^2$
- Crèche/ ECD Centre: $\pm 260\text{m}^2$

The church also developed a parking area which is fenced in. This area has been excluded from the area recommended for disposal off to the church. Should Council approve the recommendations, the Sales Agreement should provide for:

- Use right of the parking area by the church, but also available to the broader public; and
- Right of access from Bagatelle street.

There is a 50m building restriction is applicable, measured from the middle of Lamprecht Street (Northern boundary of site) which would not allow the church to develop on that area.

6.2.2 Legal requirements

6.2.2.1 MFMA

In terms of section 14(1) a municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

In terms of subsection (2), a municipality may transfer ownership or otherwise dispose of a capital asset other than those contemplated in subsection (1), but only after the municipal council, in a meeting open to the public-

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

6.2.2.2 Asset Transfer Regulation (ATR)

6.2.2.2.1 Transfer or disposal on non-exempted capital assets

In terms of Regulation 5(1)(b) a municipal council may transfer or dispose of a non-exempted capital asset only after-

- a) the municipal council-
 - i) has made the determination required by Section 14(2)(a) and (b) of the MFMA; and
 - ii) has, as a consequence of those determinations approved **in principle** that the capital asset may be transferred or disposed of.

6.2.2.2.2 Consideration of proposals to transfer or dispose of non-exempted capital assets

In terms of Regulation 7 the municipal council **must**, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5(1)(b)(i) and (ii), **take into account—**

- (a) whether the capital asset may be **required for the municipality's own use** at a later date;
- (b) the **expected loss or gain** that is expected to result from the proposed transfer or disposal;
- (c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a **significant economic or financial cost or benefit** to the municipality;

- (d) the **risks and rewards** associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;
- (e) the **effect** that the proposed transfer or disposal will have on the **credit rating** of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;
- (f) any **limitations or conditions** attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;
- (g) the estimated **cost** of the proposed transfer or disposal;
- (h) the transfer of any **liabilities** and reserve funds associated with the capital asset;
- (i) any comments or representations on the proposed transfer or disposal received from the local community and other interested persons; (if applicable)
- (j) any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury; (if applicable)
- (k) the interests of any affected organ of state, **the municipality's own strategic, legal and economic interests** and the interests of the local community; and
- (l) **compliance** with the **legislative regime** applicable to the proposed transfer or disposal.

6.2.2.2.3 **Conditional approval of transfer or disposal of non-exempted capital assets**

Further, in terms of Regulation 11, an **approval in principle** in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, **may be given subject to any conditions**, including conditions specifying—

- (a) **the way in which the capital asset is to be sold or disposed of;**
- (b) **a floor price or minimum compensation for the capital asset;**
- (c) whether the capital asset may be transferred or disposed of for **less than its fair market value**, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
- (d) **a framework within which direct negotiations** for the transfer or disposal of the capital asset **must be conducted** with another person, if transfer or disposal is subject to direct negotiations.

6.2.2.2.4 **Transfer or disposal of non-exempted capital assets to be in accordance with disposal management system**

In terms of Regulation 12; if approval has been given in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, the relevant municipality may transfer or dispose of the asset only in accordance with its **disposal management system***, irrespective of—

- (a) the value of the capital asset; or
- (b) whether the capital asset is to be transferred to a private sector party or an organ of state.

***Please note:** The Policy on the Management of Council-owned property is deemed to be the disposal management system. See par. 6.2.2.3 below.

6.2.2.2.5 **Compensation for transfer of non-exempted municipal capital assets**

In terms of Regulation 13, the compensation payable to a municipality for the transfer of a non-exempted capital asset must, subject to sub regulation (2)—

- (a) be consistent with criteria applicable to compensation set out in the disposal management system of the municipality or municipal entity; and
 - (b) if regulation 12(2)(b) applies to the transfer, **reflect fair market value**.
- (2) **If a municipality** on account of the public interest, in particular in relation to the plight of the poor, **intends to transfer a non-exempted capital asset for less than its fair market value, the municipality** must, when considering the proposed transfer¹⁶, **take into account—**
- (a) the **interests of—**
 - (i) the State; and
 - (ii) the local community;
 - (b) the strategic and economic interests of the municipality or municipal entity, including the long-term effect of the decision on the municipality or entity;
 - (c) the constitutional rights and legal interests of all affected parties;
 - (d) whether the interests of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and
 - (e) **whether the local community would be better served if the capital asset is transferred at less than its fair market value**, as opposed to a transfer of the asset at fair market value.

6.2.2.2.6 Transfer agreements

Lastly in terms of Regulation 17, a municipality may transfer assets approved for transfer to a private sector party or organ of state in terms of this Chapter, **only by way of a written transfer agreement** concluded between the transferring municipality and the receiving private sector party or organ of state.

A transfer agreement must set out the terms and conditions of the transfer, including, as a minimum—

- (a) a sufficient **description** of the capital asset being transferred in order to identify the asset;
- (b) particulars of any subsidiary assets that are transferred with the capital asset;
- (c) particulars of any liabilities transferred with the asset;
- (d) the **amount of compensation** payable to the municipality or municipal entity for the transfer of the asset or assets, and the terms and conditions of payment; and
- (e) the **effective date** from which the risk and accountability for the asset or assets is transferred to the receiving private sector party or organ of state.

6.2.2.3 Policy on the management of Council-owned property

6.2.2.3.1 Disposal management principles

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of Viable Immovable property shall be effected-

- a) by means of a process of **public competition**; and
- b) at **market value** except when the public interest or the plight of the poor
- c) demands otherwise.

In terms of paragraph 9 the type of tender may vary, depending on the nature of the transaction. The following options may be considered:

- a) outright tender;
- b) Call for proposals;
- c) Call for proposals on a Build-Operate-Transfer basis

6.2.2.3.3 **Deviation from a Competitive process**

In terms of paragraph 9.2.2 the Municipal Council may **dispense with the competitive processes** established in this policy, and may enter into a **Private Treaty Agreement** through any convenient process, which may include direct negotiations, including in response to an unsolicited application, but only in the following 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) **in exceptional cases where the Municipal Council is of the opinion the public competition would not serve a useful purpose** or that it is in the interest of the community and the Municipality, and where none of the conditions as set out in the policy provides for such exception, is permitted, and where they are not in conflict with any provision of the policy. In such cases reasons for preferring such out-of hand sale or lease to those by public competition; must be recorded

6.2.2.3.4 **Disposal and Letting of Immovable Property for Social Care Uses**

In terms of paragraph 9.3 "*Social care*" is defined as services provided by **registered** welfare, charitable, non-profit cultural and **religious organisations** and includes, but is not limited to, the following types of uses :-

- (a) **Place of Worship** to the degree and for that portion of a facility being used for spiritual gathering by, and social/pastoral/manse/welfare caring and support to Worshippers and the broader Community;
- (b) **Child care facility** insofar as it contributes to the functioning of a multi-use childcare facility and is operated on a non-profit basis;

In terms of the policy the Municipality **reserves the right to entertain unsolicited proposals for the purchase or lease of viable immovable property for social care uses** with the provision that it abides by the Municipality's IDP objectives.

From the above it is clear that **Council may dispense with a competitive process**, i.e. may enter into a Private Treaty Agreement, seeing that the Methodist Church falls within the description of a **social care use**, where

Council may entertain an **unsolicited** proposal. Such a step, however, is subject to Council's intention so to act, being advertised for public inputs.

6.2.2.3.5 Criteria for determining compensation

In terms of par.21 immovable property may be disposed of only at market-related prices, except when the plight of the poor or public interest demands otherwise. In terms of par. 21.3, the Municipality may dispose properties for social care uses at a purchase price of between 10% and 60% of the fair market value.

Taking into account the period that the church is leasing the property, but also taking into account their capital investment over the period, it is recommended that the property be disposed of at 30% of market value, also taking into account that this is not a poor congregation, but also taking into account the public interest.

6.3 Financial Implications

There are no financial implication except for the income (purchase price) to derived from the sale of the asset. All cost associated with the transfer will be for the account co the church. The value of the property still need to be determined through a valuation process.

6.4 Legal Implications

The recommendations contained in this report comply with Council's policies and all applicable legislation. The legal framework is discussed in paragraph 6.2.2, *supra*.

6.5 Staff Implications

No additional staff implications

6.6 Previous / Relevant Council Resolutions

6.7 Risk Implications

This report addresses the risk implications for the Municipality.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

There are municipal services (water main and sewer main) running over proposed portion of Erf 23, Franchhoek.

A servitude must be registered by the Methodist Church in favour of the Municipality for the services encroaching on the property.

The fees applicable to the registration of the servitude is to the account of the Methodist Church.

The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value.

These services must at all times be accessible for maintenance purposes.
 No structure will be allowed over or within 1.5 m of any services.
 Should any future building upgrades be considered for Erf 23, building plans must be submitted on which further comment will follow.

6.8.2 Director: Planning and Economic Development

None received.

6.8.3 Chief Financial Officer

None received.

ANNEXURES:

A: Lease Agreement

B: Application to purchase

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	2018-07-30

DIRECTOR: CORPORATE SERVICES

The contents of this report have been discussed with the Portfolio Committee Chairperson and it was agreed to proceed with the recommendations to Mayco and Council.

ANNEXURE 2



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

OFFICIAL NOTICE

PROPOSED DISPOSAL OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH

Notice is hereby given in terms of par. 9.2.2.1 of Stellenbosch Municipality's Policy on the Management of Council-owned property of the Municipality's intention to dispose of a portion of erf 23, Franschhoek to the Franschhoek Methodist Church at 30% of market value.

Background

Franschhoek Methodist Church is leasing a portion of erf 23, Franschhoek from Stellenbosch Municipality since 1995. The lease will expire in 2020, whereafter they will have an option of renewal. They have now requested to purchase the land from the Municipality. Having considered the matter on 2019-04-24, Council resolved as follows:

RESOLVED (majority vote with abstentions)

- (a) that the portion of erf 23, excluding the parking area, Franschhoek, as land indicated in Fig 3, be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that Council, **in principle**, approve the disposal of land to the Franschhoek Methodist Church without following a public tender process, and subject to the following conditions:
 - i) that the **purchase price** be determined at **30% of market value**, the market value to be determined by two (2) independent valuers;
 - ii) that a **reversionary clause** be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore;
 - iii) that the church be responsible for the **sub-division** and rezoning of erf 23, Franschhoek, to allow for a separate unit to be transferred;
 - iv) that a servitude be registered in favour of the Municipality regarding all municipal services crossing the property;
 - v) that a right of access from Bagatelle Street be registered in favour of the church.
- (c) that Council's intention to dispose of the property under the provisions set out above, be advertised for **public inputs/objections/alternative proposals** as provided for in par 9.2.2.1 of the Property Management Policy; and
- (d) that, following the public participation process, the matter be submitted to Council to make a final decision on the disposal, or not.

Further Particulars:

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

Invitation to submit written inputs

Any interested and effected party who wishes to submit inputs/objections or alternative proposals to the proposed disposal, can do so by submitting it in writing to the Manager: Property Management on or before **11 July 2019**.

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

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

Postal address: PO Box 17
 Stellenbosch
 7599

e-mail: piet.smit@stellenbosch.gov.za

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management for assistance.

Geraldine Mettler
 MUNICIPAL MANAGER

DATE: 2019-06-11

20/06/2019

ANNEXURE 3

**CASSIE GERBER
PROPERTY VALUERS CC**

CK 98/22188/23

**C.L. Gerber, Registered Professional Valuer in Terms of Section 19 of Act 47 of 2000,
Registration No: 1717/4**

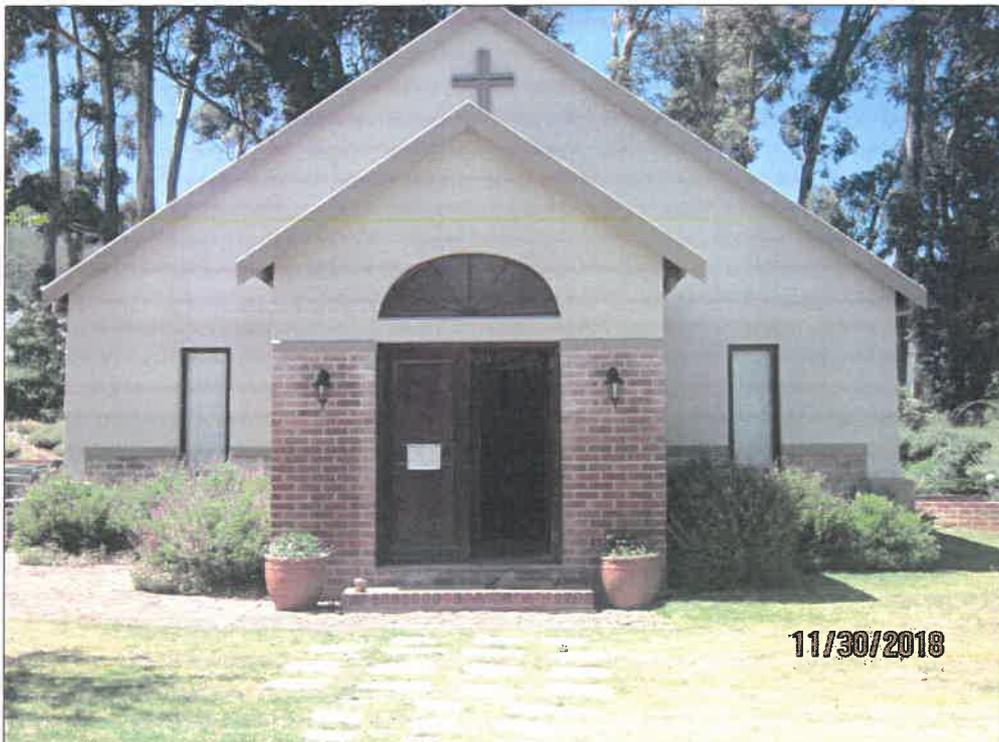
P.O. Box 2217
DURBANVILLE
7551

Telephone: (021) 9757240
Fax: 086 558 6933
E-mail-caslg@mweb.co.za
Cell phone- 082 416 2987

VALUATION REPORT

**MARKET VALUE OF A PORTION OF THE REMAINDER OF ERF 23,
SITUATED ON THE CORNER OF BAGATELLE STREET AND
LAMBRECHT STREET, FRANSCHHOEK**

OWNER: MUNICIPALITY STELLENBOSCH



Market value: As per report
Date: 10 May 2019

=====

VALUATION REPORT

**MARKET VALUE OF A PORTION OF THE REMAINDER OF ERF 23,
SITUATED ON THE CORNER OF BAGATELLE STREET AND
LAMBRECHT STREET, FRANSCHHOEK**

OWNER: MUNICIPALITY STELLENBOSCH

1. Instructions

- 1.1 The Head of the Department of property Management, Stellenbosch, instructed me to value the above-mentioned property.
- 1.2 A market related value of the property is required for the possible alienation thereof.
- 1.3 Market value is defined in this report as a price, which the property might reasonably be expected to sell for, in a transaction between a willing, able and informed seller and a willing, able and informed buyer.

2. Date of valuation

10 May 2019

3. Description of property

An unregistered portion of the Remainder of Erf 23, Franschhoek

4. Title deed

Unknown

5. Extent/Required

3 386m² (2086m² required by the Church))

6. Owner

Stellenbosch Municipality

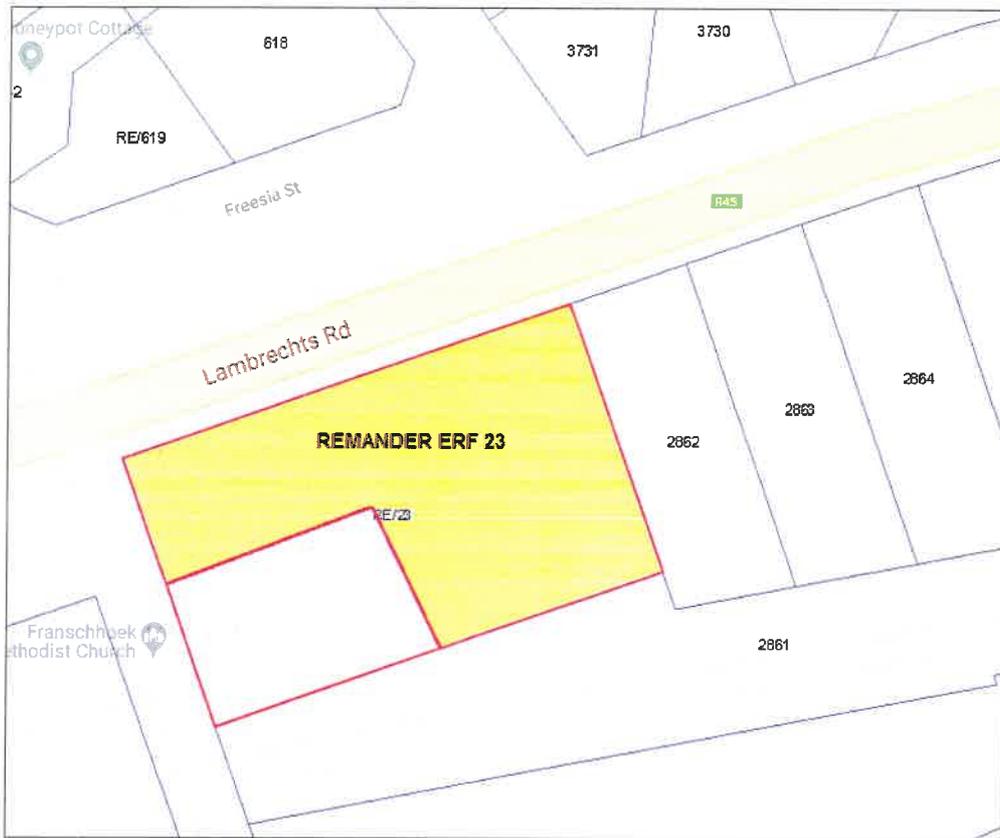
7. Services

All the necessary municipal services are available.

8. Situation and physical aspects

The property is situated on the corner of Bagatelle Street and Lambrecht Street, Franschhoek.

Location map and aerial photo page 3 below refers:



Location map



Aerial photo

9. Town Planning

The property has been built and used for church purposes for the past 30 years and is zoned for community purposes.

10. Highest and best use

The highest and best use of the property is its present use.

11. Improvements

The improvements on the site consist of a church building $\pm 175\text{m}^2$ and a crèche, 260m^2 in extent.

The property has been developed by the church at their own cost. Only the market value of the land, if vacant, must be determined.

12. Method of valuation

12.1 The comparable method of valuation has been applied to determine the market value of the property.

12.2 A market research was carried out and no sales of church sites were found and churches built in the established upper-class towns and suburbs of the Western Cape. The following is a list of the latest comparable transactions in the economical and lower income areas, which was traced and analyzed:

No.	Property	Extent	Sales information	Comments
1	Erf 10127, 47 Palm Street, Delf	1025m ²	R300 000/R293/m ² 2016-08	Zoned: Community 1. Smaller site, inferior location
2	Erf 1317, 3-5 King Arthur Street, Hagley	1482m ²	R342 000/R230/m ² 2017.02	Zoned: General res. R2 Smaller site, inferior location
3	Erf 23116, Amos Lengsi, Crescent, Khayelitsha	1720m ²	R360 000/R209/m ² 2017.07	Zoned: Community 1. Smaller site, inferior location
4	Erf 555, Kronendal Road, Michells Plain	1579m ²	R1 003 000 R685/m ² 2017.11	Zoned: Limited Use Superior submarket Property, which was purchased by a church organized association.
5	Erf 34457. Hawaii Avenue, Colorado Park, Michells Plain	1767m ²	R850 000/R481/m ² 2017.05	Zoned GB1, but not really a good business location. Property was purchased by a church organized association.

13. Conclusions

- 13.1 The above-mentioned comparable list of transactions are sites, which were purchased by church organizations. The comparable transactions have different zonings but during market research it was established that the church organizations paid market values for the sites.
- 13.2 Transaction 1 is zoned for Community 1 purposes, but the site has an inferior location. An upward adjustment in the rate per m² is necessary.
- 13.3 The site of transaction 2 is zoned for general residential purposes and smaller in size and has an inferior location to that of the subject property.
- 13.4 Transaction 3 is also smaller in size than the subject proper but has the same zoning. And upward adjustment of the subject property is necessary for better location.
- 13.5 Transaction 4 is situated in a business retail area. The site is much smaller with a better zoning and a downward adjustment in the rate per m² is necessary.
- 13.6 Transaction 5 is smaller in size and zoned for commercial purposes.
- 13.7 The market values of the comparable transactions vary between a rate of R230/m² and R635/m², with the lower rates for the sites zoned for community purposes and the higher rates for the commercial zoned sites.

- 14.** Based on the above-mentioned comparable transactions with the necessary adjustments for time, size, zoning, location and the fact that the property has been used for community purposes for the past 30 years, a price of R500.00 per m² is market related.

15. Market value calculations

2086m² @ R500.00 per m² = R1 043 000.00

Market value rounded: R1 050 000.00 (Excluding VAT)

16. Certificate

I inspected the subject property described herein. I have no present or prospective interest in the property.

The valuation is independent and impartial and complies with all the ethical standards of the South African Institute of Valuers of which I am a member.

All suppositions and data in this report are to the best of my knowledge, true and correct and I have not attempted to conceal any information.

The valuation has been made to the best of my skill and ability.

I, Casper Louis Gerber, consider the market value of the property in paragraph 15 above to be fair and market related.



C.L. GERBER

Signed at Durbanville on 10 May 2019

QUALIFICATION TO VALUE

I, Casper Louis Gerber, certify with this my qualifications and experience as follows:

- Professional Valuer registered with the South African Council of Valuers in terms of Act 47 of 2000.
- Member of the South African Institute of Valuers since 1974.
- Served as a member on various valuation boards.
- I have been involved in valuing fixed properties since 1965. At present, I am making an average of 15 valuations per month spread over the whole spectrum of the property market.

ANNEXURE 4



VALUATION REPORT

DETERMINATION OF THE MARKET VALUE OF:

2086 m² PORTION OF ERF 23 FRANSCHHOEK

PAARL REGISTRATION DIVISION

WESTERN CAPE

Client:

STELLENBOSCH MUNICIPALITY

31 October 2019

Compiled by:

Johan Klopper

Professional Valuer

Member of the SA Institute of Valuers

BCom Law (University of Stellenbosch), NDip: Property Valuation (UNISA)



31 October 2019

Mr. Piet Smit
 Stellenbosch Municipality
 Property Management
 Plein Street
 Stellenbosch
 7600

VALUATION CERTIFICATE

I, the undersigned, Johan Klopper, Professional Valuer registered in terms of the Property Valuer's Profession Act, 2000 (Act No 47 of 2000) do hereby certify that I have inspected and valued the following immovable property namely:

2086 m² PORTION OF ERF 23 FRANSCHHOEK, PAARL REGISTRATION DIVISION, in the WESTERN CAPE
--

I consider the market value of the abovementioned property to be as follows:

R 1 460 000	One Million Four Hundred and Sixty Thousand Rand (Excluding VAT)
--------------------	--

As at: **28 October 2019**

Signed at Stellenbosch this 31st day of October 2019.

A handwritten signature in black ink, appearing to read 'Johan Klopper', written over a horizontal line.

J. Klopper
 Professional Valuer
 Registration Number: 6372/0

PENDO PROPERTY SERVICES CC T/A PENDO PROPERTY VALUERS
 Reg. No. 2009/230603/23 • VAT Reg. No. 4530269028
 Member: J. Klopper

Verified Level 4 B-BBEE Contributor

Tel: 083 305 3252 • Fax: 086 611 1511 • Email: info@propertyvaluer.co.za • Postal address: PO Box 81, Stellenbosch, 7599

VALUATION REPORT

1. Instructions & Purpose of Valuation

Instructions were received from the Stellenbosch Municipality to determine the fair market value of a 2086 m² portion of Erf 23 Franschhoek, located in the jurisdiction of the Stellenbosch Municipality, Western Cape (hereinafter referred to as the subject property), as at the effective date mentioned in paragraph 3.

The purpose of the valuation is to inform the Stellenbosch Municipality of the market value in light of a possible disposal to the Methodist Church in Franschhoek.

2. Date of Inspection

28 October 2019

3. Effective Date of Valuation

28 October 2019

4. Definition of Market Value

The market value can be defined as the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arms' length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

(International Definition – International Valuation Standards Council)

5. Valuation Methodology

The most appropriate valuation method to determine the market value of the subject property would be the **Comparable Sales Method**: This approach is based on the principle of comparability and substitution. The assumption is that if similar assets in a similar market place have been sold at a particular value, then the comparable asset will also sell at a similar price.

Factors taken into consideration in determining the market value of the subject property include location, size of property, usage and rights of use, potential use, condition, cost, physical position and comparable properties.

6. Restrictive Conditions

Information regarding the subject property and comparable properties was received from local authorities and third parties. This information was received in good faith and it is assumed that the supplied information is correct, but the accuracy thereof is not guaranteed.

We did not undertake a structural survey of each building, nor did we arrange for tests or inspections to be carried out on any of the service installations. This valuation is based on the assumption that the buildings and assets are in a reasonable state of repair and condition, unless expressly stated otherwise in this report.

In this report, the market value and all other values referred to exclude VAT (unless clearly indicated). While taxation can have a considerable influence on the value of the property, we did not take into account the tax consequences that could arise due to past or intended future actions of the present owner.

We did not take into account any possible contamination of the subject property as a result of an environmental incident, nor did we examine the cost of any remedial measures involved.

The property is valued wholly owned, with no account being taken of monies due in respect of mortgage bonds, liens, loans or other charges.

Neither all nor any part of this report shall be conveyed to the public or anybody other than the addressee or their principles through advertising, public relations, news sales or any other media without the written consent of the author.

The valuer was specifically instructed to value the subject property as vacant land, excluding all improvements which were erected by the proposed purchaser (Methodist Church). This valuation was performed for market value purposes in light of negotiations with the Methodist Church regarding a possible sale of the subject property, and should not be used for any other purpose.

7. Title Deed Information

Description:	ERF 23 FRANSCHHOEK, PAARL REGISTRATION DIVISION, WESTERN CAPE	
Extent:	1628.3467 Ha	
Title Deed number:	Held by PLF4-7/1927 & T104071/2001	(Refer to Annexure A)
Registered owner:	STELLENBOSCH MUNICIPALITY	
Registration date:	1927/11/17	
Endorsements / Conditions:	None noted that materially affect the market value of the subject property.	
S.G. Diagram:	S.G. No. B107/1926	(Refer to Annexure B)
LPI Code:	C05500030000002300000	

8. Local Government Information

Local Authority	Stellenbosch Municipality
Zoning / Usage	The portion to be valued is zoned for Institutional Use.
Municipal Valuation (GV2017)	R 20 384 000 (Whole property)

9. Physical Characteristics

9.1 Location

The subject property is located on the corner of Lambrechts and Bagatelle Streets on the southern periphery of Franschoek. The immediate vicinity is characterised along low, medium and higher density residential development. See Aerial Photograph below indicating the location of the subject property.



9.2 Site

The subject property represents a square shaped tract of land of approximately 2086 m² that forms part of Erf 23 Franschoek. The site appears to be fully serviced, and is relatively level, but slopes down slightly in a northerly direction. The site is improved by buildings constructed by the Methodist Church and were subsequently ignored for the purpose of this valuation. Refer to aerial photograph below and **Annexure C** for photographs of the subject property.



10. Highest and Best Use

Highest and Best Use is defined under the International Valuation Standards (IVSC) as “The most probable use of an asset which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the asset being valued”.

The subject property represents an Institutional Zone tract of land utilised as a church. The immediate vicinity is characterised by medium density residential erven. Given the location, the subject property would be in high demand for future development purposes. Notwithstanding the current zoning, the valuer considers residential development as the highest and best use of the subject property.

The subject property will therefore be valued accordingly, bearing in mind the demand for this type of property in this node, and sales of properties with similar potentialities.

11. Market Information

11.1 Comparable Sales

We liaised with the Cape Town Deeds Office to determine the recent sales and transfers in the direct vicinity of the subject property. Comparisons were then made in terms of size and quality of improvements, as well as size, utilisation and potential of the land and date of sale, after which the necessary adjustments were made.

The following transactions of properties sold in relative close proximity to the subject property give an indication of land values of agricultural units in the area and serve as good comparisons in determining the current market value of the subject property:

NO	DESCRIPTION	SALES DATE	SALES PRICE (EX VAT)	TITLE DEED NO	SIZE (m ²)	R/ m ²
1	Erf 579 Franschoek	2018/08/15	R 15 000 000	T59649/2018	25695	R 584
2	Erf 2865 Franschoek	2017/11/21	R 3 000 000	T3673/2018	1539	R 1 949
3	Erf 2726 Franschoek	2016/09/01	R 5 000 000	T76286/2016	5723	R 874
4	Erf 614 Franschoek	2016/05/09	R 1 850 000	T63324/2016	1249	R 1 481
5	Erf 1468 Franschoek	2016/02/18	R 4 000 000	T28502/2016	8153	R 491

SALE 1: Erf 579 Franschoek	
Land size	25695 m ²
Purchase Date	2018/08/15
Purchase Price	R 15 000 000 (R 584 / m ²)
Comments	This site is located directly adjacent to the subject property. At the date of sale it represented a Religion (Public Worship) zoned tract of land, similar to the subject property. An application was subsequently submitted for the rezoning to subdivisional area for 56 group housing units. This sale serves as an excellent indication of the market rate to be applied to the subject property due to the identical zoning and potentialities.
	

SALE 2: Erf 2865 Franschoek	
Land size	1539 m ²
Purchase Date	2017/11/21
Purchase Price	R 3 000 000 (R 1 949 / m ²)
Comments	This vacant tract of residential land is located in the immediate vicinity of the subject property. It offers a superior zoning which suggests that a downward adjustment would be justified in the land rate to be applied to the subject property.
	

SALE 3: Erf 2726 Franschoek	
Land size	5723 m ²
Purchase Date	2016/09/01
Purchase Price	R 5 000 000 (R 874 / m ²)
Comments	This property is located in relative close proximity to the subject property. At the date of sale it offered a General business zoning, which was rezoned to General Residential in August 2017. This sale is therefore considered indicative of the land rate to be applied to the subject property but a downward adjustment would be justified for the subject property due to zoning in place at the date of sale.
	

SALE 4: Erf 614 Franschoek	
Land size	1249 m ²
Purchase Date	2016/05/09
Purchase Price	R 1 850 000 (R 1 481 / m ²)
Comments	This vacant tract of residential land is located in close proximity to the subject property. It offers a superior zoning which suggests that a downward adjustment would be justified in the land rate to be applied to the subject property.
	

SALE 5: Erf 1468 Franschoek	
Land size	0.8153 Ha
Purchase Date	2016/02/18
Purchase Price	R 4 000 000 (R 491 / m ²)
Comments	This similar sized tract of agricultural land is located adjacent to Franschoek. The location is considered similar to the subject property which suggests that this sale serves as a good indication of the market value of the subject property. An upward adjustment for the efflux of time would however be justified.
	

11.2 Conclusion on comparable sales

The sales generally point to a market range of R 491 / m² to R 1 950 / m². Sales 1 and 3 are however considered the most comparable and suggest a market range for the subject property of R 584 / m² to R 874 / m². Sale 1 is the most recent transaction and serves as the best indication of the rate to be applied to the subject property, but is considerably bigger which suggests that an upward adjustment would be justified for the subject property.

After analysis of the listed sales and the necessary adjustments were made, with specific note taken of the location, utility and land size, the valuer determined the market rate for the subject property, as at 28 October 2019, to be R 700 / m².

12. Valuation of Subject Property

Based on the land rate determined in paragraph 11.2 above, the market value of the subject property can be calculated as follows:

Description	Size (m ²)	Market rate	Value	Rounded Market Value
Vacant land	2086 m ²	R 700 / m ²	R 1 460 200	R 1 460 000

The market value is therefore estimated to be R 1 460 000, which is considered in keeping with the market, bearing in mind the location, size and potentialities of the subject property.

13. Declaration

I, Johan Klopper a registered Professional Valuer, declare that I have inspected the above property and that I have conducted this valuation assignment to the best of my knowledge and skills. I have no present or contemplated interest in this property, and accordingly certify that this valuation was undertaken on a completely independent basis.

As a result of my inspection, research and evaluation it is my opinion that the fair market value of the 2086 m² portion of ERF 23 FRANSCHHOEK, PAARL REGISTRATION DIVISION, WESTERN CAPE, on 28 October 2019, amounts to:

R 1 460 000 (ONE MILLION FOUR HUNDRED AND SIXTY THOUSAND RAND)

Signed at STELLENBOSCH on this the 31st day of October 2019.



J. Klopper

Professional Valuer (Reg. No. 6372/0)
Member of the SA Institute of Valuers
BCoOp (Law); NDip (Property Valuation)

ANNEXURES:

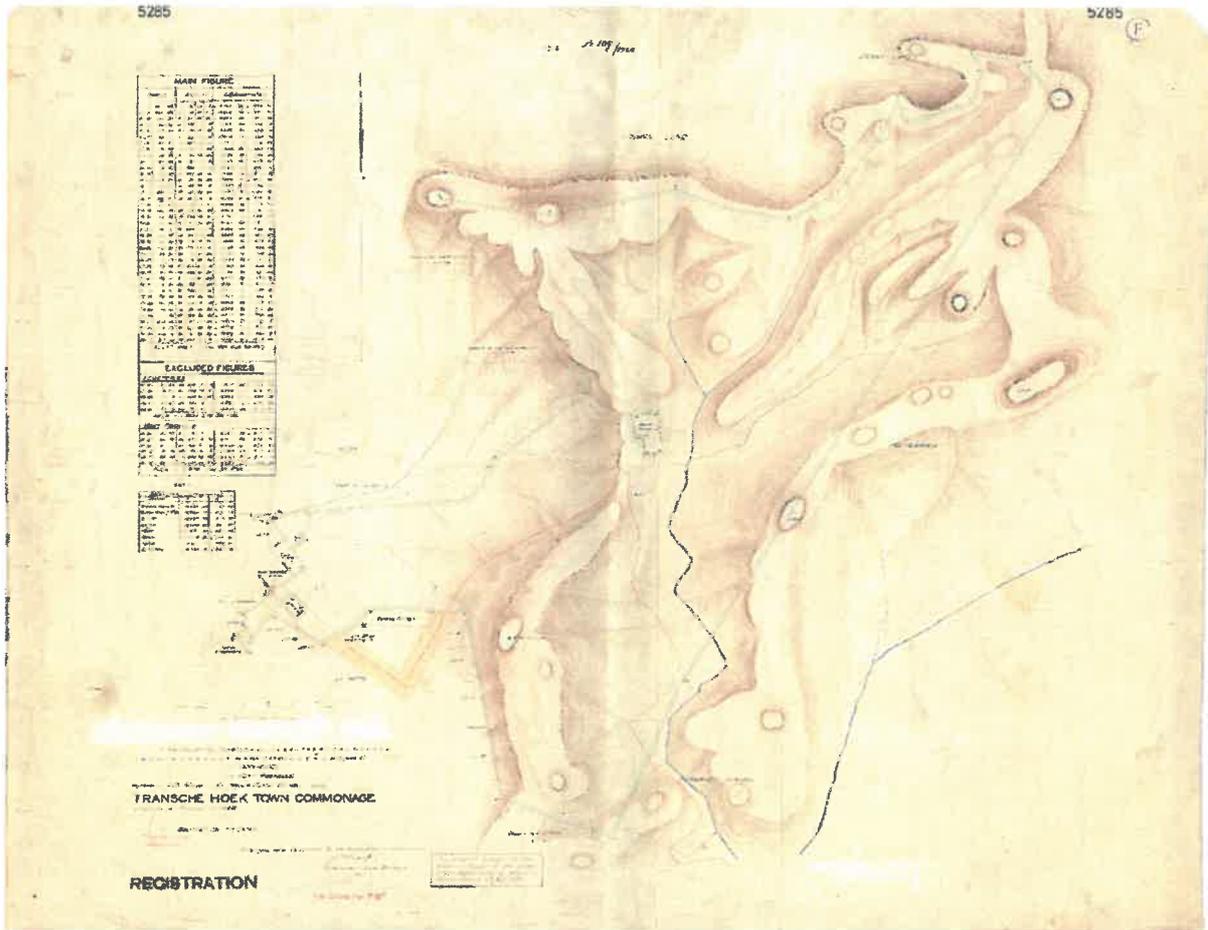
- A. TITLE DEED INFORMATION
- B. S.G. DIAGRAM
- C. PHOTOGRAPHS OF THE SUBJECT PROPERTY

ANNEXURES:

A. TITLE DEED INFORMATION

Deeds Office Property		Printed: 2019/10/22 11:40
FRANSCHHOEK, 23, 0 (REMAINING EXTENT) (CAPE TOWN)		windeed A LexisNexis® Product
GENERAL INFORMATION		
Deeds Office	CAPE TOWN	
Date Requested	2019/10/22 11:39	
Information Source	DEEDS OFFICE	
Reference	-	
PROPERTY INFORMATION		
Property Type	ERF	
Erf Number	23	
Portion Number	0 (REMAINING EXTENT)	
Township	FRANSCHHOEK	
Local Authority	FRANSCHHOEK MUN	
Registration Division	NOT AVAILABLE	
Province	WESTERN CAPE	
Diagram Deed	PLF4-7/1927	
Extent	1628.3467H	
Previous Description	-	
LPI Code	C05500030000002300000	
OWNER INFORMATION		
Owner 1 of 2		
Company Type	LOCAL AUTHORITY	
Name	MUN STELLENBOSCH	
Registration Number		
Title Deed	PLF4-7/1927	
Registration Date	1927/11/17	
Purchase Price (R)	SEC7 16	
Purchase Date	-	
Share		
Microfilm Reference	2007 0761 1348	
Multiple Properties	NO	
Multiple Owners	NO	
Owner 2 of 2		
Company Type	LOCAL AUTHORITY	
Name	MUN STELLENBOSCH	
Registration Number		
Title Deed	T104071/2001	
Registration Date	-	
Purchase Price (R)	TRANSFER BY ENDORSEMENT	
Purchase Date	-	
Share		
Microfilm Reference	2002 0118 3439	
Multiple Properties	NO	
Multiple Owners	NO	

B. S.G. DIAGRAM



C. PHOTOGRAPHS OF THE SUBJECT PROPERTY



End of report

7.2.4	AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH
--------------	--

Collaborator No: 668897
IDP KPA Ref No: Good Governance
Meeting Date: 20 November 2019

1. SUBJECT:PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH

2. PURPOSE

To obtain Council's approval to amend the Lease Agreement between Stellenbosch Municipality and Karlien and Kandas crèche in regard to erven 12758 and 12759, Stellenbosch.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality took over a Lease Agreement between Karlien en Kandas Creche and the Dutch Reform church when the properties (erven 12758 and 12759) were transferred to Stellenbosch Municipality in 2001. This agreement was for an undetermined period, and had an early termination clause (6 months). This Agreement was replaced with a new Lease Agreement in 2004, also for an undetermined period (**APPENDIX 3**).

It is recommended that a the current lease agreement be amended to provide for a change to the time period for the lease from an undefined period to a period of 9 years and 11 months, based on a monthly rental of 50% of market rental, to be determined by an independent valuer. The change can only be implemented with the agreement of the lessee as rights are in existence in terms of the current agreement's term. The Lessee has indicated that they will accept the change in the lease period. The nature of the business of the crèche requires that they get at least 12 months' notice to ensure that the children are accommodated should they need to move out of the current facility.

5. RECOMMENDATIONS

- (a) that it be confirmed that erven 12758 and 12759 was identified as land not needed for municipal purposed for the period for which the rights are awarded;
- (b) that Council note that a current lease agreement with the Lessee exists;
- (c) that Council approves the amended period of 9 years and 11 months for the Lease Agreement concluded with Karlien en Kandas, based on the following conditions:
 - i) Monthly rental: 50% of market value, to be determined by an independent valuer, as contemplated in par 22.1.4 of the Property Management Policy;
 - ii) Annual escalation: 6%;
 - iii) Early termination clause of 12 months written notice, should the property be required for municipal purposes.

- (d) that the public comments/objections be requested and if no objections or comments are received the Municipal Manager be mandated to sign the addendum to indicate the changes; and
- (e) that the lessee is responsible for the costs of the rezoning of the property. Should the rezoning not be approved the lease agreement will have to be terminated.

6. DISCUSSION / CONTENT

6.1 Background

6.2.1 Acquisition of properties

Erven 12758 and 12759 were acquired by Stellenbosch Municipality by virtue of an Exchange of Land Agreement concluded between Stellenbosch Municipality and the Dutch Reform Church in May 1993.

6.2.2 Ownership

The properties were transferred to Stellenbosch Municipality on 2001.01.23 and now vests with the Municipality by virtue of Title Deed T4375/2001. Copies of the Deeds Records are attached as **APPENDIX 1**.

6.2.3 Lease Agreement

At the time of acquiring the properties from the Dutch Reform Church: Welgelegen a Lease Agreement was in place between then and Karlien and Kandas (Mrs. Vlok). The agreement was for an undetermined period, but with a 6 months early termination clause. A copy of the Lease Agreement is attached as **APPENDIX 2**.

In terms of the legal principle "huur gaan voor koop", this lease agreement was taken over by Stellenbosch Municipality. The rental at the time was R100/month.

6.2.4 New Lease Agreement

On 2004.08.08 a new Lease Agreement was concluded in to make the monthly rental more market related. Correspondence and a copy of the Lease Agreement is attached as **APPENDIX 3**. In terms of the new Lease Agreement a monthly rental of R340-00 was payable, with an annual escalation of 10%. The term of the agreement was for an undetermined period.

6.2.5 Request for further amendment of Lease Agreement

On 2019.07.11 the Director: Corporate Services addressed a memo to the Manager: Property Management requesting some information in regard to the Lease Agreement. A copy of the memo is attached as **APPENDIX 4**.

6.3 DISCUSSION

6.3.1 Location and context

Erven 12758 and 12759 are situated in Rhodestreet, as shown on Fig 1 and 2, below.



Fig 1: Location and context: Erven 12758/9



Fig 2: Extent of property

6.3.2 Ownership

As was indicated above, ownership of the properties vests with Stellenbosch Municipality.

6.3.3 Zoning

Although it was a condition of the Exchange of Land Agreement that the properties were to be rezoned, and although the Municipality started the process of rezoning (see notices published on 1996.05.10 hereto attached as **APPENDIX 5**), the properties were never formally rezoned from single residential to educational/institutional purposes to allow for a crèche to be operated. The properties are still zoned for single residential use. See copy of zoning certificate issued on 2009-09-01, hereto attached as **APPENDIX 6**.

6.3.4 Current rental payable

The current monthly rental amounts to R1796.61. Over and above the monthly rental, the crèche is also liable for annual levies in relation to sewer and refuse removals as well as services consumed.

6.3 Financial Implications

Should Council approve the recommendations, a new monthly rental (at 50% of market rental) will be determined.

6.4 Legal Implications

6.4.1 Asset Transfer Regulation

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

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

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

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

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

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

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

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

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

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

6.4.2 Policy on the Management of Council owned property

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

One of the circumstances listed in (l) is lease contracts with existing tenants of immovable properties, not exceeding ten (10) years. Seeing that the crèche offers a service to the community, albeit at a fee, it is recommended that Council approve a Lease Agreement on a private treaty basis, i.e. direct negotiations. It is further recommended that the rental be determined at 50% of market rental.

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

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

This report has no risks for the Municipality.

6.8 Comments from Senior Management

None requested.

ANNEXURES:

- Appendix 1: Windeed Records**
- Appendix 2: Lease Agreement**
- Appendix 3: New Lease Agreement**
- Appendix 4: Memo from DCS**
- Appendix 5: Notices that were published**
- Appendix 6: Zoning Certificate**

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-09-17

APPENDIX 1

WinDeed Database Deeds Office Property

STELLENBOSCH, 12759, 0 (CAPE TOWN)

**GENERAL INFORMATION**

Date Requested 2019/09/16 12:40
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -

PROPERTY INFORMATION

Property Type ERF
Erf Number 12759
Portion Number 0
Township STELLENBOSCH
Local Authority STELLENBOSCH MUN
Registration Division NOT AVAILABLE
Province WESTERN CAPE
Diagram Deed T4375/2001
Extent 720.0000SQM
Previous Description PTN OF 5339-GP709/94
LPI Code C06700220001275900000

OWNER INFORMATION**Owner 1 of 1**

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T4375/2001
Registration Date 2001/01/23
Purchase Price (R) EXCHANGE *
Purchase Date -
Share 0.00
Microfilm 2001 0105 2173
Multiple Properties YES
Multiple Owners NO

ENDORSEMENTS

No documents to display

HISTORIC DOCUMENTS (1)

#	Document	Owner	Amount (R)	Microfilm
1	T20474/1985	NED GER KERK-WELGELEGEN	210,000	2001 0105 2166

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APPENDIX 2

REPUBLIEK SUID-AFRIKA
INKOMSTE
2.8.90 NR 803 000,4
REVENUE
CLUSTER MARKOTTERITH AFRICA
Posbus 12
STELLENBOSCH

HUURKONTRAK

OOREENKOMS VAN HUUR AANGEGAAN DEUR EN TUSSEN:

THEUNIS JACOBUS BOTHA

in sy hoedanigheid as Leraar en Gevolmagtigde van die Kerkraad van die
NEDERDUITSE GEREFORMEERDE KERK STELLENBOSCH-WELGELEGEN
Gemeente

behoorlik daartoe gemagtig deur 'n Besluit van die Kerkraad geneem op 'n
vergadering gehou te STELLENBOSCH op die 4de Februarie 1986
~~1990~~

van: Posbus 7036
Dalsig
STELLENBOSCH
Telefoon 5975

(hierna die VERHUURDER genoem)

en

MARICHEN CORENE VLOK
(Identiteitsnommer 530305 0045 00 7)

Getroud buite gemeenskap van goedere

van: Coronatastraat 31
Paradyskloof
STELLENBOSCH
7600

Telefoon 900077

(hierna die HUURDER genoem)

Now draw 12 758 209

-2-

1. Die VERHUURDER verhuur hiermee en die HUURDER huur hiermee:

Sodanige gedeelte van Erf 5339 STELLENBOSCH geleë op die hoek van Van Rheedestraat en Rhodeslaan, Die Boord, Stellenbosch,

soos deur die VERHUURDER aan HUURDER uitgewys.

2. Die aanvanklike huurtermyn sal in aanvang neem op 23 Maart 1990 en sal eindig op 22 Maart 1991. Na verstryking van die aanvanklike huurtermyn sal die huurkontrak voortduur vir 'n onbepaalde tydperk onderworpe aan 6 (SES) maande wedersydse skriftelike opsegging van huur.
3. Die huurgeld vir die periode 23 Maart 1990 tot en met 22 Maart 1991 sal R100.00 (EEN HONDERD RAND) per maand wees, welke huurgeld maandeliks vooruit voor of op die eerste dag van iedere en elke maand aan die VERHUURDER betaal sal word by die Kerkkantoor te Welgelegen Kerkentrum, Binnekringweg, Stellenbosch of te sodanige ander plek as wat die VERHUURDER die HUURDER van tyd tot tyd skriftelik in kennis mag stel. Die huurgeld vir enige verdere gedeelte van die verdere huurtermyn na verstryking van die aanvanklike huurtermyn sal van tyd tot tyd tussen die VERHUURDER en die HUURDER ooreengekom word.
4. Die uitsluitlike en enigste gebruik waarvoor die verhuurde perseel aangewend mag word, is vir die oprigting en bedryf van 'n Kleuterbewaarskool deur die HUURDER op sy kostes en wel onderworpe aan die volgende voorwaardes:-
 - 4.1 Die afwykende gebruik van Erf 5339 vir doeleindes van 'n Kleuterbewaarskool sal gedig wees so lank dit die Raad van die Munisipaliteit van Stellenbosch behaag;
 - 4.2 Die vereistes soos gestel deur die Hoof Gesondheidsbeampte van die Raad van die Munisipaliteit van Stellenbosch moet deur die HUURDER nagekom word;

MAW

-3-

- 4.3 Die VERHUURDER sal aanspreeklik wees vir betaling van die belasting en dienstariewe soos geheg deur die Plaaslike Owerheid ten opsigte van die grond alleen van daardie gedeelte van Erf 5339 wat nie deur die HUURDER in beslag geneem word ingevolge die bepalings van hierdie huurkontrak nie, terwyl die HUURDER aanspreeklik sal wees vir betaling van daardie gedeelte van die belastings en diensgelde soos gehef deur die Plaaslike Owerheid op die gebou opgerig op Erf 5339 asook enige verhoogde diensgelde weens ingebruikneming van toilet fasiliteite asook ten opsigte van 'n pro rata gedeelte van die belastings gehef deur die Plaaslike Owerheid ten opsigte van die grond soos geokkupeer deur die HUURDER ingevolge die bepalings van hierdie huurkontrak. 'n Sertifikaat uitgereik deur die VERHUURDER sal afdoende bewys wees van die gedeelte van die belastings verskuldig deur die HUURDER en sal op aanvraag deur die HUURDER aan die VERHUURDER betaal word;
- 4.4 Slegs een ingang tot die Kleuterbewaarskool en wel vanaf Rhodestraat sal toegelaat word;
- 4.5 Die gebou moet te alle tye op die Suidwestelike gedeelte van Erf 5339 geplaas wees;
- 4.6 Die gebou moet te alle tye van 'n geverfde Everite dakbedekking (Core-of-Spantyle) wees.
5. Die VERHUURDER sal geregtig wees op die gratis gebruik van die gebou opgerig op die verhuurde perseel gedurende Sondag vir Kerklike fasiliteite.
6. Die HUURDER vrywaar hiermee die VERHUURDER teen enige eise vir skade of beserings wat enige iemand mag opdoen as gevolg van ongelukke op die verhuurde perseel.
7. Geen openbare veiling sal op die eiendom gehou word nie.
8. Geen honde, katte, voëls of ander troeteldiere van enige aard mag op die perseel of enige gedeelte daarvan aangehou word sonder die toestemming van die VERHUURDER nie.



Handwritten signature and initials, possibly 'MCS' or similar, located in the bottom right corner of the page.

-4-

9. Die HURDER sal verplig wees om by verstryking van die huurkontrak die gemelde voorafvervaardigde gebou op eie koste te verwyder en die verhuurde perseel terug te plaas in die toestand waarin dit was ten tyde van die aanvang van die huurkontrak.
10. Die HURDER verleen hiermee aan die VERHUURDER die reg om alle verbeterings op die verhuurder perseel soos aangebring deur die HURDER oor te neem by verstryking van die huurtermyn teen 'n vergoeding ooreengekom te word tussen die HURDER en die VERHUURDER onderling.
11. Die HURDER onderneem hiermee om daardie gedeelte van Erf 5339 wat beslaan word deur die gemelde voorafvervaardigde gebou, asook daardie gedeelte wat die gebou omring soos uitgewys deur die VERHUURDER aan die HURDER, behoorlik te omhein en te alle tye in 'n goeie toestand van onderhoud en netheid te hou.
12. Geen persone of persone sal sonder die skriftelike toestemming van die VERHUURDER toegelaat word om op die verhuurde perseel te oornag nie.
13. Die HURDER onderneem om op aanvraag aan die Prokeurs CLUVER & MARKOTTER te betaal die seëlbelasting asook die koste van en in verband met die opstel, konsultasies, telefoonoproepe en verlyding van hierdie kontrak.
14. Indien die HURDER nalaat om die huurgeld of enige gedeelte daarvan stiptelik op die betaaldatum te betaal of by die verbreking van enige voorwaarde van hierdie huurkontrak, sal die VERHUURDER geregtig wees om hierdie ooreenkoms dadelik te kanselleer en besit te neem van die eiendom sonder om afbreuk te doen aan die VERHUURDER se reg om 'n eis in te stel teen die HURDER vir agterstallige huurgeld of vir vergoeding van enige skade deur die VERHUURDER gely weens die beëindiging van die huurkontrak.

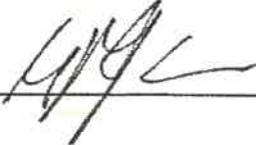


Handwritten signature and initials, possibly 'MCS' or similar, located at the bottom right of the page.

-5-

ALDUS gedoen en geteken te STELLENBOSCH op hierdie _____ dag
van _____ 1990 in die teenwoordigheid van die ondergetekende getuies.

AS GETUIES:-

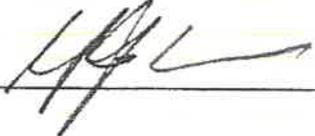
1.  _____



VERHUURDER

2. _____

ALDUS gedoen en geteken te STELLENBOSCH op hierdie _____ dag
van _____ 1990 in die teenwoordigheid van die ondergetekende getuies.

1.  _____



HUURDER

2. _____

APPENDIX 3

oppv = 1487 m²
grondw = R390 000
= R262 / m²

2003.06.09

7/1/2/17 (ASS)

2003-06-09



MEMO AAN

DIREKTEUR: BEPLANNING EN EKONOMIESE ONTWIKKELINGSDIENSTE

VERHURING VAN RAADSEIENDOM AAN KARLIEN EN KANDAS

Die Raad verhuur Erwe 12758 en 12759 aan Karlien en Kandas Pre-primêre Skool vir 'n onbepaalde tyd vir R100,00 per maand.

Hierdie aangeleentheid spruit voort uit die onderverdeling en verkoop van erwe in die Boord. Die eiendom was eers in besit van die NG Kerk Stellenbosch Welgelegen maar is geruil vir ander grond in Paradyskloof.

Terwyl die kerk die grond besit het, is Karlien en Kandas daar gevestig en met die ruiltransaksie het die betrokke 2 erwe die Raad se eiendom geraak.

Ondersoek is gedoen na die verskuiwing van Karlien en Kandas maar tot op hede het dit nog nie 'n werklikheid geword nie.

Ek is van mening dat die verhuring van die erwe vir R100,00 per maand glad nie realities is nie.

Het jy enige voorstelle in hierdie geval ?

Dankie.

n DIREKTEUR: KORPORATIEWE DIENSTE

767 m²
R170 000 - grond
265 000 - verbit.

TIK4: 9FVERHURING/JJK/JS

12759.

R220 000 - per. 14/17
grond = R390 000
265 000
655 000

(720 m²)
767
1487

Evakke. L 18/6

Kommunikasie R15.00



MEMO

2003.07.09

'N GELEENTHEID • AN OPPORTUNITY • 'ITHUBA

12758

Datum / Date: 2003/07/09

AAN / TO: N. Kruger
 Departement / Department: Konsultante Dienste
 VAN / FROM: P. vd Merwe
 Departement / Department: R+ LCD
 ONDERWERP / SUBJECT: Erwe 1278 + 12754: Kubei + Kandeio - Huis

Kubei
 Ek stem saam dat die bedrag van R100 p/m nie realisties is nie. Ek stel die vly. voor:

Mensipale maatskappij: Erf 12758 -- R170000
 12759 -- R220000
 R390000

Totaal erfoppervlakte: 1487 m²

⇒ Nuwe 1 m² = R262 per m²

Rif. maatskappij is vir jou 2000 geboer. Ek dink dat 10% p.j. bygesit moet word. Ek oop dus reken dat 'n bedrag van R340 per maand gesa kan word.

Ek vertrou u vind by 'n orde.

Kruis

Ber
 AM.

MEMORANDUM VAN OOREENKOMS

AANGEGAAN DEUR EN TUSSEN
STELLENBOSCH MUNISIPALITEIT

hierin verteenwoordig deur die DIREKTEUR: KORPORATIEWE DIENSTE

(hierna die "EIENAAR" genoem)

EN

KARLIEN EN KANDAS

(in haar hoedanigheid as EIENAAR genoem)

hierin verteenwoordig deur MEV M VLOK

(hierna die "OKKUPEERDER" genoem)

NADEMAAL die EIENAAR die erwe waarop die KARLIEN EN KANDAS SPEELSKOOL geleë is besit, soos duidelik aangetoon op die aangehegte sketsplan, naamlik Erwe 12758 en 12759.

EN .

NADEMAAL die OKKUPEERDER begerig is om die eiendom, soos aangetoon op dieselfde aangehegte sketsplan, te gebruik, kom die EIENAAR en die OKKUPEERDER soos volg ooreen:

1. Die EIENAAR verskaf en die OKKUPEERDER benut hiermee die eiendom, geleë in Rhodesstraat in die Afdeling en Munisipaliteit Stellenbosch, soos gemerk op die kaart hierby aangeheg as AANHANGSEL 1.

(hierna genoem die "VERHUURDE EIENDOM")

1.

J. M. Burger
P. Vlok

- 2.1 Die gebruik van die VERHUURDE EIENDOM tree op 2004-04-01 in werking en loop vir solank dit die EIENAAR behaag.
3. Die OKKUPÉERDER onderneem om die VERHUURDE EIENDOM slegs te gebruik vir die doel van speelskool.
- 4.1 Die OKKUPÉERDER betaal 'n huurgeld van R340,00 (DRIEHONDERD EN VEERTIG RAND) per maand aan die EIENAAR, welke bedrag jaarliks op 1 Julie met 10% opwaarts aangepas sal word.
- 4.2 Die OKKUPÉERDER sal verantwoordelik wees vir heffings ten opsigte van water- en elektrisiteitsverbruik asook die normale heffings ten opsigte van vuilnisverwydering en riolering.
5. Die OKKUPÉERDER onderneem om alle strukturele veranderinge aan die binnekant van die gebou wat hy benut en vir sy eie doeleindes nodig ag, op sy eie koste aan te bring, met dien verstande dat alle planne en spesifikasie daarvoor eers deur die EIENAAR goedgekeur moet word.
6. Die EIENAAR is by die beëindiging van hierdie kontrak nie gebonde om enige vergoeding aan die OKKUPÉERDER te betaal vir enige verbeterings wat, hetsy met of sonder die EIENAAR se goedkeuring, deur die OKKUPÉERDER aan die VERHUURDE EIENDOM aangebring is nie. Alle verbeteringe wat as vaste toebehore aangebring is sal deur die OKKUPÉERDER op eie koste verwyder word.
7. Die EIENAAR het deur sy behoorlik gemagtigde verteenwoordigers die reg van toegang tot die VERHUURDE EIENDOM te alle redelike tye met die doel om inspeksies uit te voer.

[Handwritten signature]
[Handwritten signature]
M Burger
Dwyk

8. Die OKKUPPEERDER is verantwoordelik vir alle instandhoudingswerk aan die gebou wat hy gebruik en onderneem om die gebou en VERHUURDE EIENDOM in 'n netjiese en sindelike toestand te hou.
9. Die EIENAAR aanvaar geen verantwoordelikheid vir skade aan enige ameublement, toerusting of ander goedere wat die OKKUPPEERDER in die gebou bring of huisves nie.
10. Die OKKUPPEERDER vrywaar die EIENAAR teen enige eise van 'n derde party ten opsigte van skade gely, hetsy aan persoon of goedere, wat mag ontstaan as gevolg van hierdie gebruik.
11. Die OKKUPPEERDER onderneem om alle wette en verordeninge wat sy onderneming raak, na te kom.
12. Die OKKUPPEERDER sal verantwoordelik wees vir die nakoming van alle vereistes en voorskrifte in terme van die Wet op Masjinerie en Beroepsveiligheid, 1983, soos gewysig.
13. Indien die OKKUPPEERDER versuim om enige voorwaarde van hierdie ooreenkoms na te kom of indien dit sou blyk dat die onderneming aanstootlik vir die omgewing is of 'n ernstige oorlas skep, het die EIENAAR die reg om hierdie ooreenkoms met kennisgewing van 6 (SES) maande of tot die einde van die betrokke jaar te kanselleer welke ookal die vroegste mag wees.
14. Die OKKUPPEERDER mag nie die VERHUURDE EIENDOM of enige gedeelte daarvan onderverhuur sonder die EIENAAR se toestemming nie.

[Handwritten signature]
Mason
mBurger
D. huyk

GETEKEN TE STELLENBOSCH OP HIERDIE 8 DAG VAN Augustus 2004 IN
DIE AANWESIGHEID VAN DIE ONDERGETEKENDE GETUIES:

AS GETUIES

1. [Handwritten Signature]

[Handwritten Signature]

DIREKTEUR: KORPORATIEWE DIENSTE

2. _____

GETEKEN TE STELLENBOSCH OP HIERDIE 8 DAG VAN Augustus 2004 IN
DIE AANWESIGHEID VAN DIE ONDERGETEKENDE GETUIES:

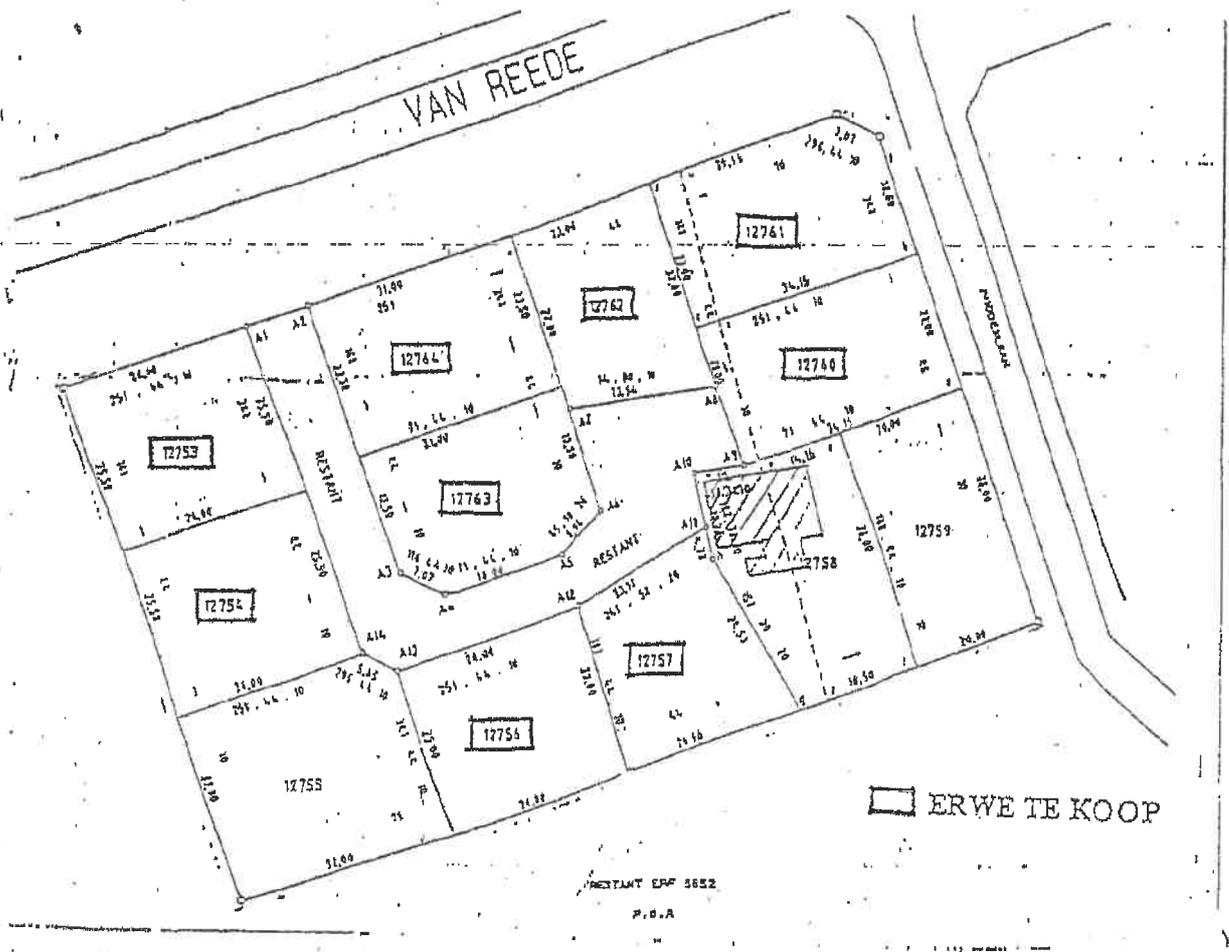
AS GETUIES

1. [Handwritten Signature]

[Handwritten Signature]

OKKUPEERDER

2. [Handwritten Signature]



B

(Handwritten signatures and initials)
 B
 MRS. M

APPENDIX 4



VALUATION REPORT

DETERMINATION OF THE MARKET VALUE OF:

2086 m² PORTION OF ERF 23 FRANSCHHOEK

PAARL REGISTRATION DIVISION

WESTERN CAPE

Client:

STELLENBOSCH MUNICIPALITY

31 October 2019

Compiled by:

Johan Klopper

Professional Valuer

Member of the SA Institute of Valuers

BCom Law (University of Stellenbosch), NDip: Property Valuation (UNISA)



31 October 2019

Mr. Piet Smit
 Stellenbosch Municipality
 Property Management
 Plein Street
 Stellenbosch
 7600

VALUATION CERTIFICATE

I, the undersigned, Johan Klopper, Professional Valuer registered in terms of the Property Valuer's Profession Act, 2000 (Act No 47 of 2000) do hereby certify that I have inspected and valued the following immovable property namely:

2086 m² PORTION OF ERF 23 FRANSCHHOEK, PAARL REGISTRATION DIVISION, in the WESTERN CAPE
--

I consider the market value of the abovementioned property to be as follows:

R 1 460 000	One Million Four Hundred and Sixty Thousand Rand (Excluding VAT)
--------------------	--

As at: **28 October 2019**

Signed at Stellenbosch this 31st day of October 2019.

A handwritten signature in black ink, appearing to read "Johan Klopper", written over a horizontal line.

J. Klopper
 Professional Valuer
 Registration Number: 6372/0

PENDO PROPERTY SERVICES CC T/A PENDO PROPERTY VALUERS
 Reg. No. 2009/230603/23 • VAT Reg. No. 4530269028
 Member: J. Klopper

Verified Level 4 B-BBEE Contributor

Tel: 083 305 3252 • Fax: 086 611 1511 • Email: info@propertyvaluer.co.za • Postal address: PO Box 81, Stellenbosch, 7599

VALUATION REPORT

1. Instructions & Purpose of Valuation

Instructions were received from the Stellenbosch Municipality to determine the fair market value of a 2086 m² portion of Erf 23 Franschhoek, located in the jurisdiction of the Stellenbosch Municipality, Western Cape (hereinafter referred to as the subject property), as at the effective date mentioned in paragraph 3.

The purpose of the valuation is to inform the Stellenbosch Municipality of the market value in light of a possible disposal to the Methodist Church in Franschhoek.

2. Date of Inspection

28 October 2019

3. Effective Date of Valuation

28 October 2019

4. Definition of Market Value

The market value can be defined as the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arms' length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

(International Definition – International Valuation Standards Council)

5. Valuation Methodology

The most appropriate valuation method to determine the market value of the subject property would be the **Comparable Sales Method**: This approach is based on the principle of comparability and substitution. The assumption is that if similar assets in a similar market place have been sold at a particular value, then the comparable asset will also sell at a similar price.

Factors taken into consideration in determining the market value of the subject property include location, size of property, usage and rights of use, potential use, condition, cost, physical position and comparable properties.

6. Restrictive Conditions

Information regarding the subject property and comparable properties was received from local authorities and third parties. This information was received in good faith and it is assumed that the supplied information is correct, but the accuracy thereof is not guaranteed.

We did not undertake a structural survey of each building, nor did we arrange for tests or inspections to be carried out on any of the service installations. This valuation is based on the assumption that the buildings and assets are in a reasonable state of repair and condition, unless expressly stated otherwise in this report.

In this report, the market value and all other values referred to exclude VAT (unless clearly indicated). While taxation can have a considerable influence on the value of the property, we did not take into account the tax consequences that could arise due to past or intended future actions of the present owner.

We did not take into account any possible contamination of the subject property as a result of an environmental incident, nor did we examine the cost of any remedial measures involved.

The property is valued wholly owned, with no account being taken of monies due in respect of mortgage bonds, liens, loans or other charges.

Neither all nor any part of this report shall be conveyed to the public or anybody other than the addressee or their principles through advertising, public relations, news sales or any other media without the written consent of the author.

The valuer was specifically instructed to value the subject property as vacant land, excluding all improvements which were erected by the proposed purchaser (Methodist Church). This valuation was performed for market value purposes in light of negotiations with the Methodist Church regarding a possible sale of the subject property, and should not be used for any other purpose.

7. Title Deed Information

Description:	ERF 23 FRANSCHHOEK, PAARL REGISTRATION DIVISION, WESTERN CAPE	
Extent:	1628.3467 Ha	
Title Deed number:	Held by PLF4-7/1927 & T104071/2001	(Refer to Annexure A)
Registered owner:	STELLENBOSCH MUNICIPALITY	
Registration date:	1927/11/17	
Endorsements / Conditions:	None noted that materially affect the market value of the subject property.	
S.G. Diagram:	S.G. No. B107/1926	(Refer to Annexure B)
LPI Code:	C05500030000002300000	

8. Local Government Information

Local Authority	Stellenbosch Municipality
Zoning / Usage	The portion to be valued is zoned for Institutional Use.
Municipal Valuation (GV2017)	R 20 384 000 (Whole property)

9. Physical Characteristics

9.1 Location

The subject property is located on the corner of Lambrechts and Bagatelle Streets on the southern periphery of Franschoek. The immediate vicinity is characterised along low, medium and higher density residential development. See Aerial Photograph below indicating the location of the subject property.



9.2 Site

The subject property represents a square shaped tract of land of approximately 2086 m² that forms part of Erf 23 Franschoek. The site appears to be fully serviced, and is relatively level, but slopes down slightly in a northerly direction. The site is improved by buildings constructed by the Methodist Church and were subsequently ignored for the purpose of this valuation. Refer to aerial photograph below and **Annexure C** for photographs of the subject property.



10. Highest and Best Use

Highest and Best Use is defined under the International Valuation Standards (IVSC) as “The most probable use of an asset which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the asset being valued”.

The subject property represents an Institutional Zone tract of land utilised as a church. The immediate vicinity is characterised by medium density residential erven. Given the location, the subject property would be in high demand for future development purposes. Notwithstanding the current zoning, the valuer considers residential development as the highest and best use of the subject property.

The subject property will therefore be valued accordingly, bearing in mind the demand for this type of property in this node, and sales of properties with similar potentialities.

11. Market Information

11.1 Comparable Sales

We liaised with the Cape Town Deeds Office to determine the recent sales and transfers in the direct vicinity of the subject property. Comparisons were then made in terms of size and quality of improvements, as well as size, utilisation and potential of the land and date of sale, after which the necessary adjustments were made.

The following transactions of properties sold in relative close proximity to the subject property give an indication of land values of agricultural units in the area and serve as good comparisons in determining the current market value of the subject property:

NO	DESCRIPTION	SALES DATE	SALES PRICE (EX VAT)	TITLE DEED NO	SIZE (m ²)	R/ m ²
1	Erf 579 Franschoek	2018/08/15	R 15 000 000	T59649/2018	25695	R 584
2	Erf 2865 Franschoek	2017/11/21	R 3 000 000	T3673/2018	1539	R 1 949
3	Erf 2726 Franschoek	2016/09/01	R 5 000 000	T76286/2016	5723	R 874
4	Erf 614 Franschoek	2016/05/09	R 1 850 000	T63324/2016	1249	R 1 481
5	Erf 1468 Franschoek	2016/02/18	R 4 000 000	T28502/2016	8153	R 491

SALE 1: Erf 579 Franschoek	
Land size	25695 m ²
Purchase Date	2018/08/15
Purchase Price	R 15 000 000 (R 584 / m ²)
Comments	This site is located directly adjacent to the subject property. At the date of sale it represented a Religion (Public Worship) zoned tract of land, similar to the subject property. An application was subsequently submitted for the rezoning to subdivisional area for 56 group housing units. This sale serves as an excellent indication of the market rate to be applied to the subject property due to the identical zoning and potentialities.
	

SALE 2: Erf 2865 Franschoek	
Land size	1539 m ²
Purchase Date	2017/11/21
Purchase Price	R 3 000 000 (R 1 949 / m ²)
Comments	This vacant tract of residential land is located in the immediate vicinity of the subject property. It offers a superior zoning which suggests that a downward adjustment would be justified in the land rate to be applied to the subject property.
	

SALE 3: Erf 2726 Franschoek	
Land size	5723 m ²
Purchase Date	2016/09/01
Purchase Price	R 5 000 000 (R 874 / m ²)
Comments	This property is located in relative close proximity to the subject property. At the date of sale it offered a General business zoning, which was rezoned to General Residential in August 2017. This sale is therefore considered indicative of the land rate to be applied to the subject property but a downward adjustment would be justified for the subject property due to zoning in place at the date of sale.
	

SALE 4: Erf 614 Franschoek	
Land size	1249 m ²
Purchase Date	2016/05/09
Purchase Price	R 1 850 000 (R 1 481 / m ²)
Comments	This vacant tract of residential land is located in close proximity to the subject property. It offers a superior zoning which suggests that a downward adjustment would be justified in the land rate to be applied to the subject property.
	

SALE 5: Erf 1468 Franschoek	
Land size	0.8153 Ha
Purchase Date	2016/02/18
Purchase Price	R 4 000 000 (R 491 / m ²)
Comments	This similar sized tract of agricultural land is located adjacent to Franschoek. The location is considered similar to the subject property which suggests that this sale serves as a good indication of the market value of the subject property. An upward adjustment for the efflux of time would however be justified.
	

11.2 Conclusion on comparable sales

The sales generally point to a market range of R 491 / m² to R 1 950 / m². Sales 1 and 3 are however considered the most comparable and suggest a market range for the subject property of R 584 / m² to R 874 / m². Sale 1 is the most recent transaction and serves as the best indication of the rate to be applied to the subject property, but is considerably bigger which suggests that an upward adjustment would be justified for the subject property.

After analysis of the listed sales and the necessary adjustments were made, with specific note taken of the location, utility and land size, the valuer determined the market rate for the subject property, as at 28 October 2019, to be R 700 / m².

12. Valuation of Subject Property

Based on the land rate determined in paragraph 11.2 above, the market value of the subject property can be calculated as follows:

Description	Size (m ²)	Market rate	Value	Rounded Market Value
Vacant land	2086 m ²	R 700 / m ²	R 1 460 200	R 1 460 000

The market value is therefore estimated to be R 1 460 000, which is considered in keeping with the market, bearing in mind the location, size and potentialities of the subject property.

13. Declaration

I, Johan Klopper a registered Professional Valuer, declare that I have inspected the above property and that I have conducted this valuation assignment to the best of my knowledge and skills. I have no present or contemplated interest in this property, and accordingly certify that this valuation was undertaken on a completely independent basis.

As a result of my inspection, research and evaluation it is my opinion that the fair market value of the 2086 m² portion of ERF 23 FRANSCHHOEK, PAARL REGISTRATION DIVISION, WESTERN CAPE, on 28 October 2019, amounts to:

R 1 460 000 (ONE MILLION FOUR HUNDRED AND SIXTY THOUSAND RAND)

Signed at STELLENBOSCH on this the 31st day of October 2019.



J. Klopper

Professional Valuer (Reg. No. 6372/0)
Member of the SA Institute of Valuers
BCoOp (Law); NDip (Property Valuation)

ANNEXURES:

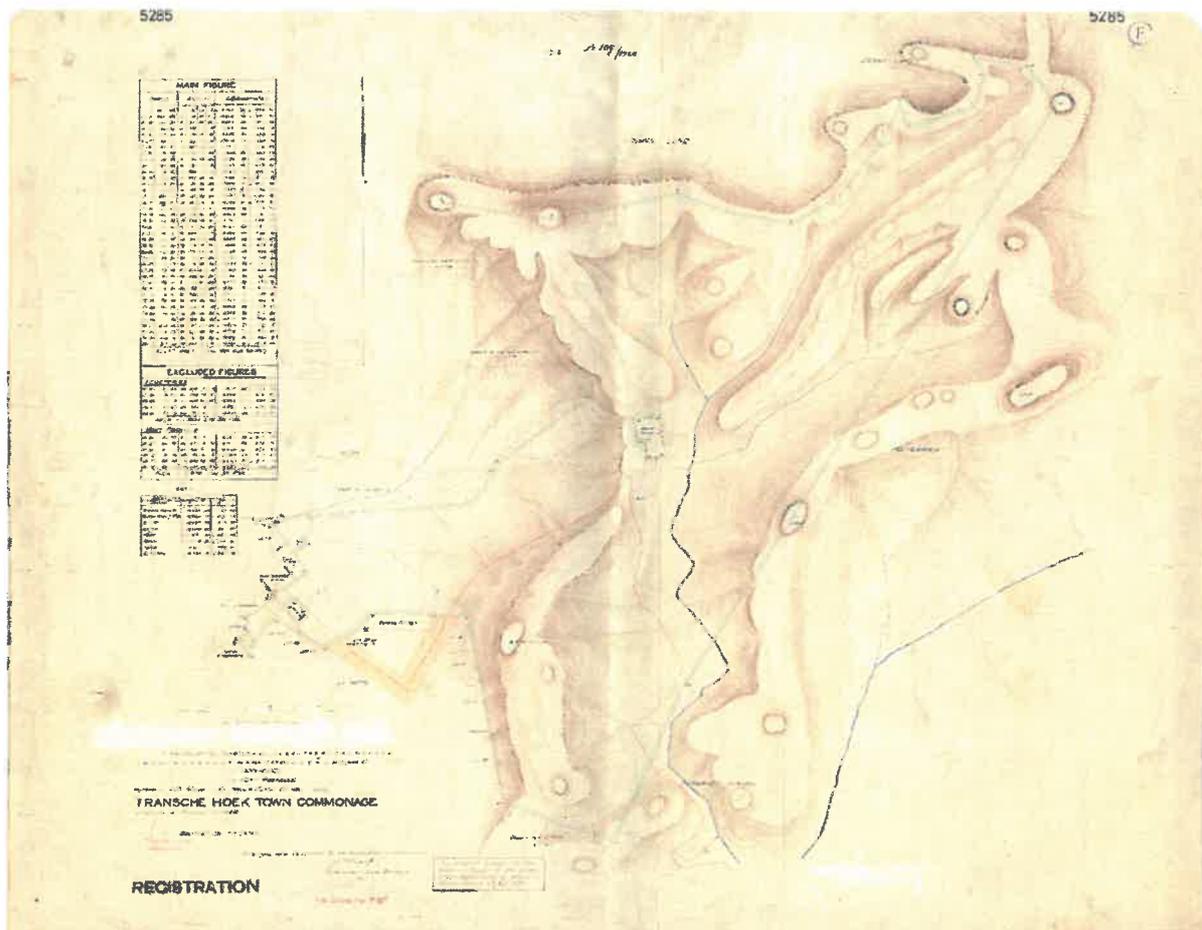
- A. TITLE DEED INFORMATION
- B. S.G. DIAGRAM
- C. PHOTOGRAPHS OF THE SUBJECT PROPERTY

ANNEXURES:

A. TITLE DEED INFORMATION

Deeds Office Property		Printed: 2019/10/22 11:40
		windeed A LexisNexis® Product
FRANSCHHOEK, 23, 0 (REMAINING EXTENT) (CAPE TOWN)		
GENERAL INFORMATION		
Deeds Office	CAPE TOWN	
Date Requested	2019/10/22 11:39	
Information Source	DEEDS OFFICE	
Reference	-	
PROPERTY INFORMATION		
Property Type	ERF	
Erf Number	23	
Portion Number	0 (REMAINING EXTENT)	
Township	FRANSCHHOEK	
Local Authority	FRANSCHHOEK MUN	
Registration Division	NOT AVAILABLE	
Province	WESTERN CAPE	
Diagram Deed	PLF4-7/1927	
Extent	1628.3467H	
Previous Description	-	
LPI Code	C05500030000002300000	
OWNER INFORMATION		
Owner 1 of 2		
Company Type	LOCAL AUTHORITY	
Name	MUN STELLENBOSCH	
Registration Number		
Title Deed	PLF4-7/1927	
Registration Date	1927/11/17	
Purchase Price (R)	SEC7 16	
Purchase Date	-	
Share		
Microfilm Reference	2007 0761 1348	
Multiple Properties	NO	
Multiple Owners	NO	
Owner 2 of 2		
Company Type	LOCAL AUTHORITY	
Name	MUN STELLENBOSCH	
Registration Number		
Title Deed	T104071/2001	
Registration Date	-	
Purchase Price (R)	TRANSFER BY ENDORSEMENT	
Purchase Date	-	
Share		
Microfilm Reference	2002 0118 3439	
Multiple Properties	NO	
Multiple Owners	NO	

B. S.G. DIAGRAM



C. PHOTOGRAPHS OF THE SUBJECT PROPERTY



End of report

APPENDIX 5

Embodiment 10/5/96.

14

14/3/2/1
→ REF 12758
12759

**MUNISIPALITEIT
STELLENBOSCH
WYSIGING VAN
SONERINGSKEMA
HERSONERING
VAN ERWE 12758
EN 12759, GELEË
TE LAETITIA 9 EN
RHODESLAAN
NOORD 5, DIE
BOORD**

Kennis geskied hiermee ingevolge artikel 17(2)(a) van Ordonnansie 15 van 1985 dat die Stadsraad van voorneme is om erwe 12758 en 12759 vanaf enkelbewoning na onderwysinrigtingdoeleindes (beperk tot 'n kinderbewaarskool te hersoneer. Verdere besonderhede is gedurende kantoorure by die kantoor van die Hoofstadsbeplanner, Departement Beplanning en Ontwikkeling, Stadshuis, Pleinstraat, Stellenbosch beskikbaar en enige kommentaar kan skriftelik, maar nie later nie as 1996-05-31 by die ondergetekende ingedien word. Uitgerende Hoofstadsklerk
Kennisgewing nr 44 gedateer 1996-05-10.

**STELLENBOSCH MUNICIPALITY
AMENDMENT TO ZONING SCHEME
REZONING OF ERVEN 12758 AND
12759, SITUATE AT 9 LAETITIA AND
5 RHODES AVENUE NORTH, DIE
BOORD**

Notice is hereby given in terms of section 17(2)(a) of Ordinance no 15 of 1985 that the Town Council received an application for the rezoning of erven 12758 en 12759 from single residential to educational institution purposes (limited to a crèche). Further particulars are available at the office of the Chief Town Planner, Department of Planning and Development, Town Hall, Plein Street, Stellenbosch during office hours and any comments may be lodged in writing with the undersigned, but not later than 1996-05-31.
Chief Executive/Town Clerk
Notice no 44 dated 1996-05-10.

APPENDIX 6



1 September 2009

Our Ref : 12758
Contact per : C Alexander
Contact no : (021) 808 8656

ZONING CERTIFICATE – ERF 12758, STELLENBOSCH

It is hereby certified that the zoning of Erf 12758, Stellenbosch in terms of the Zoning Scheme Regulations of Stellenbosch is:

Single Residential

NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT
(2)	(3)
Dwelling house Hothouse	Additional dwelling unit Day-care centre limited to 15 children Guest house Breeding of dogs Use of a minor portion of a dwelling house for social, religious or occupational purposes or for a home-enterprise. Accommodation of additional persons

Department: Planning & Development Services
ZD/ca

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

NONE

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

NONE

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
7.5.1	SECTION 78(2) DECISION ON EXPLORING IN GREATER DETAIL THE ALTERNATIVE MECHANISMS TO ESTABLISH A PUBLIC TRANSPORT SERVICE FOR STELLENBOSCH

Collaborator No: 642473
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 20 November 2019

1. SUBJECT: SECTION 78(2) DECISION ON EXPLORING IN GREATER DETAIL THE ALTERNATIVE MECHANISMS TO ESTABLISH A PUBLIC TRANSPORT SERVICE FOR STELLENBOSCH

2. PURPOSE

Council to adopt the Section 78(1) Report in terms of the Municipal Systems Act (Act No 32 of 2000) to investigate in greater detail the alternative service delivery mechanism for the implementation of a Public Transport Service for Stellenbosch

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

Sec 78. Criteria and process for deciding on mechanisms to provide municipal services.

(1) When a municipality has in terms of section 77 to decide on a mechanism to provide a municipal service in the municipality or a part of the municipality, or to review any existing mechanism—

(a) it must first assess—

(i) the direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health well-being and safety;

(ii) the municipality's capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76 (a);

(iii) the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);

(iv) the likely impact on development, job creation and employment patterns in the municipality, and (v) the views of organised labour; and

(b) it may take into account any developing trends in the sustainable provision of municipal services generally.

(2) After having applied subsection (1), a municipality may—

(a) decide on an appropriate internal mechanism to provide the service; or

(b) before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b). The process is an evaluation that must in terms of the Municipal Systems Act (Act 32 of 2000), Section 78 be adopted by Municipal Council.

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality Comprehensive Integrated Transport Plan (CITP) for the period 2016 – 2020 identified the need for improved public transport services for the Municipality. Our vision for transport as reflected in the CITP is “**A sustainable transport system that provides for the basic mobility needs of individuals, supports a vibrant economy and operates seamlessly within and across the municipal boundaries**”.

The provision of a sustainable transport system for Stellenbosch is one of its critical challenges and the continued investment to plan and design for the low occupied private vehicle is not feasible any longer. Alternative measures to ensure the sustainability of the Stellenbosch transport system are required. The PSTP provides this opportunity to explore changes to our transport system that will ensure long term sustainability.

5. RECOMMENDATIONS

- (a) that this report be noted;
- (b) that Council notes the attached report on the provision of public transport services in Stellenbosch Municipality;
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the municipality’s capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the public transport services for Stellenbosch, has been complied with;
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 2000, as amended, Section 78(2), accepts the scenario to “after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b)”;
- (e) that Council considers to proceed to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of public transport services through an external mechanism; and
- (f) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision.

6. DISCUSSION / CONTENTS

6.1 Background

The Stellenbosch Municipality had thus identified the implementation of the Public Transport Network as a priority project and approached the Western Cape Department of Transport and Public Works (WCDTPW) for assistance with the implementation of the Public Transport Network. The Department informed Stellenbosch that Stellenbosch has

been identified as a priority town for assistance in terms of their Provincial Sustainable Transport Programme (PSTP). The WCDPT has entered into a partnership with the Stellenbosch Municipality to jointly develop sustainable transport projects in the municipal area. One of the first steps the WCDTPW undertook was to undertake a section 78 investigation to verify the possible delivery mechanisms and whether Stellenbosch Municipality has the capacity to deliver such a service. See attached the Section 78(1) Assessment which was completed in March 2017.

6.2 Discussion

The key findings and recommendations of this Section 78(1) Assessment regarding the Provision of Public Transport Service in Stellenbosch Municipality was as follows:

- The Municipality does not currently have the financial resources or organisational capacity to internally provide a public transport service. The major factors counting against it are the increased budget required to cover the establishment and recurring costs of the service, the significant increase in staffing that would be required and a national shift in the approach to public transport improvement
- The Municipality considers an external mechanism for the provision of public transport services in Stellenbosch. This consideration should be conducted in terms of section 78(3) of the Municipal Systems Amendment Act (No 44 of 2003).
- The Municipality pursues an alternative approach to public transport improvement based on the principles of the Provincial Sustainable Transport Programme.
- The Municipality seek a partnership with the Western Cape Government's Department of Transport and Public Works for support in implementing incremental improvements to public transport and the broader transport system, in line with the principles of the Provincial Sustainable Transport Programme.

We therefore seek Council's approval for further investigation to establish the most suitable external mechanism for the provision of the much needed improvements for public transport service delivery.

6.3. Financial Implications

The appointment of a service provider to undertake the Section 78(3) investigation for a feasibility study is estimated at R 2 500 000.00

The Financial implications are explained within the report but in summary:

Service	Operating shortfall (direct OPEX only)	Municipal operating budget
Pilot	R8.5m – 17m	0,62% - 1,23%
Full Network	R40m - 90m	2,90% - 6.52%

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation as discussed under delegated authority.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC	7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT 4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2 RESOLVED (majority vote) (a) that Council approves the proposal that an assessment of the municipality's capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision; and (b) that, should the above assessment recommend the use of an external mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an external mechanism. The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).
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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**

Agrees with the recommendations

6.8.2 Director: Planning and Economic Development

In support of the item.

**RECOMMENDATIONS FROM INFRASTRUCURE SERVICES COMMITTEE MEETING TO
THE EXECUTIVE MAYOR: 2019-09-05: ITEM 5.1.5**

- (a) that this report be noted;
- (b) that Council notes the attached report on the provision of public transport services in Stellenbosch Municipality;
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the municipality's capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the public transport services for Stellenbosch, has been complied with;
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 2000, as amended, Section 78(2), accepts the scenario to "after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b)";

-
- (e) that Council considers to proceed to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of public transport services through an external mechanism; and
- (f) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision.

ANNEXURES:**Annexure A****FOR FURTHER DETAILS CONTACT:**

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
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REPORT DATE	<i>05 April 2019</i>

ANNEXURE A



Western Cape
Government

Transport and Public Works



STELLENBOSCH
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The provision of public transport services in Stellenbosch Municipality

Section 78 (1) Assessment

March 2017

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1. Introduction

1.1 Background

The Stellenbosch Municipality has approved a Comprehensive Integrated Transport Plan (CITP) for the period 2016 – 2020, which identified the need for improved public transport services for the Municipality. This vision for transport in the Municipality reflected in the CITP is as follows:

A sustainable transport system that provides for the basic mobility needs of individuals, supports a vibrant economy and operates seamlessly within and across the municipal boundaries.

From a public transport perspective, the CITP includes proposals to establish a Stellenbosch Public Transport Service Network (PTSN). These plans have been refined through the development of an Initial Operational and Business Plan (December 2016), which provides detail on a pilot service.

At the same time, the Western Cape Government, through its Department of Transport and Public Works, has entered into a partnership with Stellenbosch Municipality (a Memorandum of Agreement was concluded in July 2016) to plan and implement sustainable transport initiatives. This is part of the DTPW's Provincial Sustainable Transport Programme (PSTP), the purpose of which is to support the development and implementation of sustainable transport systems in the Western Cape through partnerships with local government and other key stakeholders, and in alignment with strategic imperatives.

The provision of public transport services by the Municipality is required in terms of the National Land Transport Act (Act 5 of 2009) (NLTA). The NLTA when read in conjunction with the Constitution and the Municipal Structures Act (Act 117 of 1998), clearly places the responsibility with the local municipality.

Given that the Municipality is considering providing a public transport service, Section 77 of the Municipal Systems Act (MSA) of 2000 (and its amendment of 2003) requires that the Municipality "review and decide on the appropriate mechanism to provide a municipal service" when a new service is to be provided (or "significantly upgraded, extended or improved). Section 78 of the MSA sets out the procedure to be followed when conducting the review. Accordingly, this report therefore constitutes the required review in terms of section 78(1) of the MSA.

At its meeting of 23 November 2016, the Municipal Council resolved that such a Section 78 process could commence.

1.2 Methodology and Report Layout

Section 78(1) of the MSA sets out the criteria and process that must be followed when deciding on the mechanism to be used for service provision. This report, therefore, adopts the structure set out in Section 78(1). The following sources of information have been used:

- Council approved documents: the IDP and the CIP (and related budget information).
- The Initial Operational and Business Plan for the pilot PTSN service.
- Interviews with key officials within the Municipality.
- Consultation with the relevant labour unions.

The document is structured as follows:

- **Chapter 2** outlines the nature and extent of the service envisaged by the PTSN.
- **Chapter 3** describes the requirements of the Municipal Systems Act.
- **Chapter 4** follows the MSA process and evaluates the suitability of an internal mechanism to deliver the service.
- **Chapter 5** summarises the conclusions.
- **Chapter 6** sets out the recommendations of the review.

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2. Provision of Municipal Public Transport

This chapter outlines the nature and extent of the public transport service provision envisaged by the Municipality. It gives an indication of the resources that would be required to operate and manage the service.

2.1 Endorsement by the CITP and the IDP

The Municipality has an approved Integrated Development Plan (IDP) for the period 2012 to 2017. A component plan to the IDP is the Comprehensive Integrated Transport Plan (CITP) for the period 2015 – 2020, which has also been approved by the Municipal Council. The CITP includes proposals for the establishment of a formal Public Transport Service Network and these proposals were developed further through the completion of an Initial Operational and Business Plan in 2016. The guiding principles for the PTSN are as follows:

- Compliance with the Department of Transport guidelines for a Public Transport Network Grant and the Provincial Public Transport Institutional Framework
- Transformation and upliftment of the public transport industry
- To improve public transport services and quality of life of residents
- Phased development of the public transport system
- Financial sustainability

2.2 The extent of the service envisaged by the PTSN

The Initial Operational and Business Plan for the Stellenbosch Public Transport Service Network provides high-level detail on the proposed network of improved public transport services and more specific detail on an envisaged pilot service.

The proposed PTSN includes a network of 11 local routes and 8 long distance routes operating for 16 hours per day (05h00 – 21h00), with a frequency of 10 minutes in the AM and PM peak, 20 and 30 minutes during the off-peak, and 15 minutes during early morning off-peak (05h00 – 06h00). The proposal is for a quality bus service operating in mixed traffic with selective improvements at intersections to give priority to public transport. Route stops were designed so that the community served would be within a maximum walking distance of 400m from a stop.



Figure 2-1 Proposed Stellenbosch Public Transport Service Network showing 11 local routes (Source: CITP, 2016)

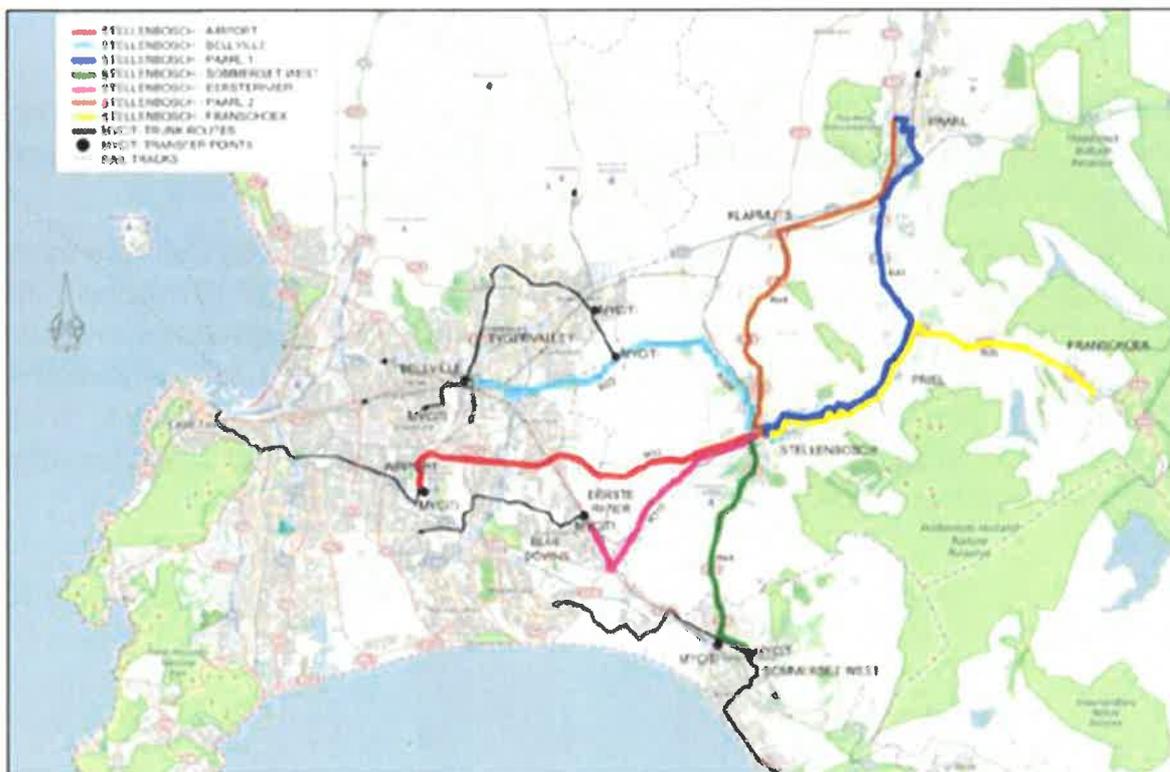


Figure 2-2 Proposed Stellenbosch Public Transport Service Network showing 8 long distance routes (Source: CITP, 2016)

The network of local routes uses a hub-and-spoke design with all routes connecting close to the centre of the network, making it possible to transfer from any route to any other route at the central terminal point. In addition, the regional routes will provide accessibility from all parts of Stellenbosch Municipality to Somerset West, Paarl, and to Cape Town with minimal transfers and the interchange points with the City of Cape Town's MyCiti system.

2.2.1 Pilot Service

From the full network, 2 of the main routes (Route 1 and 7) were proposed to be implemented as a pilot and explored in further detail. Routes have been prioritised based on ridership. The proposed pilot service has a capped capacity of 216 passengers per hour, and will form part of a hybrid system operating alongside existing mini-bus taxi services.

The pilot system consists of the following routes:

- Kayamandi to Idas Valley via Bergzicht and the University of Stellenbosch (Route 1)
- Cloetesville to Jamestown via Bergzicht (Route 7)

Bergzicht would serve as a terminal for transfers between the two routes. Fares would be zonal-based with a fixed fare for travel within a zone, and an AFC system with tap-on and tap-off capability. Each route will have 2 zones, with the option to transfer to any other zone at Bergzicht terminal.

20 midi-buses (18 in service plus 2 on standby in case of breakdown or maintenance) will be required to operate the pilot service, with 29 drivers (1.6 drivers per bus). The midi-buses each have a capacity of 45 passengers (incl. standing). Additional operating staff requirements have not yet been specified, neither have the full vehicle, driver and staff requirements for the full network of services.

3. Requirements of the Municipal Systems Act

3.1 The responsibility

Section 78 (1) of the Municipal Systems Acts states that:

“When a municipality has in terms of Section 77 to decide on a mechanism to provide a municipal service in the municipality, or to review an existing mechanism”

Accordingly, a Municipality:

- a) Must first assess –
 - i. The direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health, well-being and safety;
 - ii. The municipality's capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76(a);
 - iii. The extent to which the re-organisation of its administration and the development of the human resource capacity within that administration, as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);
 - iv. The likely impact on development, job creation and employment patterns in the municipality, and
 - v. The views of organised labour; and
- b) It may take into account any developing trends in the sustainable provision of municipal services generally.

Section 78(2) of the MSA then states that, after having applied subsection (1), a municipality may -

- a) Decide on an appropriate internal mechanism to provide the service; or
- b) Before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76(b).

What the above means is that when a municipality wants to deliver a new service, it must first decide whether it is broadly feasible to do so internally or whether it should consider outsourcing the service provision.

3.2 Definitions

Key considerations in the interpretation of the MSA relate to the definitions of the term “service”, and “mechanism”.

A "Municipal service" is defined as "a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether –

- a) such service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 or by engaging an external mechanism contemplated in section 76; and
- b) fees, charges or tariffs are levied in respect of such a service or not".

For the purposes of this review the public transport service includes not only the operation of the buses, but related services such as fleet management, management of ticketing systems, intelligent transport systems and facilities (depots, stations and stops).

It is also useful to draw a distinction between the provision of a municipal service, on the one hand, and the actions taken and decisions made by a municipality in relation to a municipal service, on the other. The terms "service provider" and "service authority" are sometimes used to describe those two roles. Municipalities can, and often do, outsource the provision of municipal services, in terms of a service delivery agreement. A private (or public) company is then the service provider and the municipality remains the service authority.

The term "mechanism" is deemed to refer to either an internal mechanism (defined by section 76(a) as a department, business unit or any other component of the Municipality's administration) or an external mechanism (a municipal entity, another municipality, an organ of state, a community based organisation or other NGO, or any other institutions, entity or person legally competent to operate a business activity).

3.3 The Methodology for Assessment

Section 78 (1) sets out the method by which the delivery of the service via an internal mechanism is to be assessed. This report adopts the s78 (1) methodology.

3.4 Criteria for Assessment

In terms of Section 73(2), the municipality has the duty to ensure that the delivery of its services adheres to the following guidelines:

Municipal services must be

- a) equitable and accessible;
- b) provided in a manner that is conducive to:
 - i. The prudent, economic, efficient and effective use of available resources; and
 - ii. The improvement of standards of quality over time;
- c) financially sustainable;

d) environmentally sustainable; and

e) regularly reviewed with a view to upgrading, extension and improvement.

Thus, the Section 78(1) investigation must consider the internal mechanisms for compliance with the above requirements.

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4. Assessment of Service Delivery

This section sets out the assessment for internal service delivery, using the structure provided by section 78(1) of the MSA.

4.1 Direct and indirect costs and benefits including the effect on the environment, human health, wellbeing and safety

The assessment undertaken here is at a high level, in order to give an indication of the resources required by the Municipality and the economic, environmental and social impact of providing the service internally.

Public transport is widely recognised as a key driver of socio-economic growth and development, particularly in developing and emerging economies where many citizens are unable to afford private vehicles and rely on public transport to access services, work, educational, recreational and social opportunities. The need for an efficient, effective, affordable and safe public transport system to support economic growth and development is particularly relevant in South Africa. Indeed, recognition of the central role to be played by public transport in South Africa's growth and transformation agenda is repeatedly highlighted in the National Development Plan 2030.

In the Western Cape, public transport is viewed as an essential catalyst and enabler for accelerated and shared economic growth. Likewise, poor public transport systems are recognised as key constraints to economic growth and development in many parts of the developing world. In Stellenbosch, both the captive and choice markets will benefit from improved public transport services. Movement into and around the Municipality is hampered by a lack of good quality public transport services. The development of such services will help to facilitate safe, reliable access to all.

4.1.1 Direct and Indirect Costs and Benefits

Benefits

The major benefit of a formal public transport service is the increased number of people that will be able to access good quality public transport to get to work or school, to look for work, and to access services such as hospitals, clinics, libraries, shops, etc. The existing minibus taxi industry provides an essential service to the people of Stellenbosch, but there is scope to improve the quality of the service provided. Table 4-1, below, outlines the possible benefits of the full PTSN.

Table 4-1 Benefits of an improved public transport service

Present	Future
Monitoring of public transport service quality is limited.	Service quality is closely monitored ensuring that passengers well-served.
Passengers must pay a single fare for each trip.	Passengers save through transfer and bulk ticket purchases.
Geographic service coverage is limited and demand-driven.	A full network of services is provided, providing accessibility to a larger proportion of the population.
Vehicle quality is variable.	Vehicle quality is standardized and vehicles are well-maintained, providing a comfortable and safe passenger experience.
Services primarily provided during peak hours, off-peak services are limited, with long waiting times.	Services provided throughout the day and set intervals.
Limited public transport options for the choice market, which fuels dependence on the private vehicle and contributes to the issue of congestion.	The choice market has access to a good quality public transport alternative.
No formal customer service facility.	Comprehensive user information for existing and new users and mechanism for registering enquiries and complaints.

Direct costs

A public transport service run by the Stellenbosch Municipality is going to be more expensive than the current services operated by the minibus taxi industry. The primary reasons for this are:

1. A scheduled service will be provided with significantly more coverage and reliability than the current informal services (16-18 hours a day, 7 days a week, within 400m walking distance to most urban residents).
2. The bus fleet will be upgraded and strict service and maintenance schedules will be followed.
3. Employment legislation (Labour Relations Act, Basic Conditions of Employment Act, Health and Safety Act) must be adhered to.
4. Public safety will be a priority, with systems implemented to reduce accidents and personal security incidents.

5. Fares are to be based on affordability to users and not cost recovery or profit generation. Given the high levels of poverty (upwards of 20% of households in the Municipality have no income), it is expected that fares may therefore be lower than the current fares.

The costs associated with the full PTSN have not been provided. Available cost estimates are limited to the proposed pilot service. Across South Africa, the cost of providing public transport services has been underestimated, while fare revenues have been overestimated. Therefore, the outcomes and recommendations contained in the Initial Operational and Business Plan should be approached with caution.

Implementation costs (which exclude direct operating costs) for the pilot system have been estimated at R151m over the first 4 years, and are indicated in **Error! Reference source not found.** below. The cost of infrastructure makes up the greatest share of these costs and includes items such as road and intersection upgrading and the development of a central terminal (Bergzicht), a temporary depot and stops and shelters.

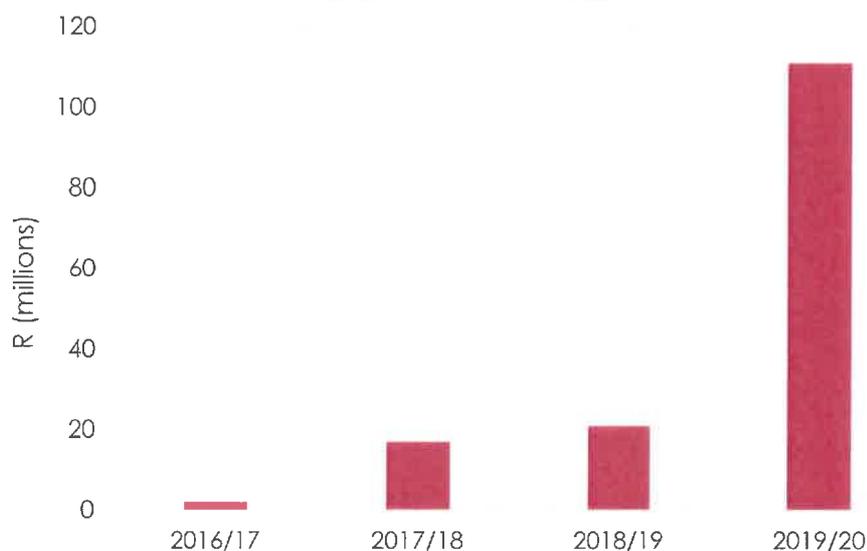


Figure 4-1 Cost Estimate for Implementation of Pilot Service for first 4 years (Adapted from the PTSN Initial Operational and Business Plan, 2016)

The implementation cost estimate includes:

- Detailed Operational and Business Plan (Year 1)
- Detailed Design and Tender (Year 2)
- Procurement of IPTN Vehicles (Year 3 and Year 4)
- Transformation and Empowerment Process (Year 2 and Year 3)
- Construction of Infrastructure (Year 4)
- Management Entity Annual Cost (Year 4)

The service is expected to commence operations in Year 5 (2020/21).

According to the Initial Operational and Business Plan, the direct operating cost is estimated at R28 per service km travelled, which include variable and fixed costs. Direct operating costs for the service are estimated to be R 21,37m per annum while operating revenue from fares are expected to be R 34,34m. This is based on:

- Buses running at capacity (216 passengers per hour) for 16hrs per day, 365 days per year
- Fares of R5 and R7 per trip for travel within the same zone

This represents a fare recovery ratio¹ of 161%.

Based on experiences elsewhere in South Africa and internationally, it is highly unlikely the fare revenue will cover direct operating costs, as projected in the Initial Operational and Business Plan. On average, fare recovery ratios range between 40% and 60%. Assuming a similar ratio is achieved in Stellenbosch, there will be an annual operating shortfall of between R8.5m - R13m for the pilot service, which will have to be covered by the Municipality.

In addition, real-world direct operating costs for the midibuses are about R37 per km (32% higher than proposed in the Plan). This suggests that the actual cost of operations may be closer to R28,2 m per annum, with a potential shortfall of between R11m – R17m.

This is just for the pilot service. The costs for the full service have not been estimated. However, assuming that direct operating costs are between R100m and R150m per annum for the full network, the estimated shortfall for the full service is likely to be between R40m – R90m.

In addition to the above, the Plan proposes that the establishment costs (including initial capital investment) and indirect operating costs be covered by subsidy/grant funding from National or Provincial Government, including the following:

- Public Transport Network Grant (PTNG)
- Public Transport Operations Grants (PTOG)

Support of this kind from National Government is very unlikely in the near term because:

- There are currently 13 cities being funded through the PTNG, with no plans to extend the grant to additional municipalities
- The value of the grant has been cut over the MTEF due to current fiscal conditions

¹ The fare recovery ratio is the ratio of fare revenue to direct operating costs and is often used as an indicator of system efficiency.

In light of the above, the Municipality will be required to source funding from elsewhere. Even if the Municipality were able to secure grant funding, the PTNG provides no contribution toward direct operating costs and only a partial contribution toward indirect operating costs. Grant funding may cover up to 70% of indirect operating costs for the first 2 years after the municipal financial year in which operations commence, and up to 50% of these costs in subsequent years. Indirect costs include, but are not limited, to security, station management, fare collection services, control centre operations, information and marketing, network management, insurance, operator compensation, and maintenance of infrastructure and systems. Therefore, even if grant funding were secured, the Municipality would be required to fund any direct operating shortfalls (which are likely based on experiences elsewhere in South Africa) and a portion of indirect operating costs.

The Municipality cannot afford the implementation and operating costs described above. For the 2016/17 financial year Stellenbosch Municipality had a total budget of R1, 843 million, comprised of a R1, 380 million (75%) operating budget and R464 million (25%) capital budget. The estimated establishment costs for the pilot represent 33% of the Municipality's capital budget or 8.13% if these costs are divided equally over 4 years. This represents a significant financial burden on the Municipality which cannot be absorbed without significant budget reallocation or additional revenue generation.

The financial impact of the estimated operating shortfall for the pilot (between R8.5 – R17m) and the full network (between R40m and R90m) is outlined in Table 4-2 below.

Table 4-2 Implications of an operating shortfall

Service	Operating shortfall (direct OPEX only)	Municipal operating budget
Pilot	R8.5m – 17m	0,62% - 1,23%
Full Network	R40m - 90m	2,90% - 6.52%

This does not include indirect operating costs, which would be additional to this.

Indirect costs

Indirect costs associated with the provision of a bus service include the cost of planning and management, the cost of support from other municipal departments (finance, safety and security, cleansing), station/terminal management, infrastructure maintenance, insurance, the ongoing cost of ITS and AFC systems, industry transition costs (company formation, training, compensation) and additional safety and security costs (security guards). Some of these costs are included in the total implementation costs described in the previous section, however others have not been costed.

The management of public transport (even using an outsourced model) requires substantial internal capacity to oversee the service, with an associated cost. Based on experiences elsewhere in South Africa, there are also likely to be substantial consulting services costs during the initial years of planning, establishment and operations until sufficient capacity has been developed internally.

4.1.2 Environment

Public transport services have the potential to reduce or mitigate the impact of the transport system on the environment. Well-designed public transport can transport more people, using less fuel, producing fewer emissions (including greenhouse gas emissions) and air pollutants and taking up less space than private vehicles. In light of the above, the overall impact on the environment is expected to be positive – other than the short-term impact of noise pollution etc. caused by infrastructure upgrades.

4.1.3 Human Health, Wellbeing and Safety

The impact on human health, wellbeing and safety is expected to be positive, since the PTSN places particular emphasis on the improvement of safety and security.

Access to social services, such as schools, clinics, hospitals, police stations, municipal offices and other such facilities will also be readily available through scheduled services operation for 16-hours per day at an affordable charge.

The environmental benefits of cleaner, serviced buses supplementing the existing minibus taxi fleet and reducing the need for cars will also benefit human health and wellbeing through a reduction in air pollution.

A scheduled service, operated by formally trained drivers and carefully monitored by the Municipality, is also expected to reduce the number of accidents compared the existing system.

4.2 Stellenbosch Municipality's capacity and potential future capacity to furnish the necessary skills, expertise and resources

In order to run the envisaged public transport service internally, the Stellenbosch Municipality would need to develop sufficient organisational capacity to perform the necessary functions.

4.2.1 Understanding the functions required

There are a range of strategic and operational functions that need to be fulfilled in order for a public transport system to run effectively and efficiently. These functions are described below.

- **Operational planning:** this includes the technical design of the service (demand assessment, route design, vehicle selection, scheduling) and ongoing service refinement.
- **Operations:** The provision of the actual public transport service by vehicles on set routes according to a schedule. This includes operations management, service monitoring, driver vehicle operations and incident response (e.g. vehicle breakdown).
- **Fleet Management:** The specialised management of the vehicle fleet required to provide the public transport service, including procurement, maintenance and servicing, refueling, cleaning, insurance, accident administration, licensing and financial asset management
- **Marketing and Communications:** is focused on publicising the public transport service to the community to encourage service patronage, communicate service changes or updates and to distribute passenger information in a usable format.
- **Contract management:** All functions that are outsourced to external service providers will be contracted and these contracts need to be managed. Service providers need to be paid timeously as well as monitored in order to ensure that they are meeting their contractual obligations.
- **Fare management:** is the sale of tickets and the collection of fares from the commuters. This function also ensures that commuters have paid the correct fare for the passage that they are undertaking. The national department of transport (DoT) has issued guidelines that require fare management systems to be Euro/Mastercard/Visa (EMV) compliant. An EMV compliant system requires smart card fare media, a card distribution network and an electronic payment system that enables commuters to both purchase fares and register trips when they use the service. This will require electronic validation machines that can register when a commuter gets on and off a vehicle
- **Financial management:** Managing the various financial elements of the system including revenues (fare revenue, any grants or subsidy contributions from national or provincial government, municipal contribution, other system revenue) and costs (operating and capital costs). Asset management functionality is also required for the vehicle fleet.
- **Infrastructure:** is the development and management of the physical infrastructure needed to make the system work efficiently. This infrastructure

includes, but is not limited to bus depots, bus stations, bus shelters/stops, lighting, ticket sales facilities, IT and fare collection infrastructure.

- **Intelligent transport systems (ITS):** relates to the monitoring of the public transport system to ensure services are operating optimally. This function requires a comprehensive information technology framework that connects on-board electronic monitoring devices to a central server.

The primary responsibility of the ITS system is to monitor whether or not buses are present at the location and time prescribed. The system should automatically generate exception reports that can then be sent to the operations manager to take the appropriate remedial action.

ITS systems can have additional layers of complexity that can provide for the live-monitoring of operator services. With the appropriate manpower the ITS system can be used to track, monitor and communicate with vehicles and liaise with traffic control and safety and security officials.

The ITS system can also provide passengers with real-time information regarding routes and scheduling, as well as providing the infrastructure through which the security of commuters can be monitored via CCTV and emergency phone networks.

- **Inspection and verification:** This function involves the physical monitoring of operator services. Teams of inspectors are tasked with checking the buses for punctuality, cleanliness and safety. They can also monitor the fare payment system by verifying that commuters travelling on the PTS have paid the correct fare for their trip.
- **Safety and security co-ordination:** ensures the safety of the commuters using the public transport system. This function includes the co-ordination of the SAPS and other private security service providers.

4.2.2 Capacity Requirements

It is estimated that the Municipality would need to employ between 200 and 400 people to run the full network of services proposed in the PTSN (assuming a full replacement model). Main job categories include service managers, bus drivers, fleet management and maintenance staff, ticket sellers/cashiers, security personnel, inspectors, cleaners (of buses and facilities), financial staff, infrastructure specialists, administrative staff and IT staff (primarily to maintain the Intelligent Transport Systems and the Fare Management Systems).

The Municipality currently has 1,174 budgeted posts (of which only 1,054 are filled). The Transport, Roads and Stormwater division has 100 staff across three divisions:

- The Roads and Stormwater division has 86 staff, mostly road workers
- Traffic Engineering division has 14 staff
- Transport Planning and Public Transport division has a single approved position, which is currently vacant and filled by a contract staffer in an acting capacity.

Establishing and running the proposed public transport service internally will, therefore, increase the Stellenbosch Municipal staffing structure by between 19% and 38% (based on filled posts). If it was to be added to the responsibilities of the Transport, Roads and Stormwater division (where it is commonly housed), then it would increase the staff complement of that division by between 200% - 400%. This would likely require the establishment of a dedicated Transport Department, as is the case in large municipalities, like the City of Cape Town.

For the pilot, 29 drivers will be required to operate the service. In addition, a range of additional staff will be required to fulfil the functions described in Section 4.2.1. For the pilot it is estimated that at least 50 staff would be required, including the 29 drivers.

The Municipality does not have the capacity to increase its staff complement by the extent required in the short term. It may, in the long term, be able to develop the capacity by recruiting from the existing industry and instituting training programmes to develop the required skills over time. However this would also require an increase in the overall management capacity of the Municipality – not just for the Engineering Services Department, but also other Departments, since there would be additional burdens placed on Departments such as Financial Services, Community Safety, Corporate Services and the Municipal Manager's Office.

4.3 Extent that re-organisation could be utilised

Section 78(1)(a)(iii) states that a municipality "must first assess the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76(a)"

Section 51(g)(i) states that "a municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to perform its functions through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units."

Section 68(1) states that "a municipality must develop its human resource capacity to a level that enables it to perform its functions and exercise its powers in an economical, effective, efficient and accountable way..."

The analysis under section 4.2 above indicates the extent of the organisational resources required to run a public transport service as envisaged by the PTSN. It is clear that, in the near term, Stellenbosch Municipality does not have the capacity to take on these functions through a re-organisation of its existing staff and structures. The Directors of Departments that may potentially be responsible for such a service, Engineering Services and Community Safety, have also both indicated that they do not have the capacity to initiate such a service.

4.4 Likely impact on development, job creation and employment patterns in the municipality

The initiation of the public transport service will create at least 50 jobs within the Municipality during the pilot phase and up to 400 new jobs once the full network is operational. However, a significant portion of these jobs will be at the expense of existing jobs within the private sector (for example minibus taxi drivers) who are likely to be employed by the Municipality.

The overall impact of a public transport service is expected to have significant benefits for broader development, as discussed in the cost benefit analysis above, by facilitating continued economic growth and job creation through the establishment of an efficient transport system. Employment patterns may also change as the comprehensive and affordable service makes it easier for people to look for work and commute to places that were previously not affordable or easily accessed by existing means.

4.5 Views of organized labour

On XX March 2017 a letter was sent to the following unions:

- Independent Municipal and Allied Trade Union (IMATU)
- South African Municipal Workers Union (SAMWU)

The Unions have not yet had the opportunity to respond. However it is unlikely that their views will alter the current findings of this report, although their views will be important should a S78 (3) report be required.

Copies of the correspondence are contained in Appendix A.

4.6 Trends in the sustainable provision of municipal services

Section 78(1)(b) states that a municipality "may take into account any developing trends in the sustainable provision of municipal services generally."

Since the publication of the national Public Transport Strategy in 2007 and the establishment of a system of grants for public transport improvement in 13 municipalities there has been significant activity in the sector. Services are now in operation in Johannesburg, Tshwane, Cape Town and George, and at various stages of the planning and establishment process in the other municipalities.

One of the key challenges which has emerged during this period is that of financial sustainability. Across the board, the services which have been rolled out have proven to be more costly than originally expected, while system revenue has been lower than forecast. While efforts are being made to establish additional sources of funding for public transport improvement (additional contributions from National Government, fuel levy, local revenue retention), the cost the current public transport model to government is increasingly being viewed as unsustainable.

In light of the above, cities at the forefront of public transport improvement are exploring alternative models. The City of Cape Town, for example, is exploring a hybrid model as a way of reducing costs. This includes formalised trunk operations, fed by existing minibus taxi operators.

In George, the Western Cape Government's Department of Transport and Public Works has played a seminal role in driving the establishment of the George Integrated Public Transport Network. While National Government is making a contribution through the PTNG allocation to the Municipality, there is a substantial shortfall which is not covered by the Grant and which is fully covered by the DTPW. Given the cost of this exercise, the Department is unwilling to replicate the George-model in future municipalities and has developed a Provincial Sustainable Transport Programme to plan and implement a different approach to public transport improvement in partnership with priority local municipalities. The PSTP will support alternative approaches to public transport improvement which are lower in cost, recognise the complexity of industry transition. The Incremental Approach is core to the Programme and includes an initial focus on getting public transport basics right, while progressively moving toward improved public transport services over time. It is a fundamentally different approach to the model pursued in George and that proposed in the Initial Operational and Business Plan for the PTSN.

With regards to the specific focus of this assessment, Cape Town, Johannesburg, George, Pretoria, Polokwane and eThekweni have all considered external options for the provision of services. The typical approach has been to allow bus operations to be run by the private sector (usually a company or companies representing consortia of existing bus and minibus taxi owners and operators). The contracts governing the bus operations are usually managed by the Municipality via a transport department. The relevant department is also expected to manage contracts governing fare management, station management, infrastructure design and development, fleet

management, inspection and bus monitoring (intelligent transport systems) and marketing and communications rather than providing these services internally.

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5. Conclusions

5.1 Aspects Reviewed

The above report has provided an overview of the extent of the public transport service envisaged by the PTSN, considered the process that the Municipality must follow in terms of section 78(1) of the MSA, and then reviewed each issue listed by section 78(1). These include the costs and benefits of providing the service, the Municipality's capacity to provide the service, and international and local trends with respect to public transport service provision.

5.2 Conclusions

The conclusions reached from interviewing key municipal officials and considering each of the aspects required by s78 (1) are that the Municipality does not currently have the financial resources or organisational capacity to internally provide a public transport service. The major factors counting against it are the increased budget required to cover the establishment and recurring costs of the service, the significant increase in staffing that would be required and a national shift in the approach to public transport improvement.

Irrespective of the mechanism selected to deliver a public transport service (internal vs. external), the Municipality should consider pursuing an alternative approach to public transport improvement based on the experiences of George, Cape Town and elsewhere.

6. Recommendations

Based on the conclusions reached above, it is recommended that:

1. The Municipality consider an external mechanism for the provision of public transport services in Stellenbosch. This consideration should be conducted in terms of section 78(3) of the Municipal Systems Amendment Act (No 44 of 2003).
2. That the Municipality pursue an alternative approach to public transport improvement based on the principles of the Provincial Sustainable Transport Programme.
3. That the Municipality seek a partnership with the Western Cape Government's Department of Transport and Public Works for support in implementing incremental improvements to public transport and the broader transport system, in line with the principles of the Provincial Sustainable Transport Programme.

7.5.2	APPROVAL OF THE ELECTRICAL SERVICES BY-LAW AND ADMISSION OF GUILT FINES
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Collaborator No: 642470
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 20 November 2019

1. SUBJECT: APPROVAL OF THE ELECTRICAL SERVICES BY-LAW AND ADMISSION OF GUILT FINES

2. PURPOSE

To request approval from Council to finally approve the Electrical Services By-law (2017) and the appropriate Admission of Guilt Fines.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

The Electrical Services By-Law is a document that must in terms of the Municipal Systems Act (Act 32 of 2000), Section 12 be adopted by Municipal Council.

4. EXECUTIVE SUMMARY

The current Electricity Supply By-Law (2013) was promulgated on 30 January 2018, but it has become necessary to review this By-Law mainly due to the municipal policy to allow the self-generation of electricity through photo voltaic or wind means.

A public participation process was followed from 24 January 2019 – 25 February 2019.

The proposed Draft Electrical Supply Services By-Law will in comparison with the existing By-law address a wider spectrum of Electrical Services management matters thus ensuring that the Municipality conforms to its mandate in terms of the Constitution and NERSA Regulations ensuring safe and quality electrical services for its citizens.

It includes:

- a. Co-Generation
- b. Supplies to Backyard Dwellers
- c. Smart Meters
- d. Retail Wheeling
- e. Energy Efficient use
- f. Development Charges policy

A set of proposed Admission of Guilt Fines (AGF) has been attached as **ANNEXURE B**.

5. RECOMMENDATIONS

- (a) that the content of this report be noted;
- (b) that the attached Draft Electrical Services By-law (2019) be approved and adopted by Council as the final Electrical Services By-Law;
- (c) that the Draft Electrical Services By-Law (2019), attached as Annexure A, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Corporate Services' Legal Services' team;
- (d) that the By-law becomes active upon the date that it is published in the Western Cape Provincial Gazette; and
- (e) that the proposed set of Admission of Guilt Fines (Attached as Annexure B) be accepted as the fines to be sought from the Chief Magistrate for this By-Law.

6. DISCUSSION / CONTENTS**6.1 Background**

The current Electricity Supply By-Law was promulgated on 30 January 2018, but it has become necessary to review this By-Law.

Permission from Council was obtained on 12 December 2018 to embark on a public participation process. The public participation was then followed by publishing the notice in the local media for the public to view and comment on the draft by-law at the various municipal libraries and also on the municipal website. The viewing/commenting period was from 24 January 2019 – 25 February 2019. No comments were received by the closing date.

6.2 Discussion

It is necessary to change the Electricity Supply By-Law to allow for the following changes as proposed to be adjusted in the current By-Law:

- a. Co-generation of electricity through sun and wind methods.
- b. Ensuring the co-generation equipment conforms to the National Grid Code
- c. To make it possible to connect backyard dwellings to the electricity grid
- d. To allow for the installation of Smart Meters
- e. To allow the process of retail wheeling (permission for a third party to use the municipal electricity network to transport electricity at a fee)
- f. Enforcing the use of energy efficient electricity motors
- g. Allowing Council to reduce Development Charges for special **cases**.

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.

The Municipal Systems Act, Act 32 of 2000 as amended, Section 12(2) & (3) applies:

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

(a) in accordance with the rules and orders of the council; and

(b) with a supporting vote of a majority of its members.

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

(a) all the members of the council have been given reasonable notice; and

(b) the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.”

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

SPECIAL COUNCIL MEETING: 2018-12-10: ITEM 4

RESOLVED (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law relating to Electrical Services, attached as **ANNEXURE A**, be accepted as the copy of the By-Law to be used in a Public Participation process;
- (c) that the Draft By-Law relating to Electrical Services be duly advertised for the purpose of a public participation process;
- (d) that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption; and
- (e) that a set of proposed spot fines (**ANNEXURE B**) as well as proposed system of delegations (**ANNEXURE C**) accompany the By-Law upon submission of the final draft to Council and to formally be accepted by Council together with the final By-Law.

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 INFRASTRUCTURE SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2019-09-05: ITEM 5.1.3

- (a) that the content of this report be noted;
- (b) that the attached Draft Electrical Services By-law (2019) be approved and adopted by Council as the final Electrical Services By-Law;
- (c) that the Draft Electrical Services By-Law (2019), attached as **ANNEXURE A**, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Corporate Services' Legal Services' team;
- (d) that the By-law becomes active upon the date that it is published in the Western Cape Provincial Gazette; and
- (e) that the proposed set of Admission of Guilt Fines (attached as **ANNEXURE B**) be accepted as the fines to be sought from the Chief Magistrate for this By-Law.

ANNEXURES:

Annexure A
Annexure B

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	14 April 2019

ANNEXURE A

ANNEXURE A:

DRAFT STELLENBOSCH ELECTRICITY SUPPLY BY-LAW 2018

To provide for the distribution of electricity, supplied by Eskom or any other source, in the area of the Stellenbosch Municipality, to regulate activities which may have a detrimental effect on the distribution of electricity and to provide for matters incidental thereto.

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, and the Municipal Systems Act, Act 32 of 2000, Section 11, the Stellenbosch Municipality, enacts as follows:-

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CHAPTER 1

DEFENITIONS

1. Definitions

(1) In this by-law, unless inconsistent with the context-

"accredited person" means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"Act" means the Electricity Regulation Act, 2006 (Act 4 of 2006);

"applicable standard specification" means-

All NRS standards - specifications for the Electricity Supply Industry (ESI) in South Africa

SANS 1019 Standard voltage-, currents- and insulation levels for electricity supply

SANS 1524 Parts 0, 1 & 2 - Electricity dispensing systems,

SANS IEC 60211 Maximum demand indicators, Class 1.0,

SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),

SANS 0142 Code of practice for the wiring of premises;

"backyard dwelling" means an informal structure erected for residential purposes on premises in addition to an existing dwelling unit;

"certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"customer" in relation to premises means:

- (a) any occupier thereof or any other person with whom the municipality has contracted to supply or generate, or is actually supplying or generating electricity thereat; or
- (b) if such premises are not occupied, any person who has a valid existing agreement with the municipality for the supply or generation of electricity to such premises; or
- (c) if there is no such person or occupier, the owner of the premises;

"credit meter" means a meter where an account is issued subsequent to the consumption of electricity;

"Development Charges" means once-off contributions made by customers/developers towards the capital costs of networks, other than the network directly and exclusively

"motor starting current" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energized at its rated voltage with its starter in the starting position and the rotor locked;

"municipality" means the municipality of Stellenbosch, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"NERSA" means the National Energy Regulator of South Africa

"net metering" means measuring the difference between the electricity supplied by the municipality and the electricity generated by a customer over the applicable billing period;

"NRS" means NRS specifications, covering a range of electro-technical topics as well as guidelines for sound business practice/s, are developed for use in the Electricity Supply Industry (ESI) in South Africa. The NRS Project Management Agency (PMA) manages the development of the specifications on behalf of the Electricity Suppliers Liaison Committee (ESLC). The NRS specifications are developed in collaboration with Standards South Africa (SANS), the standards division of the South African Bureau of Standards (SABS).

"occupier" in relation to any premises means-

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his other whereabouts are unknown;

"owner" in respect of immovable property means-

- (a) the person in whom ownership vests;
- (b) in the event of the person in whom the ownership vests being insolvent or deceased, or subject to any legal disqualification, the person under whose

"point of supply" means the point determined by the municipality at which electricity is supplied to any premises; "premises" means any portion of land, situated within the area of jurisdiction of the municipality, and of which the outer boundaries are demarcated on-

- (a) a general plan or diagram registered in accordance with the Land Survey Act, 1927 (Act No 9 of 1927) or the Deeds Registries Act, 1937 (Act No 47 of 1937); or
- (b) a sectional title plan registered in accordance with the Sectional Titles Act, 1986 (Act No 95 of 1986); and

includes any vehicle, aircraft or vessel.

"prepayment meter" means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

"retail wheeling" means the process of moving third party electricity from a point of generation across the distribution systems of the municipality and selling it to a customer;

"safety standard" means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the customer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"smart grid" means an electrical grid which includes a variety of operational and energy measures including smart meters, smart appliances, renewable energy resources, and energy efficient resources

"smart meter" means an electricity meter that allows for –

- (a) measurement of energy consumed on a time interval basis;
- (b) real-time or near-time registration of electricity use;
- (c) two-way communication between the customer/end-user and the municipality;

- (2) All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

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- (2) If a person uses an electricity supply without entering into an agreement he or she shall be liable for the cost of electricity used as stated in section 44 of this by-law.
- (3) No person may generate electricity by way of a fixed installation and into a municipal network unless an agreement has been concluded with the municipality, and such agreement together with the provisions of this by-law, as well as any other legislation governing the licensing of generators, shall govern such generation of electricity.

4. Service of notice

- (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served-
 - (a) when it has been delivered to that person personally
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and any removal thereof, shall be borne by the customer to whose premises the supply of electricity is required to be continued.

- (3) A way leave granted in terms of sub section (1) shall be binding on the owner of the property who granted the way leave and his or her successors in title for as long as the electricity connection is operative and may not be withdrawn without permission of the municipality.

9. Statutory Servitude

- (1) Subject to the provisions of section 10(1) and subsection (3) below, the municipality may within its municipal area:

- (a) control provides, establish and maintain electricity services;
- (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
- (c) construct, erect or lay any electricity supply main on, across, though, over or under any street or immovable property and the ownership of any such main shall vest in the municipality;
- (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated in subsections (a) to (c).

- (2) If the municipality constructs, erects or lays any electricity supply main on, across, though, over or under any street or immovable property not owned by the municipality or under the control of or management of the municipality, it shall pay to the owner of such street or property compensation in an amount agreed upon or, in the absence of agreement, as determined either by arbitration or a court of law.

- (3) The municipality must, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the municipality or under the control or management of the municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

- (2) The municipality shall not, subject to the provisions of any other law, or its Customer Care Policy, make any information available concerning the supply or account details for any premises to any third party without the written permission of the customer who signed the supply agreement for the supply to the premises or generation there from concerned except to the owner of a property upon written request to the municipality.

12. Refusal of admittance

No person may wilfully hinder, obstruct, interfere with or refuse admittance to any authorised official of the municipality in the performance of his duty under this by-law or any other relevant legislation or of any duty connected therewith or relating thereto.

13. Improper use

- (1) No person may use electricity for any purpose or deal with electricity in any manner which the municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other customer, the municipality may, with or without notice, disconnect the electricity supply provided that such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed and the relevant fees have been paid.
- (2) The fee as prescribed by the municipality for the disconnection and reconnection must be paid by the customer before the electricity supply is restored, unless it can be shown that the customer did not use or deal with the electricity in an improper or unsafe manner.

14. Electricity tariffs and Fees

Copies of tariffs and Fees may be obtained at the offices of the municipality and/or on the Municipal Website at www.stellenbosch.co.za

- (5) Every reseller must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity customers.
- (6) The municipality may request audited reports from resellers to prove that the above resale conditions are met. The cost to obtain audited reports will be borne by the reseller.
- (7) The Reseller of Electricity will further abide by conditions laid down by NERSA, from time to time, relating to resellers of electricity.

19. Right to disconnect or remove supply

- (1) The municipality has the right to disconnect the supply of electricity to any premises-
 - (a) without notice where-
 - (i) there is grave risk to person or property if the supply is not disconnected; or
 - (ii) there is evidence of tampering as contemplated in section 26; or
 - (b) with reasonable written notice where-
 - (i) a customer fails to pay any amounts due to the municipality in connection with electricity supply; or
 - (ii) any provision of this by-law has been contravened and the customer has failed to remedy the default after proper notice has been given;
 - (iii) access to inspect metering equipment has been denied; or
- (2) In the case of a contravention of section 18(1) of this by-law, the municipality has the right to limit the supply of electricity to the premises from which electricity is supplied or sold, to 20 AMP.
- (3) After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the tariff as prescribed by the municipality shall be paid for re-connection of such supply.
- (4) In the case where an installation has been illegally re-connected on a customer's premises after having been legally disconnected by the municipality, or in the case where the municipality's electrical equipment has

24. Tampering with service connection or supply mains

- (1) No person shall in any manner or for any reason tamper or interfere with, vandalise, fix advertising medium to or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality or illegally connect into the electricity wiring of any other customer.
- (2) Where prima facie evidence exists of a customer or any person having contravened subsection (1), the municipality may disconnect the supply of electricity immediately without prior notice to the customer and in addition institute legal action against the customer.
- (3) Where a customer or any person has contravened subsection(1) and such contravention has resulted in the meter recording less than the true consumption, the municipality shall have the right to recover from the customer the full cost of his estimated consumption.

25. Protection of municipality's supply mains

- (1) No person may, except with the consent of the municipality and subject to such conditions as may be imposed –
 - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains.
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains.
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains; or
 - (d) makes any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
- (2) The owner or occupier must limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the municipality will adequately prevent trees from interfering with the conductors should a tree or branch fall or be cut down.
- (3) Should the owner fail to observe this provision the municipality may, after prior written notification, or at any time in an emergency, order the owner to cut or

will be responsible for all the costs associated with the re-instatement of such supply equipment.

29. Temporary disconnection and re-connection

- (1) The municipality must, at the request of the customer, temporarily disconnect and re-connect the supply of electricity to the customer's electrical installation upon payment of the prescribed tariff for each such disconnection and subsequent re-connection.
- (2) In the event of the necessity arising for the municipality to effect a temporary disconnection and re-connection of the supply of electricity to a customer's electrical installation where the customer is not responsible for bringing about this necessity, the municipality shall waive payment of the tariff referred to.
- (3) The municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other purpose.

30. Temporary supplies

- (1) If any temporary supply of electricity supply is found to interfere with the efficient and economical supply of electricity to other customers, the municipality may, with notice, or under exceptional circumstances without notice, terminate such temporary supply and the municipality shall not be liable for any loss or damage suffered by the customer because of such termination.
- (2) A temporary supply shall be valid for 12 months after which a new application must be submitted for continued use.
- (3) The municipality may disconnect a temporary supply if conditions pertaining thereto are not complied with.

31. Temporary work

- (1) Electrical installations requiring a temporary supply of electricity may not be connected directly or indirectly to the supply mains except with the permission of the municipality.
- (2) Full information as to the reasons for and nature of such temporary work must accompany the application for such permission, and the municipality may refuse or grant permission.

- (3) No unauthorised person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the municipality's System Control Centre.
- (4) In the case of a high or medium voltage supply, where the customer has high or medium voltage switchgear installed, the municipality must be advised of the competent person appointed by the customer in terms of the Regulations, and of any changes made to such appointments.
- (5) In the case of a low voltage supply of electricity, the customer must provide and install a low voltage main switch or any other equipment required by the municipality.
- (6) In the case where fixed generators of any kind are installed on the customer's premises, he or she must ensure that the necessary safety isolation equipment as prescribed by the municipality's safety standards is installed to prevent any back feed of electricity after the municipal network has been isolated,

34. Substation accommodation

- (1) The municipality may require the owner to provide and maintain accommodation which shall constitute a substation and which must consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.
- (2) The accommodation must be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (2) The municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the municipality, such additional accommodation must be provided by the applicant at the cost of the municipality.

35. Wiring diagram and specification

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the municipality in duplicate for approval before the work commences.

38. **Circular letters**

The municipality may from time to time issue circulars detailing its requirements and standards regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe and efficient operation and management of the supply of electricity.

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of taking occupation of the premises, the supply of electricity may be disconnected.

- (3) The said person shall be liable for the electricity consumption from the date of occupation till such time as the supply is so disconnected.
- (4) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be regarded to be the customer.
- (5) Until such time as an application is made in terms of section 3, he or she shall be liable for consumption at that metering point as well as any outstanding amounts whether accrued by that person or not.
- (6) The municipality may impose conditions, which may include the withholding of electricity supply to premises where the previous customer's account is in arrears.
- (7) In the event of change of ownership a new certificate of compliance for the premises shall be issued by an accredited electrician, unless the existing certificate was issued within the preceding 24 month period and no subsequent alteration of the electrical installation was effected.

43. Service apparatus

- (1) The customer shall be liable for all costs arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been caused by an occurrence of natural forces or an act or omission of an employee of the municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the municipality and having been previously used or removed without its permission, or has been damaged so as to render re-connection dangerous, the owner or occupier of the premises during such period shall bear the cost of overhauling or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall rest upon the owner of the premises.
- (4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the municipality which shall be final and binding.

- (10) Where two or more premises belonging to one owner are situated on adjacent erven and the properties are operated in a consolidated manner, only a single bulk supply of electricity may be made available, provided that the municipality may require the customer to consolidate the erven or to have them tied notarial.
- (11) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment must be made to accept the seals of the municipality.
- (12) The service conductor or cable within the meter box must terminate in an unobscured position and the conductors must be visible throughout their length when cover plates, if present, are removed.
- (13) In the case of blocks of buildings occupied by a number of individual customers, separate wire ways and conductors or cables must be laid from the common metering room or rooms to each individual customer in the block of buildings; alternatively, if trunking is used, the conductors of the individual circuits must be clearly identified (tied together every 1,5m) throughout their length.
- (14) Two or more erven belonging to the same owner may be jointly supplied by a single supply or a ring upon authorisation of the Engineer and upon the municipal network being able to be operated in such a way due to loading and security of supply conditions. All such erven shall be notarially tied. Authorisation must also be sought to install privately owned cables within public areas in order to interconnect co-owned properties and a servitude must be registered for this purpose. The Owner of such co-owned properties shall be responsible for the operation, cost and maintenance of the interconnection between properties and any costs involved to create such an account. The Municipality shall not be held responsible for any damaged or cost whatsoever caused, to any network and equipment of the interconnection, by other users of the public area.

45. Metering accommodation

- (1) The customer must, if required by the municipality, provide accommodation in an approved position, the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices.
- (2) Such accommodation and protection must be provided and maintained at the cost of the customer or the owner and must be situated, in the case of credit meters, at a point to which free and unrestricted access must be available for

CHAPTER 5

SYSTEMS OF SUPPLY

46. Load requirements

Alternating current supplies shall be given as prescribed by the NRS 048 and in the absence of a quality of supply agreement, supplies as set out in applicable standard specification shall be given.

47. Load limitations

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA may be connected to the electrical installation without the prior approval of the municipality.

48. Interference with other persons' electrical equipment

- (1) No person may operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the customer must, at his or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

(3) Consumers supplied at medium voltage –

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the municipality.

50. Power factor

- (1) If required by the municipality, the power factor of any load must be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices must be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The customer must, at his or her own cost, install such corrective devices.

51. Protection

Electrical protective devices for motors must be of such a design as effectively to prevent sustained over current and single phasing, where applicable.

- (i) render an account where the meter has been under-registering; or (ii) issue a free token where the meter has been over-registering;

in accordance with the provisions of subsection (6).

- (3) The customer shall be entitled to have the metering equipment tested by the municipality on payment of the prescribed tariff and if the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (6) must be made.
- (4) In case of a dispute, the customer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5), or upon a calculation by the municipality from consumption data in its possession; where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not prohibit a customer from claiming back overpayment for any longer period.
- (8) Where the actual load of a customer differs from the initial estimated load provided for under section 47(1) to the extent that the municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the customer.
- (9) Prior to the municipality making any upward adjustment to an account in terms of subsection (6), the municipality must -
 - (a) notify the customer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (b) in such notification provide sufficient particulars to enable the customer to submit representations thereon, and

- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a customer, the error must be corrected in subsequent accounts.
- (6) Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariff applicable during the period.
- (7) The application of this sub section (6) does not prevent a customer from claiming back overpayment for any longer period.

55. Prepayment metering

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the customer.
- (3) When a customer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the customer.
- (4) The municipality shall not be liable for the re-instatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens.
- (5) Where a customer is indebted to the municipality for electricity consumed or for any other service supplied by the municipality (including rates) or for any levy previously raised against him or her in connection with any service rendered, the municipality may deduct a percentage from the amount tendered to offset the amount owing to the municipality, as set out in the agreement for the supply of electricity.
- (6) The municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

56 Smart Metering

- (1) The Municipality may install smart metering to equivalent premises at it sees fit.

(4)

CHAPTER 7

ELECTRICAL CONTRACTORS

57. Electrical contractors additional requirements

In addition to the requirements of the Regulations the following requirements shall apply:

- (a) where an application for a new or increased supply of electricity has been made to the municipality, any duly authorised official of the municipality may at his or her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any authorised official of the municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (b) the examination, test and inspection that may be carried out at the discretion of the municipality in no way relieves the electrical contractor or accredited person or the user or lessor, from his or her responsibility for any defect in the installation.
- (c) such examination, test and inspection shall not be taken done in a way (even where the electrical installation has been connected to the supply mains) as to indicate or guarantee in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the municipality shall not be held responsible for any defect or fault in such electrical installation.

58. Liability for work by contractors

The municipality shall not be held responsible for the work done by the electrical contractor or accredited person on a customer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 9

ENERGY SAVING MEASURES AND REDUCED USE OF ELECTRICITY

60. Norms, standards and guidelines

- (1) The municipality may determine and publish norms, standards and guidelines which prescribe appropriate measures to save energy or to reduce the use of electricity and such norms standards and guidelines must be kept in the form of an operational manual.
- (2) The norms, standards and guidelines contemplated in subsection (1) may differentiate between communities, geographical areas and different kinds of premises.

Chapter 11

DEVELOPMENT CHARGES

62. Development Charges

- (1) Each Developer or Customer must pay the Development Charges when applying for a new connection to a Development and the premises of a consumer.
- (2) Development Charges will be calculated as per the requirements of NRS 069: Code of Practice for the Recovery of Capital Costs for Distribution Network Assets
- (3) No formal electricity may be supplied to a development or premises of a consumer unless the Development Charges have been paid
- (4) The Occupational Certificate of such building, premises or development may be withheld until the Development Charges have been paid in full
- (5) Council may, at its discretion, reduce or delay the payment of the amount of the Development Charges to a specific development or premises, for the purpose of accelerating business development or to low cost housing developments in order to make such developments more affordable.

- (3) (a) The municipality may, when considering an application for consent, permit or exemption in terms of this by-law, request the input of a liaison forum.
- (b) A liaison forum or any person may on own initiative submit an input to the municipality for consideration.

65. Appeal

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

66. Offences and Penalties

- (1) Any person who contravenes any of the provisions of sections 5, 6, 11,12, 13, 18, 23, 24, 25, 27, 28, 33, 37, 40 and 48 of this by-law shall be guilty of an offence and be liable to-
 - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
 - (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) 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.
 - (d) The Municipality may obtain approval for spot fines and issue these when the transgressions were made of sections listed above.
- (2) A person may appeal against the spot fines mentioned under 2(d) by submitting reasons, why such fine should not be issued, in writing to the Municipal Manager within 14 days of such spot fine being issued.
- (3) The municipal Manager may overturn or reduce such a spot fine based on the explanation given by the person who has received a spot fine.
- (4) If the Municipal Manager refuses to overturns such spot fine, or when more than 14 days have expired before an application has been made, the person

ANNEXURE B

ELECTRICAL SERVICES BY-LAW

OFFENCES AND FINES

Section Contravened	Description of Offence	Proposed Fine (1)	Approved Fine (2)
32(1) (4)	Refusal of Load Control Equipment installation	R700.00	
24, 26 &32	Tampering with any municipal electrical installation	R5000.00	
12	REFUSAL OF ADMITTANCE Wilfully hindering, obstructing/ interfering with or refusing access to the engineer /duly authorised official in the performance of his/her duties	R1900.00	
13(1)	IMPROPER USE Using electricity in a way that interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner, with the efficient supply of electricity to any other consumer	R1900.00	
18 (1)	RESALE OF ELECTRICITY Selling/ Supplying or allowing/ permitting the selling/ supplying of electricity to any other person/persons without permission	R1900.00	
18	Rendering a monthly account reflecting tariffs/charges not approved by the Municipality	R1600.00	
23	SEALS AND LOCKS OF THE MUNICIPALITY Removing/ breaking/ defacing/ tampering/ interfering with seals/locks or any part of the electricity distribution equipment, or storing of goods obstructing access to equipment, or being in possession of the security lock keys without authorization	R2600.00	

ELECTRICAL SERVICES BY-LAW

OFFENCES AND FINES

25	PROTECTION OF ELECTRICITY DISTRIBUTION SYSTEM		
25(1)(a)	Without consent of wayleave – Constructing /erecting or permission the erection of any building/ structure / other object, or plant trees/ vegetation over or in a position/ manner that interferes with or endangers the electricity system	R1700.00	
25(1)(b)	Without consent – Excavating / opening up/ removing the ground above / next to / under any part of the electricity system, or dumping anything onto / next to / under electricity distribution system	R2700.00	
25(1)(c)	Without consent – Damaging/ endangering/ removing / destroying any part of the electricity system	R2700.00	
25(1)(d)	Without consent - Abstracting/ branching off/ diverting any electricity current or causing any electric current to be abstracted/ branched off /using any abstracted/ branched off/ diverted electricity current	R2200.00	
25(2)	Failing to limit the height of trees or vegetation or the length of projecting branches in the proximity of overhead lines or provide a means of protection	R2200.00	

ELECTRICAL SERVICES BY-LAW

OFFENCES AND FINES

27	UNAUTHORISED CONNECTIONS Directly or indirectly connect, attempt to connect or cause or permit the connection of a new electrical installation or part of a new electrical installation to the supply mains or service connection	R3200.00	
28(1)	UNAUTHORISED RECONNECTIONS Reconnecting, attempting to reconnect or causing or permitting the reconnection of the supply mains or service connection of an electrical installation that has been disconnected by the Municipality	R3200.00	
33, 33(3)	MV AND LV SWITCHGEAR AND EQUIPMENT Operating MV switchgear at the points of supply without the written authorisation of the engineering	R7200.00	
34	TRANSFORMER SUBSTATION ACCOMMODATION Refusing or restricting an engineer/ duly authorised official from operating or maintaining equipment in the performance of his duties	R2300.00	
36	Consumers emergency standby supply equipment – connecting emergency standby supply equipment provided by a consumer to an installation without the prior written approval of the engineering	R5000.00	

ELECTRICAL SERVICES BY-LAW

OFFENCES AND FINES

<p>48</p>	<p>Interference with other consumers - operating electrical equipment having characteristics which give rise to voltage variations, harmonic currents/ voltages or unbalanced phase currents that fall outside the standards determined by NRS048</p>	<p>R2400.00</p>	
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Fines applicable to 1st Offence only
2nd Offence within 6 months from 1st offence to be dealt with by Magistrate



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MUNISIPALE KENNISGEWING 4/2019
PUBLIEKE DEELNAME PROSES VIR ELEKTRIESE DIENSTE
VERORDENING

Kennis geskied hiermee dat Stellenbosch Munisipaliteit in die proses is om die Elektriese Dienste Verordening te hersien en nooi die publiek uit om insette te lewer. Die konsep weergawe sal vanaf 24 Januarie 2019 tot 25 Februarie 2019 vir openbare inspeksie en kommentaar by al die munisipale biblioteke in die WC024 area asook op www.stellenbosch.gov.za beskikbaar wees.

Alle kommentaar moet verwys word na die Direkteur: Infrastruktuurdienste

Kontak persoon: Deon Louw
 Tel: 021 808 8213
 E-Pos: engineering.services@stellenbosch.gov.za
 Verwys asseblief in die onderwerpslyn van u epos na 'ELECTRICITY SERVICES BY-LAW'

Geraldine Mettler
MUNISIPALE BESTUURDER
 Posbus 17
 STELLENBOSCH
 7599

MUNICIPAL NOTICE 4/2019
CALLING FOR COMMENTS ON ELECTRICAL SERVICES
BY-LAW

Notice is hereby given that Stellenbosch Municipality is in the process to review the Electrical Services By-Law and invites the public to provide input/comment. The draft by-law will be available for public comment at all the municipal libraries in the WC024 area and on www.stellenbosch.gov.za from 24 January 2019 to 25 February 2019.

All 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 to 'ELECTRICAL SERVICES BY-LAW'

Geraldine Mettler
MUNICIPAL MANAGER
 PO BOX 17
 STELLENBOSCH
 7599

LIBRARY	RECEIVED BY	DATE	SIGNATURE
STELLENBOSCH	Thobela	14/02/19	[Signature]
KAYAMANDI	BABALWA	14/02/19	[Signature]
JAMESTOWN	B. King	14/2/19	[Signature]
KLAPMUTS	Chevonne	15.02.19	[Signature]
FRANSCHHOEK	Z. Saduwi	15/2/19	[Signature]
GROENDAL	S.K.	15:02:19	[Signature]
IDASVALLEY	M. Jeffras	14.02.2019	[Signature]
CLOETESVILLE	BUSISIWE	14.02.19	[Signature]
PNIEL	[Signature]	14/2/19	[Signature]

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7.5.3

APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY

Collaborator No: 638165
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 20 November 2019

1. SUBJECT: APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY**2. PURPOSE**

To set out the policy for traffic calming and to inform Council that the current Traffic Calming Policy, accepted and approved by Council on the 26 April 2016, has been revised with this Draft Traffic Calming Policy.

3. DELEGATED AUTHORITY**MUNICIPAL COUNCIL.**

The Traffic Calming Policy is a document that must be adopted by 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 objectives of traffic calming measures are 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 the current Traffic Calming Policy to allow for a more structured and uniform approach when dealing with requests received from the public. Procedures set out will also allow for alignment with the Municipality's financial year.

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; and
- warrants.

The remainder of the document describes the manner in which requests from the public are processed, incorporating inputs from the Ward Committees, and tabling proposals at the Infrastructure Services Portfolio Committee for approval before implementation.

5. RECOMMENDATIONS

- (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. DISCUSSION / CONTENTS**6.1 Background**

The policy details the following:

- The 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 is necessary to amend the Current Traffic Calming Policy to allow for changes as previously mentioned. In brief, the following changes are proposed:

- (i) On receipt of written requests, evaluation scorecards are completed as prescribed by the policy, and proposals are included in an updated Area Traffic Calming Plan (ATCP).
- (ii) The updated ATCP is compiled and submitted to the Ward Committee for notification.
- (iii) The ATCP will be updated annually and will be aligned to the financial year cycle. Ward Committees must complete their review of the ATCP by September to allow adequate time for implementation before financial year end.
- (iv) Recommendations are prepared for submission to the Infrastructure Services Portfolio Committee, for final approval prior to implementation.

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 for the Municipality.

6.6 Previous / Relevant Council Resolutions:

Council: 26 April 2016

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**

Agrees with the recommendations

RECOMMENDATIONS FROM INFRASTRUCTURE SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2019-09-05: ITEM 5.1.2

- (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.

ANNEXURES:**Annexure A****FOR FURTHER DETAILS CONTACT:**

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	28 March 2019

ANNEXURE A



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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.





Basic Function	Function		Description		Mobility				
	Alternate functional descriptions	Determining function	Class No (R ₁)	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 reserves 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 2: Rural Functional Road Classification

RURAL ROAD CLASSIFICATION



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.

Table 3: Rural Access Management Requirements and Features

Basic Function	Function		Description		Mobility				Traffic	
	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	> 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					

Table 4: Urban Functional Road Classification

URBAN ROAD CLASSIFICATION



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	

* 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

Table 5: Urban Access Management Requirements and Features

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

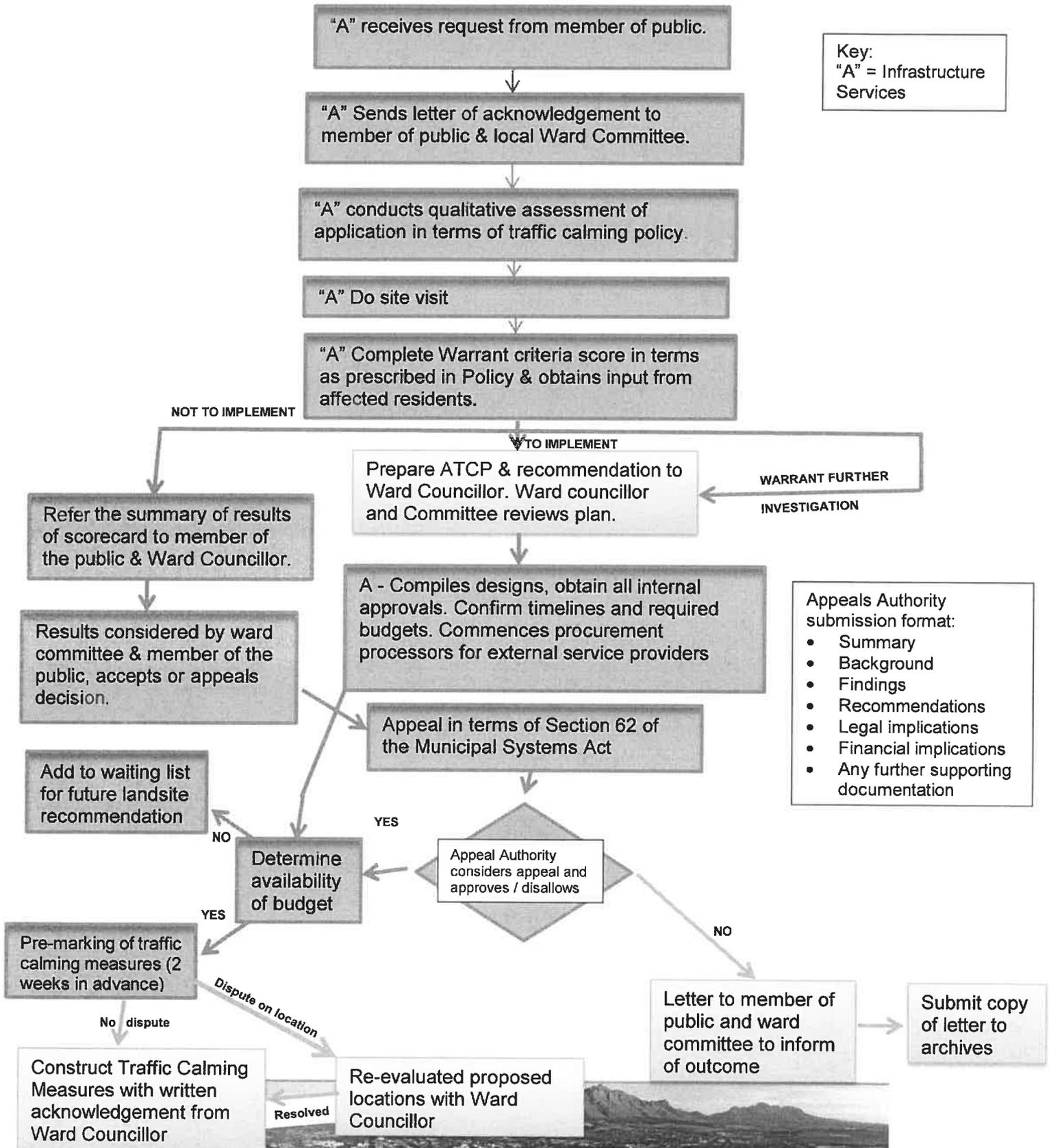


Where:

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



Key:
"A" = Infrastructure Services

- Appeals Authority submission format:
- Summary
 - Background
 - Findings
 - Recommendations
 - Legal implications
 - Financial implications
 - Any further supporting documentation

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



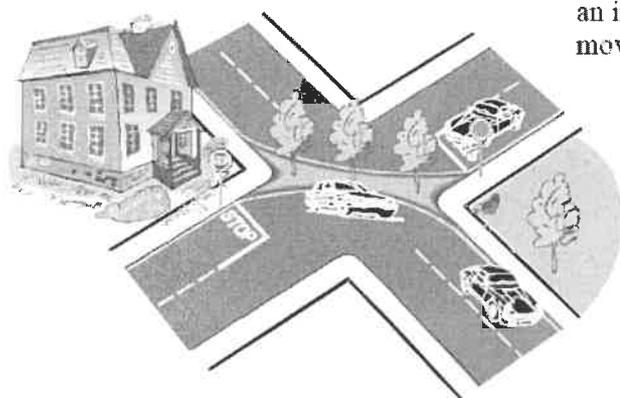
9	Rumble strips	Strips across the road, consisting of bitumen and 13 to 19mm stone	Rumble strips are implemented close to intersections, before sharp horizontal curves to caution motorists of the dangerous situation	Typically R10 000 to R50 000 per set	Effective in increasing awareness of drivers	Noise
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



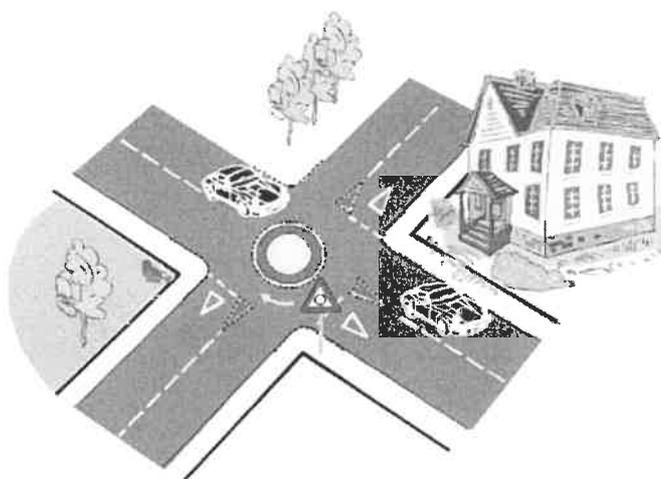
“Barriers placed diagonally across an intersection to prevent through movement.”



Diagonal Diverters



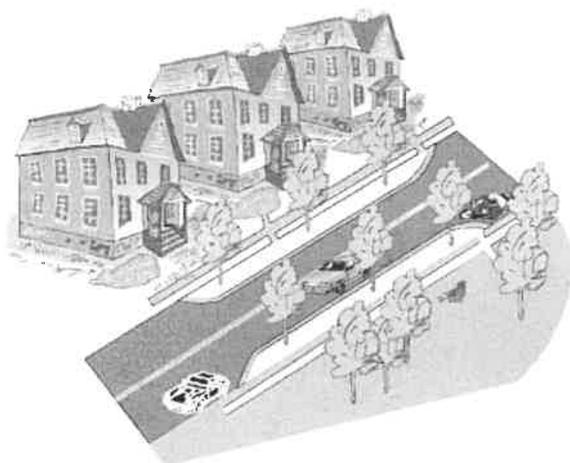
Traffic Calming



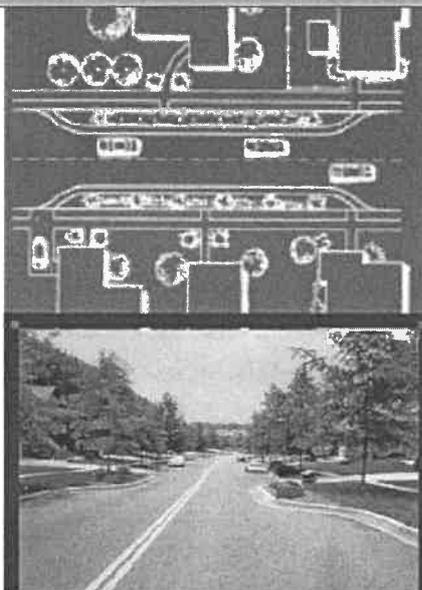
Mini Traffic Circle



Traffic Calming



“Kerb extensions or islands on one or both sides of the street that narrow the street at that location.”

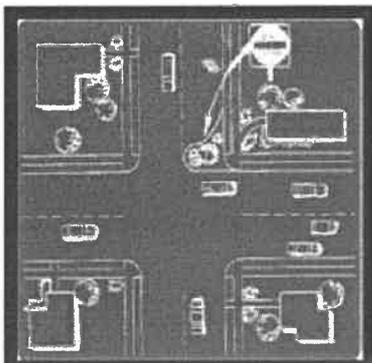


Chokers

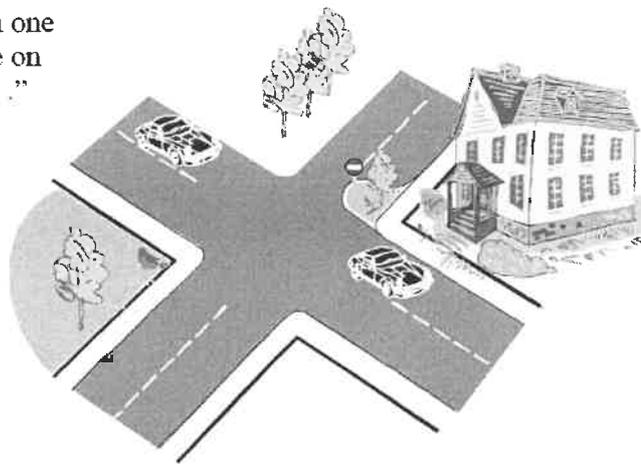


Traffic Calming

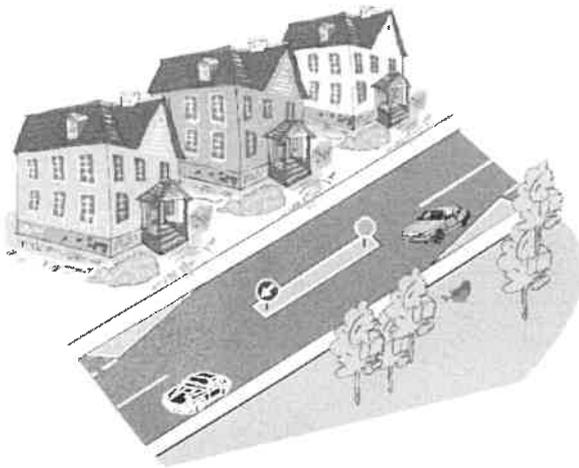
“Barriers that block travel in one direction for a short distance on an otherwise two-way street .”



Half Closures



Traffic Calming



“Median centrally placed on roadway ensure conspicuity with vertical elements, marking and lighting.”



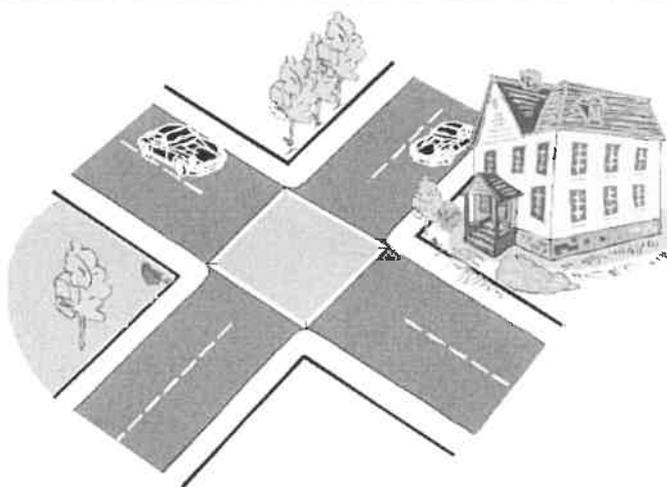
Median with one sided parking



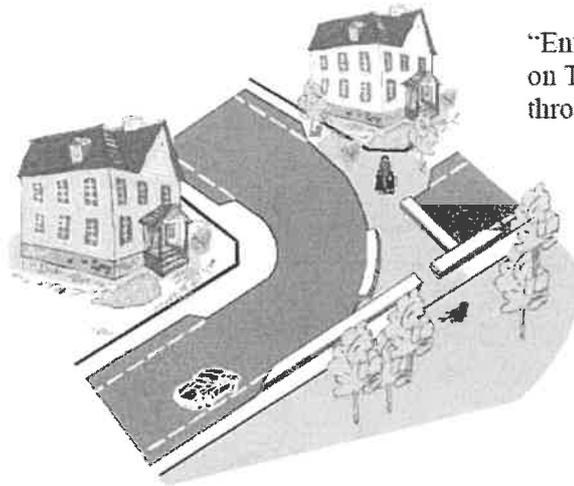
Traffic Calming



Raised Intersection



Traffic Calming



“Entrance to speed reduced zone on T-junction with exit construction through road.”

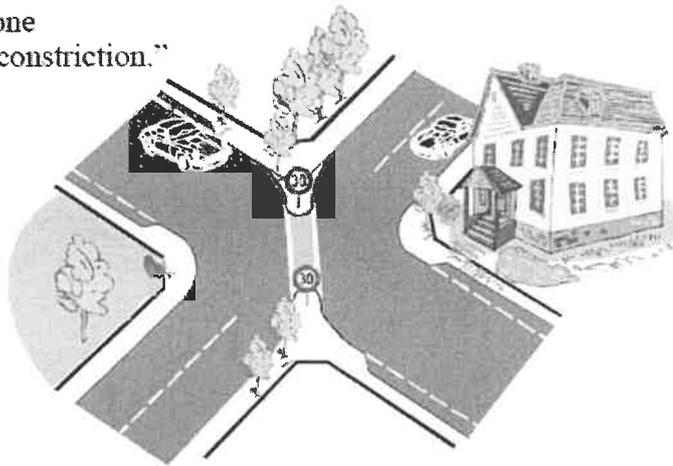


Construction Through Road



Traffic Calming

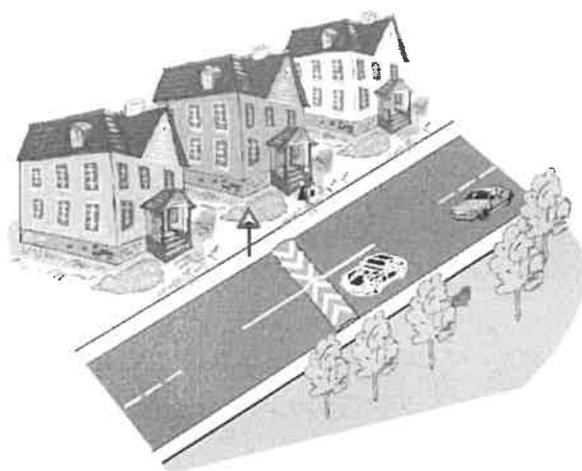
“Entrance to speed reduced zone on intersection with diagonal constriction.”



Diagonal Constriction



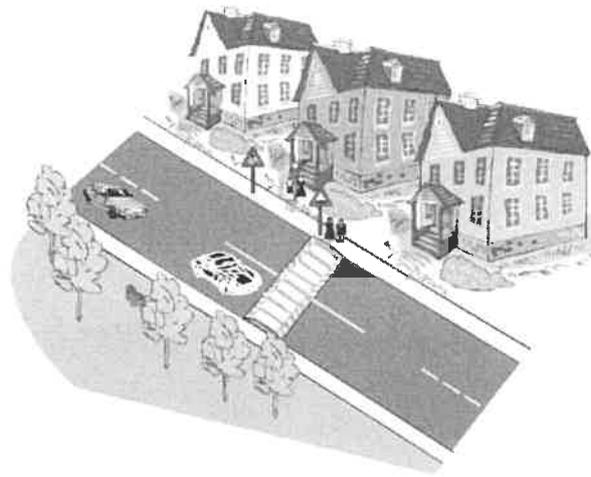
Traffic Calming



Speed Restriction



Traffic Calming



Raised Pedestrian Crossing



Emergency Routes – WC024



Emergency Routes – Stellenbosch



Emergency Routes – Raithby



Emergency Routes – Kylemore, Pniel and Lanquedoc



mergency Routes – Wemmershoek



Emergency Routes – La Motte and Groendal (Franschhoek)



Emergency Routes – Franschhoek



Emergency Routes – Klappmuts



7.5.4	APPROVAL OF THE WATER SERVICES BY-LAW AND ADMISSION OF GUILT FINES
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Collaborator No: 642472
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 20 November 2019

1. SUBJECT: APPROVAL OF THE WATER SERVICES BY-LAW AND ADMISSION OF GUILT FINES

2. PURPOSE

To submit the proposed Water Services By-Law for Stellenbosch Municipality to Council for approval.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

The Water Services By-Law is a document that must in terms of the Municipal Systems Act (Act 32 of 2000), Section 12 be adopted by Municipal Council.

4. EXECUTIVE SUMMARY

The current By-law, Water Supply, Sanitation Services and Industrial Effluent: By-Law is not aligned with the Water Services Act 108 of 1997 and its associated regulations.

The proposed Water Supply, Sanitation Services and Industrial Effluent By-Law will in comparison with the existing by-law address a wider spectrum of Water and Sewerage (Sanitation) Management matters thus ensuring that the Municipality conforms to its mandate in terms of the Constitution ensuring for clean and safe water services for its citizens.

The By-law contains provisions in support of standard procedures relating service connections to consumers, services specifications, compliance regulations and obligation matters relating to the consumers reforms aimed at minimizing the impacts and volumes of waste in addition to the municipality's Constitutional obligation to effective service delivery, to all relevant legislation.

The by-law propose to regulate all activities, infrastructure and entities associated with potable water, waste water generation, the disposal of sewerage effluent by all types of consumers

The proposed by-law is also not in contradiction with any existing policies (e.g., credit control policy)

5. RECOMMENDATIONS

- (a) that the content of this report be noted;
- (b) that the attached Draft Water Services By-law (2019) be approved and adopted by Council as the final Water Services By-Law;

-
- (c) that the Draft Water Services By-Law (2019), attached as **ANNEXURE A**, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Corporate Services' Legal Services' team;
 - (d) that the By-law becomes active upon the date that it is published in the Western Cape Provincial Gazette;
 - (e) that the Promulgated By-law be published on Council's official website; and
 - (f) that the proposed set of Admission of Guilt Fines (Attached as **ANNEXURE B**) be accepted as the fines to be sought approval from the Chief Magistrate for this By-Law.

6. DISCUSSION / CONTENTS

6.1 Background

The current Water Services By-law was promulgated on 11 August 2017 but it has become necessary to review this By-Law.

Permission granted by Council on 12 December 2018 to embark on a public participation process to obtain input from the public. The public participation was then followed by publishing the notice in the local media for the public to view and comment on the draft by-law at the various municipal libraries and also on the municipal website. The viewing/commenting period was from 24 January 2019 – 25 February 2019. No comments were received by the closing date.

6.2 Discussion

A municipality may make and administer By-laws for the effective administration of matters it has a right to administer in terms of section 156(2) and of the Constitution, Act 108 (as amended). The Council is obliged to ensure the provision of municipal services in terms of Chapter 7 of the Constitution which is also underpinned by the Local Government Municipal Systems Act, Act 32 of 2000 as amended.

Water Services are a local government competence to ensure the provision of proper potable water services, collection of sewage effluent from a full spectrum of consumers according to Schedule 5B of the Constitution. The Council has to consider the promulgation of a new by-law that aligns current and new functions with the national policy and legislation. The Water Supply, Sanitation Services and Industrial Effluent By-Law does not clearly address all requirements of the Water Services Act, Act 108 of 1997 with its associated with relevant regulations.

In terms of Section 160(2) of the Constitution, the passing of by-laws may not be delegated. Section 160(2) of the Constitution of South Africa read with section 12 of the Systems Act empowers a municipal council to pass by-laws. In terms of section 13 of the Systems Act, a by-law gives effect when published in the Provincial Gazette. Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

Chapter 4 of the Systems Act requires a municipality to develop a culture of participatory governance so as to enhance, encourage and create conditions for the local community to participate in the affairs of the municipality.

Section 11(1) of the Systems Act determines that the executive and legislative authority of a municipality is exercised by a municipal council. The legislative authority, which includes the right to make by-laws cannot be delegated, as this is prohibited by section 160(2) of the Constitution. Section 11(3)(m) of the Systems Act relates to the passing of by-laws as a means for a municipality to exercise its legislative authority. Section 12 of the Systems Act provides the following:

Legislative procedures

- (1) Only a member or committee of a municipal council may introduce a draft by-law in the council.
- (2) A by-law must be made by a decision taken by a municipal council-
 - (a) In accordance with the rules and orders of the council; and
 - (b) With a supporting vote of a majority of its members.
- (3) No by-law may be passed by a municipal council unless-
 - (a) All the members of the council have been given reasonable notice; and

The proposed By-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.

In terms of Section 13 of the Systems Act, a By-law gives effect when published in the Provincial Gazette.

As part of the prescribed legislative process for the adoption of the Municipality's by-laws, the following process flow applies:

- (a) serve before Standing Committee and Mayco;
- (b) serve before the Council;
- (c) be advertised in the press for public comments;
- (d) be open for inspection to the public at all municipal offices and libraries;
- (e) re-submit to the Standing Committee, Mayco and the Council for final adoption

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.

The Municipal Systems Act, Act 32 of 2000 as amended, Section 12(2) & (3) applies:

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

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

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

- (a) all the members of the council have been given reasonable notice; and*

- (b) *the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law."*

6.5 **Staff Implications**

This report has no staff implications for the Municipality.

6.6 **Previous / Relevant Council Resolutions:**

SPECIAL COUNCIL MEETING: 2018-12-10: ITEM 5

RESOLVED (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law Relating to Water Services, attached as **ANNEXURE A**, be accepted as the copy of the By-Law to be used in a Public Participation process;
- (c) that the Draft By-Law relating to Water Services be duly advertised for the purpose of a public participation process;
- (d) that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption; and
- (e) that a set of proposed spot fines as well as proposed system of delegations accompany the By-Law upon submission of the final draft to Council and to formally be accepted by Council together with the final By-Law.

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: 2019-09-05: ITEM 5.1.4

- (a) that the content of this report be noted;
- (b) that the attached Draft Water Services By-law (2019) be accepted as the copy to be used in a Public Participation process, due to the administrative changes made to the By-law;
- (c) that the Draft Water Services By-Law (2019), attached as **ANNEXURE A**, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Corporate Services' Legal Services' team;
- (d) that the By-law becomes active upon the date that it is published in the Western Cape Provincial Gazette;

-
- (e) that the Promulgated By-law be published on Council's official website; and
- (f) that the proposed set of Admission of Guilt Fines (Attached as **ANNEXURE B**) be accepted as the fines to be sought approval from the Chief Magistrate for this By-Law.

ANNEXURES:

Annexure A
Annexure B

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>14 April 2019</i>

ANNEXURE A



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

To provide for the supply of water by the Municipality; to establish levels of supply; to provide for measures to protect water installations and for the approval of work on water installations; to provide for water supply matters relating to the development of property; to set requirements for the establishment, testing, disinfection and use of water installations; to provide measures to prevent the undue consumption and the pollution of water; to provide special measures for fire installations; to provide for payment for water supplied; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Stellenbosch Municipal Council recognises that water is needed by people, plants and animals to survive, and that water is necessary for social and economic development, to create jobs, for recreation and for health, religious and spiritual purposes;

WHEREAS the Stellenbosch Municipal Council recognises that, as a water services authority, it has a duty to all customers or potential customers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to clean water services;

WHEREAS the Stellenbosch Municipal Council recognises –

- (a) the need to regulate access to water services in an equitable way, taking into account financial, technological, socio-economic and conservation factors;
- (b) the duty of customers to pay reasonable charges;
- (c) the right of the water services authority to limit or discontinue the provision of water services if there is a failure to comply with reasonable conditions set for the provision of such services;
- (d) the need to manage the conflict between different uses and users in different catchments;
- (e) the need to provide a means of providing access to water services to those who are still without such access;
- (f) the need to maintain and improve services already supplied in a sustainable manner;
- (g) the need to provide various measures to assist those who are economically unable to meet normal service charges; and
- (h) the need to provide water services in support of all forms of economic development and to carry out the above in a manner which supports the preservation of impacted ecosystems.

;

WHEREAS the Water Services Act establishes the Municipality as a water services authority and the Municipality's Water and Sanitation Unit as a water services provider for the Municipality's area of jurisdiction;

WHEREAS the Municipal Council has competence in terms of Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 relating to such matters as the control of the provision of water services;

WHEREAS the Stellenbosch Municipal Council has competence, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 to make and administer By-laws for the effective administration of the matters which it has the right to administer;

AND WHEREAS Stellenbosch Municipality has a duty to make By-laws for the provision of water services in terms of section 21 of the Water Services Act;

NOW THEREFORE the Stellenbosch Municipal Council, acting in terms of section 156 read with Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following by-law:

To provide for the supply of water by the Municipality; to establish levels of supply; to provide for measures to protect water installations and for the approval of work on water installations; to provide for water supply matters relating to the development of property; to set requirements for the establishment, testing, disinfection and use of water installations; to provide measures to prevent the undue consumption and the pollution of water; to provide special measures for fire installations; to provide for payment for water supplied; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Stellenbosch Municipal Council recognises that water is needed by people, plants and animals to survive, and that water is necessary for social and economic development, to create jobs, for recreation and for health, religious and spiritual purposes;

WHEREAS the Stellenbosch Municipal Council recognises that, as a water services authority, it has a duty to all customers or potential customers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to clean water services;

WHEREAS the Stellenbosch Municipal Council recognises –
(a) the need to regulate access to water services in an equitable way, taking into account financial, technological, socio-economic and conservation factors;

- (b) the duty of customers to pay reasonable charges;
- (c) the right of the water services authority to limit or discontinue the provision of water services if there is a failure to comply with reasonable conditions set for the provision of such services;
- (d) the need to manage the conflict between different uses and users in different catchments;
- (e) the need to provide a means of providing access to water services to those who are still without such access;
- (f) the need to maintain and improve services already supplied in a sustainable manner;
- (g) the need to provide various measures to assist those who are economically unable to meet normal service charges; and
- (h) the need to provide water services in support of all forms of economic development and to carry out the above in a manner which supports the preservation of impacted ecosystems.

;

WHEREAS the Water Services Act establishes the Municipality as a water services authority and the Municipality's Water and Sanitation Unit as a water services provider for the Municipality's area of jurisdiction;

WHEREAS the Municipal Council has competence in terms of Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 relating to such matters as the control of the provision of water services;

WHEREAS the Stellenbosch Municipal Council has competence, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 to make and administer By-laws for the effective administration of the matters which it has the right to administer;

AND WHEREAS Stellenbosch Municipality has a duty to make By-laws for the provision of water services in terms of section 21 of the Water Services Act;

NOW THEREFORE the Stellenbosch Municipal Council, acting in terms of section 156 read with Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following by-law:

OR

In terms of the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Stellenbosch Municipality hereby enacts as follows:

DRAFT WATER SERVICES BY-LAW

13 September 2019

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1000	99
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Surcharge Factor (SF)99

There is a surcharge factor which is a charge in addition to the above formula where an effluent does not comply with one or more of the limits given for the constituents.99

SF = $(X-L)/L$ where99

X - concentration of one or more of the parameters listed in Schedule A99

L - is the limit applicable to the parameter99

CHAPTER 1: DEFINITIONS

1. Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Water Services Act, 1996 (Act No 108 of 1996) the National Water Act (Act 36 of 1998), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) or the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977) shall bear the same meaning in these by-laws and unless the context indicates otherwise and a word in any one gender shall be read as referring also, to the other two genders –

“accommodation unit” in relation to any premises, means a building or Section of a building occupied or used or intended for occupation or use for any purpose;

“account” means an account rendered for municipal services provided;

“Act” means the Water Services Act, 1997 (Act No 108 of 1997), as amended

from time to time;

“agreement” means the contractual relationship between the municipality and a customer, whether written or deemed as provided for in the Municipality's By-laws relating to Credit Control and Debt Collection;

“approved” means approved by the municipality in writing;

“area of supply” means any area within or partly within the area of jurisdiction of the municipality to which a water service is provided;

“authorised agent” means –

(a) any person authorised by the municipality to perform any act, function or duty in terms of, or to exercise any power under, these by-laws;

(b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services; or

(c) any person appointed by the municipality in a written contract as a service provider for the provision of Water Services to customers on its behalf, to the extent authorised in such contract;

“average consumption” means the average consumption of a customer of a

municipal service during a specific period, and is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three;

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

“blackwater” means is mixture of urine, feces and flushwater along with anal cleansing water (if water is used for cleansing) and/or dry cleansing materials. Blackwater contains the pathogens of faeces and the nutrients of urine that are diluted in the flushwater.

“borehole” means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

“Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards, 1977 (Act No 103 of 1977) as amended;

“charges” means the rate, charge, tariff, flat rate or subsidy determined by the municipality;

“cleaning eye” means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;

“combined installation” means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

“commercial customer” means any customer other than domestic consumer and indigent customers, including, without limitation, business, industrial, government and institutional customers;

“connecting point” means the point at which the drainage installation joins the connecting sewer;

“connecting sewer” means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;

“connection” means the point at which a customer gains access to Water Services;

“connection pipe” means a pipe, the ownership of which is vested in the municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SANS 0252 Part I;

“conservancy tank” means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

“customer” means a person with whom the municipality has concluded an agreement for the provision a municipal service as provided for in the Municipality’s By-laws relating to Credit Control and Debt Collection;

“determined” means determined by the municipality or by any person who makes a determination in terms of these laws;

“domestic consumer” means a customer using water for domestic purposes;

“domestic purposes” in relation to the supply of water means water supplied for drinking, ablution and culinary purposes to premises used predominantly for residential purposes;

“drain” means that portion of the drainage installation that conveys sewage within any premises;

“drainage installation” means a system situated on any premises and vested in the owner thereof and which is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

“drainage work” includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

“dwelling unit” means an interconnected suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

“effluent” means any liquid whether or not containing matter in solution or suspension;

“engineer” means the engineer of the municipality, or any other person authorised to act on his behalf;

“emergency” means any situation that poses a risk or potential risk to life, health, the environment or property;

“environmental cost” means the cost of all measures necessary to restore the environment to its condition prior to an incident resulting in damage;

“estimated consumption” means the consumption that a customer, whose consumption is not measured during a specific period, is deemed to have consumed, that is estimated by taking into account factors that are considered relevant by the municipality and which may include the consumption of Water Services by the totality of the users of a service within the area where the service is rendered by the municipality, at the appropriate level of service, for a specific time;

“fire installation” means a potable water installation that conveys water for fire-fighting purposes only;

“french drain” means a soil soak pit for the disposal of sewage and effluent from a septic tank;

“greywater” means all wastewater that is generated in household or office building sources, such as waste water from baths, showers, wash basins, sinks, washing machines, and other kitchen appliances all without faecal contamination

“high strength sewage” means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;

“household” means a family unit, as determined by the municipality as constituting a traditional household by taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of it and any other factor that the municipality considers to be relevant;

“illegal connection” means a connection to any system, by means of which Water Services are provided that is not authorised or approved by the municipality;

“industrial effluent” means effluent emanating from the use of water for industrial purposes and includes for purposes of these by-laws any effluent other than standard domestic effluent or storm-water;

“industrial purposes” in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

“installation work” means any work done in respect of a water installation, including construction, rehabilitation, improvement and maintenance;

“interest” means interests as may be prescribed by the Minister of Justice in terms of Section 1 of the Prescribed Rate of Interest Act, 1975 (Act No 55 of 1975);

“manhole” means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

“main” means a pipe, other than a connection pipe, of which the ownership vests in the municipality and which is used by it for the purpose of conveying water to a customer;

“measuring device” means any method, procedure, process, device, apparatus or installation that enables the quantity of Water Services provided to be quantified and includes any method, procedure or process whereby the quantity is estimated or assumed;

“meter” means a water meter as defined by the regulations published in terms of the Trade Metrology Act, 1973 (Act No 77 of 1973) or, in the case of water meters of a size greater than 100 mm, a device that measures the quantity of water passing through it, including a pre-paid water meter;

“municipality” means-

- (a) the Stellenbosch Municipality, a local / district municipality established in terms of Section 12 of the Structures Act and its successors-in-title; or
- (b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by these by-law the Municipal Manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of these by-laws or any other law; or
- (c) an authorised agent of the Municipal Council;

“Municipal Council” means a Municipal Council as referred to in Section 157(1) of the Constitution of the Republic of South Africa, 1996;

“Municipal Manager” means the person appointed by the Municipal Council as the Municipal Manager of the municipality in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) and includes any person to whom the Municipal Manager has delegated a power, function or duty but only in respect of that delegated power, function or duty;

“municipal services” means, for purposes of these by-laws, services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

“occupier” means a person who occupies any (or part of any) land, building, structure or premises and includes a person who, for someone else’s reward or remuneration allows another person to use or occupy any (or any part of any) land, building structure or premises;

“on-site Sanitation Services” means any Sanitation Services other than water borne sewerage disposal through a sewerage disposal system;

“owner” means –

- (a) the person in whose name the ownership of the premises is registered from time to time or his agent;
- (b) where the registered owner of the premises is insolvent or dead, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his own behalf, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of, any premises, building, or any part of a building, situated on them;
- (d) where a lease has been entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to 30 years, the lessee or any other person to whom he has ceded his right title and interest under the lease, or any gratuitous successor to the lessee;
- (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No 95 of 1986), the developer or the body corporate in respect of the common property, or

- (ii) a Section as defined in the Sectional Titles Act, 1986 (Act No 95 of 1986), the person in whose name such Section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or
- (iii) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“person” means any person, whether natural or juristic and includes, but is not limited to, any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“plumber” means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No 56 of 1981) or such other qualification as may be required under national legislation;

“pollution” means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or environment or impair its quality for the use for which it is normally intended;

“premises” means any piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No 47 of 1937);
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No 95 of 1986); or
- (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“professional engineer” means a person registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000) as a professional engineer;

“public notice” means publication in the media including one or more of the following:

- (a) publication of a notice, in the official languages determined by the municipality:
 1. in any local newspaper or newspapers circulating in the area of supply of the municipality;
 2. in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipality as a newspaper of record; or

3. on the official website of the municipality;
 4. by means of radio broadcasts covering the area of supply of the municipality;
- (b) displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
- (c) communication with customers through public meetings and ward committee meetings;

“SANS” means the South African National Standard;

“Sanitation Services” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws the disposal of industrial effluent;

“sanitation system” means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage;

“septic tank” means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

“service pipe” means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

“shared consumption” means the consumption by a customer of a municipal service during a specific period, that is calculated by dividing the total metered consumption of that municipal service in the supply zone where the customer's premises are situated for the same period by the number of customers within the supply zone, during that period;

“sewage” means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm-water;

“sewer” means any pipe or conduit which is the property of or is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

“standpipe” means a connection through which water supply services are supplied to more than one person;

“standard domestic effluent” means domestic effluent with prescribed strength characteristics as determined by the municipality in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from

domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

“storm-water” means water resulting from natural precipitation or accumulation and includes rain-water, subsoil water or spring water;

“terminal water fitting” means water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

“trade premises” means premises upon which industrial effluent is produced;

“trap” means a pipe fitting or portion of a sanitary appliance designed to retain water seal which serves as a barrier against the flow of foul air or gas, in position;

“unauthorised service” means the receipt, use or consumption of any municipal service which is not in terms of an agreement with, or approved by, the municipality;

“water fitting” means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

“water installation” means the pipes and water fittings which are situated on any premises and ownership thereof vests in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality;

“Water resource” includes a watercourse, surface water, estuary, or aquifer;

“Water Services” means water supply services and Sanitation Services;

“Water Services intermediaries” has the same meaning as that assigned to it in terms of the Act;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and fire extinguishing services;

“water supply system” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which the ownership vests in the municipality and which are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and

“working day” means a day other than a Saturday, Sunday or public holiday.

CHAPTER 2: APPLICATION, PAYMENT AND TERMINATION

Part 1: Application

2. Application for Water Services

- (1) No person shall be provided with access to Water Services unless application has been made to, and approved by, the municipality on the form prescribed in terms of the Municipality's By-laws relating to Credit Control and Debt Collection.
- (2) Water Services rendered to a customer by the municipality are subject to the Municipality's By-laws relating to Credit Control and Debt Collection, these by-laws and the conditions contained in the relevant agreement.

3. Special Agreements for Water Services

The municipality may enter into a special agreement for the provision of Water Services with an applicant in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection.

4. Change in purpose for which Water Services are used

Where the purpose for, or extent to which, any municipal service is changed, the customer must promptly advise the municipality of the change and enter into a new agreement with the municipality.

Part 2: Charges

5. Prescribed charges for Water Services

- (1) All applicable charges payable in respect of Water Services, including but not restricted to the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipality in accordance with -
 - (a) its Rates and Tariff Policy;
 - (b) any by-laws in respect thereof; and
 - (c) any regulations in terms of national or provincial legislation; but
- (2) Differences between categories of customers, users of services, types and levels of services, quantities of services, infrastructural requirements and geographic areas, may justify the imposition of differential charges.

6. Availability charges for Water Services

The municipality may, in addition to the charges determined for Water Services that have been actually provided, levy a monthly fixed charge, an annual fixed charge or only one fixed charge where Water Services are available, whether or not such services are consumed.

Part 3: Payment

7. Payment for Water Services

The owner occupier and customer shall be jointly and severally liable and responsible for payment of all Water Services charges and Water Services consumed by a customer, in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection.

Part 4: Termination, Limitation and Disconnection

8. Termination of agreement for the provision of Water Services

A customer may terminate an agreement for the provision of Water Services in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection.

9. Limitation and/or disconnection of Water Services provided

- (1) The engineer may restrict or discontinue water supply services provided in terms of these by-laws -
 - (a) on failure to pay the determined charges on the date specified, in accordance with and after the procedure set out in the Municipality's By-laws relating to Credit Control and Debt Collection has been applied;
 - (b) at the written request of a customer;
 - (c) if the agreement for the provision of services has been terminated in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection;
 - (d) the building on the premises to which services were provided has been demolished;
 - (e) if the customer has interfered with a restricted or discontinued service;
 - (f) in an emergency or emergency situation declared in terms of the Municipality's By-laws relating to Credit Control and Debt Collection; or
 - (g) if the customer has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system of the municipality for the purposes of gaining access to water supply services after notice by the municipality.
- (2) The engineer may disconnect Sanitation Services provided in terms of these by-laws -
 - (a) at the written request of a customer;

- (b) if the agreement for the provision of Sanitation Services has been terminated in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection; or
 - (c) the building on the premises to which services were provided has been demolished.
- (3) The municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of Water Services provided in terms of subsections (1) and (2), including damages or claims that may arise due to the limitation or disconnection of Water Services by the municipality in the bona fide belief that the provisions of subsections (1) and (2) applied.

CHAPTER 3: SERVICE LEVELS

10. Service levels

- (1) The municipality may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to customers.
- (2) The municipality may in determining service levels differentiate between types of customers, domestic customers, geographical areas and socio-economic areas.
- (3) The following levels of service may, subject to subsection (1), be provided by the municipality on the promulgation of these by-laws:

- (a) Communal water supply services and on-site Sanitation Services -
- (i) constituting the minimum level of service provided by the municipality;
 - (ii) consisting of reticulated standpipes or stationary water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a Ventilated Improved Pit latrine located on each premises with premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
 - (iii) installed free of charge;
 - (iv) provided free of any charge to consumers; and
 - (v) maintained by the municipality.
- (b) Yard connection not connected to any water installation and an individual connection to the municipality's sanitation system -
- (i) consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the municipality's sanitation system;
 - (ii) installed free of charge;
 - (iii) maintained by the municipality.
- (c) a metered pressured water connection with an individual connection to the Municipality's sanitation system -
- (i) installed against payment of the relevant connection charges;
 - (ii) provided against payment of prescribed charges; and
 - (iii) with the water and drainage installations maintained by the customer.

CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES

Part 1: Connection to water supply system

11. Provision of connection pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the determined charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the engineer.

- (3) Only the engineer may install a connection pipe but the owner or customer may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises unless the engineer has installed a connection pipe and meter.

12. Location of connection pipe

- (1) A connection pipe provided and installed by the engineer shall -
 - (a) be located in a position determined by the engineer and be of a suitable size as determined by the engineer;
 - (b) terminate at -
 - (i) the boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or
 - (ii) at the outlet of the water meter or isolating valve if it is situated on the premises, close to the boundary.
- (2) The engineer may at the request of any person agree, subject to such conditions as the engineer may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his cost, any servitudes over other premises that may be necessary.
- (3) An owner must pay the determined connection charge in advance before a water connection can be effected.

13. Provision of single water connection for supply to several customers on the same premises

- (1) Notwithstanding the provisions of Section 12, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or customers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the engineer may, in its discretion, provide and install either -

- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the engineer has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be -
- (a) must install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
 - (i) a separate measuring device;
 - (ii) an isolating valve; and
 - (iii) will be liable to the municipality for the charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.
- (4) Where premises are supplied by a number of connection pipes, the engineer may require the owner to reduce the number of connection points and alter his water installation accordingly.

14. Disconnection of water installation from the connection pipe

The engineer may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection.

Part 2: Standards

15. Quantity, quality and pressure

Water supply services provided by the municipality must comply with the minimum standards set for the provision of water supply services in terms of Section 9 of the Act.

16. Testing of pressure in water supply systems

The engineer may, on application by an owner and on payment of the determined charge, determine and furnish the owner with the amount of the pressure in the water supply system relating to his premises over such period as the owner may request.

17. Pollution of water

An owner must provide and maintain approved measures to prevent the entry of any substance, which might be a danger to health or adversely affect the potability of water or affect its fitness for use, into -

- (a) the water supply system; and
- (b) any part of the water installation on his premises.

No interconnection between the municipal water supply and any other source of water on the premises will be allowed.

18. Water restrictions

- (1) The municipality may for purposes of water conservation and demand management or where, in its opinion, drought conditions are imminent, by public notice -
 - (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction -
 - (i) in general or for specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose -
 - (i) a restriction on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those determined in respect of the supply of water in excess of a restriction contemplated in subsection (1)(b)(i); and
 - (iii) a general surcharge on the determined charges in respect of the supply of water; and

- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The municipality may restrict the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so.
- (3) The municipality -
- (a) may take, or by written notice require a customer at his own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) may, subject to notice, and for such period as it may consider fit, restrict or discontinue the supply of water to any premises in the event of a contravention of these by-laws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of subsection (1); and
 - (c) shall where the supply has been discontinued, restore it only when the determined charge for discontinuation and reconnecting the supply has been paid.

19. Specific conditions of supply

- (1) The granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system –
- (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2001; or
 - (b) a specific pressure or rate of flow in such supply other than required in terms of Regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2001.
- (2) The engineer may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.
- (3) If an owner of customer requires -

- (a) that any of the standards referred to in subsection (1); or
 - (b) a higher standard of service than specified in Section 15; be maintained on his premises, he or she shall take the necessary steps to ensure that the proposed water installation is able to meet such standards.
- (4) The engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.
 - (5) If in the opinion of the engineer the consumption of water by a customer adversely affects the supply of water to another customer, he may apply such restrictions as he may consider fit, to the supply of water to that customer in order to ensure a reasonable supply of water to the other customer and must inform that customer about the restrictions.
 - (6) The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open by the consumer when the water supply is re-instated, after an interruption in supply.
 - (7) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.
 - (8) No customer shall resell water supplied to him by the municipality except with the written permission of the municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the municipality may deem fit.

Part 3: Measurement

20. Measuring of quantity of water supplied

- (1) The engineer must provide a measuring device designed to provide either a controlled volume of water, or an uncontrolled volume of water, to a customer.
- (2) The municipality must, at regular intervals, measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water.
- (3) Any measuring device and its associated apparatus through which water is supplied to a customer by the municipality, shall be provided and

installed by the engineer, shall remain its property and may be changed and maintained by the engineer when he considers it necessary to do so.

- (4) The engineer may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (5) If the engineer installs a measuring device on a service pipe in terms of subsection (4), he may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and that section shall form part of the water installation.
- (6) If the engineer installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (4), the owner shall -
 - (a) provide a place satisfactory to the engineer in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is in-stalled between the measuring device and the connection pipe serving the installation;
 - (e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the engineer on the measuring device; and
 - (f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the engineer, is likely to cause damage to any meter.
- (7) No person other than the engineer shall:
 - (a) disconnect a measuring device and its associated apparatus from the pipe on which they are installed;
 - (b) break a seal which the engineer has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (8) If the engineer considers that, a measuring device is a meter whose size is unsuitable because of the quantity of water supplied to premises, he may install a meter of a size that he considers necessary, and may recover the determined charge for the installation of the meter from the owner of the premises.

- (9) The municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in ascertaining the quantity of water supplied to each such unit; but where controlled volume water-delivery systems are used, a single measuring device may otherwise be used for more than one unit.

21. Quantity of water supplied to customer

- (1) For the purposes of ascertaining the quantity of water that has been measured by a measuring device that has been installed by the engineer and that has been supplied to a customer over a specific period, it will, for the purposes of these by-laws, be presumed except in any criminal proceedings, unless the contrary is proved, that -
- (a) the quantity, where the measuring device designed to provide an uncontrolled volume of water, is the difference between measurements taken at the beginning and end of that period;
 - (b) the quantity, where the measuring device designed to provide a controlled volume of water, is the volume dispensed by the measuring device;
 - (c) the measuring device was accurate during that period;
 - (d) the entries in the records of the municipality were correctly made; and
 - (e) if water is supplied to, or taken by, a customer without having passed through a measuring device, the estimate by the municipality of the quantity of that water shall be presumed, except in any criminal proceedings, to be correct unless the contrary is proved.
- (2) Where water supplied by the municipality to any premises is in any way taken by the customer without the water passing through any measuring device provided by the municipality, the municipality may, for the purpose of rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer shall, as the municipality may decide, be based either on -
- (a) the average monthly consumption of water on the premises recorded over three succeeding measuring periods after the date on which an irregularity referred to in subsection (2) has been discovered and rectified, or

- (b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months immediately before the date on which an irregularity referred to in subsection (2) was discovered.
- (4) Nothing in these by-laws shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the engineer on any premises to be measured at the end of every month or any other fixed period, and the municipality may charge the customer for an average consumption during the interval between successive measurements by the measuring device.
- (5) Until the time when a measuring device has been installed in respect of water supplied to a customer, the estimated or shared consumption of that customer during a specific period, must be based on the average consumption of water supplied to the specific supply zone within which the customer's premises are situated.
- (6) Where in the opinion of the engineer it is not reasonably possible or cost effective to measure water that is supplied to each customer within a determined supply zone, the municipality may determine a tariff or charge based on the estimated or shared consumption of water supplied to that supply zone.
- (7) The municipality must within seven days, on receipt of a written notice from the customer and subject to payment of the determined charge, measure the quantity of water supplied to the customer at a time, or on a day, other than that upon which it would normally be measured.
- (8) If a contravention of subsection (7) occurs, the customer must pay to the municipality the cost of whatever quantity of water was, in the opinion by the municipality, supplied to him.

22. Special measurement

- (1) If the engineer requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, may, by written notice, advise the owner concerned of his intention to install a measuring device at any point in the water installation that he may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such a removal shall be carried out at the expense of the municipality.

- (3) The provisions of Sections 86(5) and 86(6) shall apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of subsection (1).

23. No reduction of amount payable for water wasted

- (1) A customer shall not be entitled to a reduction of the amount payable for water wasted or lost in a water installation.
- (2) Notwithstanding (1) above, the engineer may consider the granting of a rebate in the case of a pipe burst, geyser burst or underground leak provided that:
- (a) the leak is reported to the municipality within 7 days of it being repaired.
- (b) a certificate or affidavit confirming the leak and its repair by a registered/qualified plumber or owner is submitted.
- (c) The certificate or affidavit must confirm
- (i) the date of the repair
- (ii) that the leak was not discernible from the surface
- (iii) that the leak occurred on a pipe listed in the standard of approved pipes and fittings prescribed by the engineer
- (d) the maximum period for the rebate shall be 3 months. If longer, approval by the Municipal Manager is required.
- (3) the rebate tariff is approved annually in the municipality's Tariff Schedules.
- (4) The volume will be determined by the engineer as the difference between the average consumption from previous corresponding readings during the same period as the leak and the consumption during the period of leakage.

Part 4: Audit

24. Water audit

- (1) The municipality may require a customer, within one month after the end of a financial year of the municipality, to undertake a water audit at his own cost.
- (2) The audit must at least involve and report-
- (a) the amount of water used during the financial year;

- (b) the amount paid for water for the financial year;
- (c) the number of people living on the stand or premises;
- (d) the number of people permanently working on the stand or premises;
- (e) the seasonal variation in demand through monthly consumption figures;
- (f) the water pollution monitoring methods;
- (g) the current initiatives for the management of the demand for water;
- (h) the plans to manage their demand for water;
- (i) a comparison of the report with any report that may have been made during the previous three years;
- (j) estimates of consumption by various components of use; and
- (k) a comparison of the above factors with those reported in each of the previous three years, where available.

Part 5: Installation Work

25. Approval of installation work

- (1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 0400, or in terms of any Municipal by-laws, or for the repair or replacement of an existing pipe or water fitting other than a **fixed water heater and its associated protective devices**.
- (2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by -
 - (a) the determined charge, if applicable; and
 - (b) copies of the drawings as may be determined by the municipality, giving information in the form required by Clause 4.1.1 of SANS Code 0252: Part I;

- (c) a certificate certifying that the installation has been designed in accordance with SANS Code 0252: Part I by a professional engineer.
- (3) Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months.
- (4) Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until the work has been completed.
- (5) If installation work has been done in contravention of subsection (1) or (2), the municipality may require the owner –
 - (a) to rectify the contravention within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these by-laws.

26. Persons permitted to do installation and other work

- (1) Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the municipality, shall be permitted to:
 - (a) do installation work other than the replacement or repair of an existing pipe or water fitting provided that material using on repairs shall be in adherence to the specifications required by the National Building Regulations;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back flow pre-vender; or
 - (e) install, maintain or replace a meter provided by an owner in a water installation.

- (2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1) the municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the engineer.

27. Provision and maintenance of water installations

- (1) An owner must provide and maintain his water installation at his own cost and except where permitted in terms of Section 25, must ensure that the installation is situated within the boundary of his premises.
- (2) An owner must install an isolating valve at a suitable point on service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his service pipe.
- (3) Before doing work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner shall obtain the written consent of the municipality or the owner of the land on which the portion is situated, as the case may be.

28. Technical requirements for a water installation

Notwithstanding the requirement that a certificate be issued in terms of Section 25, all water installations shall comply with SANS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 0254.

29. Use of pipes and water fittings to be authorised

- (1) No person shall, without the prior written authority of the engineer, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the municipality.
- (3) A pipe or water fitting may be not be included in the Schedule referred to in subsection (1) unless it -

- (a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau;
 - (b) bears a certification mark issued by the SANS to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS, provided that no certification marks shall be issued for a period exceeding two years; or
 - (c) is acceptable to the engineer.
- (4) The municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may consider necessary in respect of the use or method of installation.
- (5) A pipe or water fitting shall be removed from the Schedule if it -
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current Schedule shall be available for inspection at the office of the municipality at any time during working hours.
- (7) The municipality may sell copies of the current Schedule at a determined charge.

30. Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within its packaging, the following information:

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate.
- (b) The flow rate, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following pressures: 20 kPa, 100kPa and 400 kPa.

31. Water demand management

- (1) In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve, and where the plumbing has been

designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute must not be installed.

- (2) The maximum flow rate from any tap installed on a wash hand basin must not exceed 6 litres per minute.

Part 6: Communal water supply services

32. Provision of water supply to several consumers

- (1) The engineer may install a communal standpipe for the provision of water supply services to several consumers at a location it considers appropriate, provided that a majority of consumers, who in the opinion of the engineer, constitute a substantial majority, and to whom Water Services will be provided by the standpipe, has been consulted by him or the municipality. **“Water Services”** means water supply services and Sanitation Services;
- (2) The engineer may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several consumers.

Part 7: Temporary water supply services

33. Water supplied from a hydrant

- (1) The engineer may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for any period that may be prescribed by him and payment of such applicable charges, including a deposit, as may be determined by the municipality from time to time.
- (2) A person who wishes to obtain a temporary supply of water referred to in subsection (1) must apply for such a water supply service in terms of Section (2) and must pay a deposit determined by the municipality from time to time.
- (3) The engineer shall provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.
- (4) The portable meter and all other fittings and apparatus provided for the temporary supply of water from a hydrant remain the property of the municipality and must be returned to the municipality on termination of the temporary supply. Failure to return the portable meter and all other fittings

and apparatus shall result the imposition of penalties determined by the municipality from time to time.

Part 8: Boreholes

34. Notification of boreholes

- (1) No person may sink a borehole on premises situated in a dolomite area, and before sinking a borehole a person must determine if the premises on which the borehole is to be sunk are situated within a dolomite area.
- (2) The municipality requires -
 - (a) the owner of any premises within any area of the municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier to notify it of the existence of a borehole on such premises, and provide it with such information about the borehole that it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on the premises, to notify it on the prescribed form of its intention to do so before any work in connection sinking it is commenced.
- (3) The municipality may require the owner or occupier of any premises who intends to sink a borehole, to undertake a geo-hydrological assessment of the intended borehole, to the satisfaction of the municipality, before sinking it.
- (4) The municipality may require an owner or occupier who has an existing bore-hole that is used for water supply services to -
 - (a) obtain approval for the use of the borehole for potable water supply services in accordance with Sections 6, 7 and 22 of the Act; and
 - (b) impose conditions in respect of the use of a borehole for potable Water Services.

Part 9: Fire services connections

35. Connection to be approved by the municipality

- (1) The engineer shall be entitled in his absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the Municipality's main.

- (2) No water shall be supplied to any fire extinguishing installation until a certificate that the municipality's approval in terms of Section 25 has been obtained and that the installation complies with the requirements of these and any other by-laws of the municipality, has been submitted.
- (3) If in the engineer's opinion a fire extinguishing installation, which he has allowed to be connected to the municipality's main, is not being kept in proper working order, or is otherwise not being properly maintained, or is being used for purpose other than fire-fighting, that shall be entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the customer's expense.

36. Special provisions

The provisions of SANS 0252-1 shall apply to the supply of water for fire-fighting purposes.

37. Dual and combined installations

All new buildings erected after the commencement of these by-laws, must comply with the following requirements in relation to the provision of fire extinguishing services:

- (a) If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes.
- (b) Combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases a fire hydrant must be provided by the municipality, at the customer's expense, within 90 metres of the property to provide a source of water for the fire tender to use in extinguishing the fire.
- (c) Combined installations where a booster pumping connection is provided, shall only be permitted when designed and certified by a professional engineer.
- (d) All pipes and fittings must be capable of handling pressures in excess of 1 800 kPa, if that pressure could be expected when boosting takes place and must be capable of maintaining their integrity when exposed to fire conditions.

38. Connection pipes for fire extinguishing services

- (1) After the commencement of these by-laws, a single connection pipe for both fire (excluding sprinkler systems) and potable water supply services shall be provided by the engineer.
- (2) The engineer shall provide and install, at the cost of the owner a combination meter on the connection pipe referred to in (1).
- (3) A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system unless the engineer gives his approval to the contrary.
- (4) A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while the device is operating.

39. Valves and meters in connection pipes

Every connection pipe to a fire extinguishing installation must be fitted with valves and a measuring device which shall be:

- (a) supplied by the engineer at the expense of the customer;
- (b) installed between the customer's property and the main; and
- (c) installed in such position as may be determined by the engineer.

40. Meters in fire extinguishing connection pipes

The engineer shall be entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes and the owner of the premises shall be liable for all costs in so doing if it appears to the municipality that water has been drawn from the pipe for purposes other than for the purpose of extinguishing a fire.

41. Sprinkler extinguishing installation

A sprinkler installation may be installed directly to the main, but the municipality may not be deemed to guarantee any specified pressure at any time.

42. Header tank or double supply from main

- (1) The customer must install a header tank at such elevation as will compensate for any failure or reduction of pressure in the municipality's main for its sprinkler installation, unless this installation is provided with a duplicate supply from a separate main.

- (2) The main pipe leading from a header tank to the sprinkler installation may be in direct communication with the main, provided that the main pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.
- (3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

43. Sealing of private fire hydrants

- (1) Except where a system is a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the municipality and the seals must not, except for the purposes of opening the hydrant or using the hose when there is a fire, be broken by any person other than by the municipality in the course of servicing and testing.
- (2) The customer must give the municipality at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.
- (3) The cost of resealing hydrants and hose-reels shall be borne by the customer except when the seals are broken by the municipality's officers for testing purposes.
- (4) Any water consumed through a fire installation or sprinkler system shall be paid for by the customer at the charges determined by the municipality.

CHAPTER 5: CONDITIONS FOR SANITATION SERVICES

Part 1: Connection to sanitation system

44. Obligation to connect to sanitation system

- (1) All premises on which sewage is produced must be connected to the Municipality's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the municipality to install a connecting sewer, unless approval for the use of on-site Sanitation Services was obtained in accordance with Section 32.
- (2) The municipality may, by notice, require the owner of premises not connected to the municipality's sanitation system to connect to the sanitation system.
- (3) An owner of premises, who is required to connect those premises to the municipality's sanitation system in accordance with subsection (1), must inform the municipality in writing of any Sanitation Services, provided by the municipality on the site, which will no longer be required as a result of the connection to the sanitation system.

- (4) The owner will be liable for any charge pay-able in respect of Sanitation Services on the site, until an agreement for rendering those services has been terminated in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection.
- (5) If the owner fails to connect premises to the sanitation system after having had a notice in terms of subsection (2) the municipality, notwithstanding any other action that it may take in terms of these by-laws, may impose a penalty determined by it.

45. Provision of connecting sewer

- (1) If an agreement for Sanitation Services in respect of premises has been concluded in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection and no connecting sewer exists in respect of the premises, the owner shall make application on the prescribed form, and pay the tariffs and charges determined by the municipality for the installation of a connecting sewer.
- (2) If an application is made for Sanitation Services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system in order to provide Sanitation Services to any premises, the municipality may agree to the extension only if the owner pays or undertakes to pay for the cost, as determined by the engineer, of the extension, modification or upgrading of the services.
- (3) Only the engineer may install or approve an installed connecting sewer; but the owner or customer may connect the sanitation installation to the connection pipe.
- (4) No person may commence any development on any premises unless the engineer has installed a connecting sewer.

46. Location of connecting sewer

- (1) A connecting sewer that has been provided and installed by the engineer must -
 - (a) be located in a position determined by the engineer and be of a suitable size determined by the engineer; and
 - (b) terminate at -
 - (i) the boundary of the premises; or
 - (ii) at the connecting point if it is situated on the premises.

- (2) The engineer may at the request of the owner of premises, approve, subject to any conditions that he may impose, a connection to a connecting sewer other than one that is most readily available for the provision of Sanitation Services to the premises; in which event the owner shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining, at his own cost, any servitude over other premises that may be necessary.
- (3) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, or the premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer has to be subject to the approval of the municipality.
- (4) The owner of premises must pay the connection charges and tariffs determined by the municipality before a connection to the connecting sewer can be effected.

47. Provision of one connecting sewer for several consumers on same premises

- (1) Notwithstanding the provisions of Section 46, only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Notwithstanding subsection (1), the municipality may authorise that more than one connecting sewer be provided in the sanitation system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (3) Where the provision of more than one connecting sewer is authorised by the municipality under subsection (2), the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

48. Interconnection between premises

An owner of premises must ensure, unless he has obtained the prior approval of the municipality and complies with any conditions that it may have imposed, that no interconnection exists between the drainage installation on his premises and the drainage installation on any other premises.

49. Disconnection of connecting sewer

The engineer may disconnect a drainage installation from the connection pipe and remove the connection pipe on the termination of an agreement for the provision of water supply services in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection.

Part 2: Standards**50. Standards for Sanitation Services**

Sanitation Services provided by the municipality must comply with the minimum standards set for the provision of Sanitation Services in terms of the Section 9 of the Act.

Part 3: Methods for determining charges**51. Measurement of quantity of domestic effluent discharged**

- (1) As from the date of promulgation of this by-law the quantity of domestic effluent discharged shall be determined as a percentage of water supplied, or by way of an area based tariff and shall be determined by the municipality in terms of Sections 74 and 75 of the Municipal Systems Act, Act 32 of 2000, as amended; provided that where the municipality is of the opinion that such a percentage or tariff in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage or tariff applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the:
- a. proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied:
 - b. or calculated cost impact of such a premises on the purification of sewage.
- (2) Where premises are supplied with water from a source other than, or in addition to, the municipality's water supply system, including abstraction from a river or borehole, and a % based tariff is used, the quantity must be a percentage of the total water used on those premises that is reasonably estimated by the municipality."

52. Measurement of quantity and determination of quality of industrial effluent discharged

- (1) The quantity of industrial effluent discharged into the sanitation system must be determined -
 - (a) where a measuring device is installed, by the quantity of industrial effluent discharged from the premises as measured by that measuring device; or
 - (b) until the time that a measuring device is installed, by a percentage of the water supplied by the municipality to those premises.
- (2) The municipality may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the municipality for the purpose of ascertaining to the satisfaction of the municipality, the tempo, volume and composition of the effluent.
- (3) The municipality may install and maintain any meter, gauge or device referred to in subsection (2) at the expense of the owner of the premises on which it is installed.
- (4) Where premises are supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on those premises reasonably estimated by the municipality.
- (5) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipality may on application by the owner reduce the assessed quantity of industrial effluent.
- (6) The municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.
- (7) Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharges as prescribed in Schedule C.
- (8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:
 - (a) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable;
 - (b) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the

sampled effluent, taken during the period of charge, will be used to determine the charges payable;

- (c) in order to determine the strength (Chemical oxygen demand, suspended solids concentration, Ammonia concentration, and orthophosphate concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the municipality will use the tests normally used by municipalities for these respective purposes. Details of the appropriate test may be ascertained from the municipality or the SANS. Test results from a SANAS accredited laboratory will have precedence over those of the municipality;
- (d) the formula is calculated on the basis of the different analysis results of individual snap or composite samples taking into account the flow pattern;
- (e) the terms of the formula cannot assume a negative value;
- (f) the total system values for quality charges shall remain constant for an initial period of one month, but in any case not longer than twelve months from the date of commencement of these charges, after the expiry of which time they may be amended or revised from time to time depending on such changes in the analysis results or further samples, as may be determined from time to time: provided that the municipality in its discretion in any particular case, may levy the minimum charges prescribed without taking any samples;
- (g) whenever the municipality takes a sample, one half of it will be made available to the customer on request;
- (h) for the purpose of calculating of the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable;
- (i) the costs of conveying and treating industrial effluent shall be determined by the municipality and shall apply with effect from a date determined by the municipality; and
- (j) at the discretion of the municipality, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

53. Reduction in the measured quantity of effluent discharged

- (1) A person shall be entitled to a reduction in the quantity of effluent discharged, as determined in terms of Sections 117 and 118 where the quantity of water, on which a percentage is calculated, was measured during a period where water was wasted or a leakage went undetected, if the consumer demonstrates to the satisfaction of the municipality that the water was not discharged into the sanitation system.
- (2) The reduction in the quantity shall be based on the quantity of water lost through leakage or wastage during the leak period.
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak, or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) The quantity of water lost shall be calculated as the consumption for the leak period less the average consumption, based on the pre-eding 3 (three) months, for the same length of time. In the event of no previous history of consumption being available, the average water consumption will be determined by the municipality, after taking into account all information that is considered by it to be relevant.
- (5) There shall be no reduction in the quantity if a loss of water, directly or indirectly, resulted from a consumer's failure to comply with these or other by-laws.

54. Charges in respect of "on-site" Sanitation Services

Charges in respect of the removal or collection of conservancy tank contents, chemical toilets, night soil or the emptying of pits will cover all the operating and maintenance costs arising from the removal of the pit contents, its transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues and are payable by the owner. These charges will be reviewed annually.

Part 4: Drainage installations

55. Installation of drainage installations

An owner must provide and maintain his drainage installation at his own expense, unless the installation constitutes a basic sanitation facility as determined by the municipality, and except where otherwise approved by the municipality, must ensure that the installation is situated within the boundary of his premises.

- (1) The municipality may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence the construction or connection of the drainage installation until the municipality's connecting sewer has been laid.
- (2) Any drainage installation that has been constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standard prescribed in terms of the Act.
- (3) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- (4) Where premises are situated in the 1 in 100 years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1 in 100 years flood level.
- (5) After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the municipality a certificate certifying that the work was completed to the standards set out in the building regulations, these by-laws and any other relevant law or by-laws.
- (6) No rainwater or storm-water, and no effluent other than an effluent that has been approved by the municipality, may be discharged into a drainage installation.

56. Disconnection of drainage installations

- (1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.
- (2) Where any part of a drainage installation is disconnected from the remainder because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the municipality approves otherwise.
- (3) When a disconnection has been made after all the requirements of the Building Regulations in regard to disconnection have been complied with, the engineer must upon the request of the owner, issue a certificate certifying that the disconnection has been completed in terms of the Building Regulations and that any charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied from the end of the month preceding the first day of the month following the issue of such certificate.

- (4) When a drainage installation is disconnected from a sewer, the engineer must seal the opening caused by the disconnection and may recover the cost of doing so from the owner of the premises on which the installation is disconnected.
- (5) Where a drainage system is connected to or disconnected from the sewer system during a month, charges will be calculated as if the connection or disconnection were made on the first day of the month following the month in which the connection or disconnection took place.

57. Maintenance of drainage installations

- (1) An owner must provide and maintain his drainage installation at his own cost.
- (2) Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and separately liable for the maintenance of the installation.
- (3) The owner of any premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.

58. Technical requirements for drainage installations

All drainage installations shall comply with SANS code 0252 and the Building Regulations.

59. Drains

- (1) Drains passing through ground which in the opinion of the engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the engineer.
- (2) A drain or part of it may only be laid within, or either passes under or through a building, with the approval of the engineer.
- (3) A drain or part of it which it is laid in an inaccessible position under a building may not bend or be laid at a gradient.
- (4) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to the drain.

60. Sewer blockages

- (1) No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank, or fitting that may cause its blockage or ineffective operation.
- (2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation in or on it, he shall take immediate steps to have it cleared.
- (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he shall immediately inform the municipality.
- (4) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by, or under the supervision of, a plumber.
- (5) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the municipality is reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.
- (6) Where a blockage has been removed from a drain or portion of a drain which serves two or more premises, the owners are jointly and severally liable for the cost of clearing the blockage.
- (7) Where a blockage in a sanitation system has been removed by the engineer and the removal necessitated the disturbance of an owners paving, lawn or other artificial surface neither the engineer nor the municipality shall be required to restore them to their previous condition and shall not be responsible for any damage to them unless caused by the wrongful act or negligence of the engineer.
- (8) Notwithstanding the above, the engineer will endeavor to reinstate the disturbance.

61. Grease traps

A grease trap of an approved type, size and capacity must be provided in respect of all premises that discharge sewage to on-site sanitation systems or where, in the opinion of the municipality, the discharge of grease, oil and fat is likely to cause an obstruction to the flow in sewers or drains, or to interference with the proper operation of any waste-water treatment plant.

62. Industrial grease traps

- (1) The owner or manufacturer must ensure that industrial effluent which contains, or which, in the opinion of the municipality is likely to contain, grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers, of a type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter, that is approved by the engineer.
- (2) The owner or manufacturer must ensure that oil, grease or any other substance which is contained in any industrial effluent or other liquid and which gives off an inflammable or noxious vapour at a temperature of, or exceeding, 20° C must be intercepted and retained in a tank or chamber so as to prevent its entry of into the sewer.
- (3) A tank or chamber as referred to in subsection (2) must comply with the following requirements:
 - (a) it shall be of adequate capacity, constructed of hard durable materials and water-tight when completed;
 - (b) the water-seal of its discharge pipe shall be not less than 300 mm in depth; and
 - (c) shall be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil fat and solid matter.
- (4) Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording -
 - (a) the dates on which the tank or chamber was cleaned;
 - (b) the name of any the persons employed by him to clean the tank or chamber or, if he cleaned it himself, that fact that he did so; and
 - (c) a certificate from the person employed to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if he cleaned it himself, his own certificate to that effect.

63. Mechanical appliances for lifting sewage

- (1) The owner of any premise must obtain the approval of the engineer before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.

- (2) Approval must be applied for by a professional engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations and must show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.
- (3) Notwithstanding any approval given in terms of subsection (1), the municipality shall not be liable for any injury, loss or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage unless the injury or damage be caused by the wrongful intentional or negligent act or negligence of an employee of the municipality.
- (4) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (5) Unless otherwise permitted by the engineer, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.
- (6) Every mechanical appliance forming part of a drainage installation shall be located and operated so as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- (7) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, shall be as determined by the engineer who may, at any time, require the owner to install such fittings and regulating devices as may in his opinion, be necessary to ensure that the determined maximum discharge rate shall not be exceeded.
- (8) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank must be provided in conjunction with such appliance.
- (9) Every sewage storage tank required in terms of paragraph (a) must -
 - (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;

- (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into it in 24 hours or 900 litres, whichever is the greater quantity; and
 - (c) be so designed that the maximum of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- (10) Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the engineer's specifications.

Part 5: On-site Sanitation Services and associated services

64. Installation of on-site Sanitation Services

If it is not reasonably possible or cost effective for the municipality to install a connecting sewer, an agreement for on-site sanitation systems in respect of the premises must be concluded. The owner must install Sanitation Services specified by the municipality, on the site unless the service is a subsidised service that has been determined by the municipality in accordance with Section 10 of the Municipality's Credit Control and Debt Collection Bylaw.

65. Ventilated improved pit latrines

- (1) The municipality may, on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of, and access to, the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine
- (2) A ventilated improved pit latrine must have -
 - (a) a pit of 2 m³ capacity;
 - (b) lining as required to protect the groundwater;
 - (c) a slab designed to support the superimposed loading; and
 - (d) protection preventing children from falling into the pit;
- (3) A ventilated improved pit latrine must conform to the following specifications:
 - (a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;

- (b) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
- (c) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (d) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (e) must be sited in a position that is independent of the dwelling unit;
- (f) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
- (g) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress; and
- (h) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.

66. Septic Tanks, Conservancy Tanks and Treatment Plants

- (1) The municipality may, on such conditions as it may prescribe, approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.
- (2) A septic tank or other sewage treatment plant on a site must not be situated closer than 3 metres to any dwelling unit or to any boundary of the premises on which it is situated.
- (3) Effluent from a septic tank or other on-site sewage treatment plant must be disposed of to the satisfaction of the municipality.
- (4) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.

- (5) A septic tank serving a dwelling unit must -
- (a) have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such an invert level of 2 500 litres;
 - (b) have an internal width of not less than 1 metre measured at right angles to the direction of the flow;
 - (c) have an internal depth between the cover and the bottom of the tank of not less than 1,7 metre; and
 - (d) retain liquid to a depth of not less than 1,4 metre.
 - (e) include odour control ventilation
- (6) Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional civil engineer registered as a member of the engineering Council of South Africa.
- (7) No rain water, storm-water, or effluent other than that approved by the municipality may be discharged into a septic tank.

67. French drains

- (1) The municipality may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste-water or other effluent by means of french drains, soakage pits or other approved works.
- (2) A french drain, soakage pit or other similar work shall not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that will, in the opinion of the municipality, cause contamination of any borehole or other source of water which is, or may be, used for drinking purposes, or cause dampness in any building.
- (3) The dimensions of any french drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.
- (4) French drains serving premises other than a dwelling house must be designed and certified by a professional Civil engineer registered as a member of the engineering Council of South Africa.

- (5) Should any groundwater pollution be detected, the municipality may require the removal of the installation and its replacement by a conservancy tank or other suitable means of disposal.
- (6) A french drain may not be constructed within the 1 in 100 flood line.

68. Conservancy tanks

- (1) The municipality may, on such conditions as it may prescribe; approve the construction of a conservancy tank with a capacity of at least 5000 kℓ and ancillary appliances for retention of sewage or effluent.
- (2) No rain water, storm-water, or effluent other than approved by the municipality may be discharged into a conservancy tank.
- (3) No conservancy tank must be used as such unless -
 - (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - (b) the tank is gas and water tight;
 - (c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the municipality, terminating at an approved valve and fittings for connection to the Municipality's removal vehicles;
 - (d) the valve and fittings referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has hinged cover approved by the engineer and which is situated in a position required by the municipality; and
 - (e) access to the conservancy tank must be provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- (4) The municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner or customer to indemnify the municipality, in writing, against any liability for any damages that may result from rendering of that service as a condition for emptying the tank.
- (5) Where the municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway

through which the vehicle is required to pass to reach the tank, shall be less than 3,5 m wide for such purposes.

- (6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain the tank in good order and condition to the satisfaction of the municipality.
- (7) The municipality may require an owner to reposition an existing conservancy tank.

69. Operation and maintenance of on-site Sanitation Services

- (1) The operation and maintenance of on-site Sanitation Services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the on-site Sanitation Services are subsidised services determined in accordance with the Municipality's By-laws relating to Credit Control and Debt Collection.
- (2) Unless a waiver has been granted by the engineer, an owner is required to have an on-going maintenance contract as part of the operation and maintenance of an on-site facility. The facility must be authorised in terms of the regulations promulgated in terms of the National Water Act.

70. Disused conservancy and septic tanks

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the engineer may require a tank to be dealt with in another way, or approve its use for other purposes, subject to any conditions specified by him.

Part 6: Industrial effluent

71. Approval to discharge industrial effluent

- (1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the municipality.
- (2) A person must apply for approval to discharge industrial effluent into the sanitation system of the municipality on the prescribed form attached as Schedule B to these by-laws.
- (3) The municipality may, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful

disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge of industrial effluent into the sanitation system.

- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, must at the time of lodging a building plan in terms of Section 4 of the National Building Regulations and Building Standards No. 103 of 1977, also lodge applications for the provision of Sanitation Services and for approval to discharge industrial effluent.

72. Withdrawal of approval to discharge industrial effluent

- (1) The municipality may withdraw any approval to a commercial customer, who has been authorised to discharge industrial effluent into the sanitation system, upon giving 14 (fourteen) days notice, if the customer -
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these by-laws or the written permission referred to in Section 71;
 - (b) fails or refuses to comply with any notice lawfully served on him in terms of these by-laws, or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him; or
 - (c) fails to pay the charges in respect of any industrial effluent discharged.
- (2) The municipality may on withdrawal of any approval -
- (a) in addition to any steps required by in these by-laws, and on 14 (fourteen) days' written notice, authorise the closing or sealing of the connecting sewer of the said premises; and (b) refuse to receive any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent that is to be discharged conforms to the standards required by these by-laws.

73. Quality standards for disposal of industrial effluent

- (1) A commercial customer, to whom approval has been granted must ensure that no industrial effluent is discharged into the sanitation system of the municipality unless it complies with the standards and criteria set out in Schedule A.

- (2) The municipality may, in giving its approval, relax or vary the standards in Schedule A, provided that it is satisfied that any relaxation represents the best practicable environmental option.
- (3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality must consider -
 - (a) whether the commercial customer's undertaking is operated and maintained at optimal levels;
 - (b) whether technology used by the commercial customer represents the best available to the commercial customer's industry and, if not, whether the installation of the best technology would cause the customer unreasonable expense;
 - (c) whether the commercial customer is implementing a programme of waste minimisation that complies with national waste minimisation standards set in accordance with national legislation;
 - (d) the cost to the municipality of granting the relaxation or variation; and
 - (e) the environmental impact or potential impact of the relaxation or variation.
- (4) Test samples may be taken at any time by a the engineer to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down as a requisition for granting an approval.

74. Conditions for the discharge of industrial effluent

- (1) The municipality may on granting approval for the discharge of industrial effluent, or at any time that it considers appropriate, by notice, require a commercial customer to -
 - (a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sanitation system;
 - (b) install equalising tanks, valves, pumps, appliances, meters and other equipment which, in the opinion of the municipality, will be

necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;

- (c) install for the conveyance of the industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial customer from disposing of his industrial effluent at any other point;
 - (d) construct on any pipe conveying his industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;
 - (e) provide all information that may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;
 - (f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means of preventing a discharge into the sanitation system in contravention of these by-laws;
 - (g) cause any meter, gauge or other device installed in terms of this Section to be calibrated by an independent authority at the cost of the commercial customer at such intervals as may be required by the municipality and copies of the calibration must to be forwarded to it by the commercial customer; and
 - (h) cause industrial effluent to be analyzed as often, and in whatever manner, may be determined by the municipality and provide it with the results of these tests when they are completed.
- (2) The cost of any treatment, plant, work or analysis, which a person may be required to carry out, construct or install in terms of subsection (1), shall be borne by the commercial customer concerned.
- (3) If industrial effluent that neither complies with the standards in Schedule A nor has received the approval of the municipality, is discharged into the sanitation system, the municipality must be informed and the reasons for it, within twelve hours of the discharge.

Part 7: Sewage delivered by road haulage

75. Acceptance of sewage delivered by road haulage

- (1) The engineer may, in his discretion, and subject to such conditions as he may specify, accept sewage for disposal that is delivered to the municipality's sewage treatment plants by road haulage.
- (2) All contractors transporting wastewater to a wastewater treatment facility within the Stellenbosch municipal area must be
 - a. registered with the municipality and
 - b. vehicles fitted with an approved tracker system

76. Approval for delivery of sewage by road haulage

- (1) No person shall deliver sewage by road haulage in order to discharge it into the municipality's sewage treatment plants except with the approval of the engineer and subject to any conditions, and any times, that may on reasonable grounds be imposed by him.
- (2) The charges for any sewage delivered for disposal to the Municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs or charges.

77. Withdrawal of permission for delivery of sewage by road haulage

- (1) The engineer may withdraw any approval, given in terms of Section 9, after giving at least 14 (fourteen) days written notice of his intention to do so, if a person who has been allowed to discharge sewerage by road haulage -
 - (a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A, or as a condition of approval; or
 - (b) fails or refuses to comply with any notice served on him in terms of these by-laws or contravenes any provision of these by-laws or any condition has been imposed on him as a condition of approval; and
 - (c) fails to pay all the charges applicable to the delivery of sewage.
- (2) Contractors transporting wastewater who dispose of wastewater illegally will be prosecuted in terms of these by-laws as well as in terms of the National Water Act.

78. Conditions for delivery of sewage by road haulage

When sewage is to be delivered by road haulage -

- (a) the time and place when delivery is to be made shall be arranged in consultation with the engineer; and
- (b) the engineer must be satisfied before a delivery can take place, that the sewerage is of a nature suitable for road haulage and that the delivery would comply with the provisions, of these by-laws.

Part 8: Other Sanitation Services

79. Stables and similar premises

The municipality may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, subject to the payment of all applicable charges and the fulfillment of any condition that the municipality may impose; but approval will be given only if -

- (a) the floor of the premises is paved by impervious materials that are approved by the municipality and graded to a silt trap, grease trap or gully of adequate capacity; and
- (b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation.

80. Mechanical food-waste or other disposal units

The municipality may approve the connection or incorporation of a mechanical waste food grinder or disposal unit or garbage grinder that has a capacity in excess of 500W, into a drainage installation, subject to the payment of all applicable charges and to any condition that the municipality may impose, but approval will be given only if -

- (a) a water meter is installed by the municipality;
- (b) the engineer is satisfied that the Municipality's sewerage and sewage treatment system will not be adversely affected; and
- (c) the installation or incorporation is installed in conformity with the municipality's by-laws relating to electricity.

Part 9: Installation work

81. Approval of installation work

- (1) If an owner wishes to have installation work done, he must first obtain the Municipality's written approval.
- (2) Application for the approval referred to in subsection (1) must be made on the prescribed form and shall be accompanied by -
 - (a) a charge determined by the municipality, if a charge is determined, and
 - (b) copies of all drawings that may be required and approved by the municipality;
 - (c) a certificate by a professional engineer certifying that the installation has been designed in accordance with any applicable SANS Codes.
- (3) Approval given in terms of subsection (1) shall lapse after 24 (twenty-four) months.
- (4) When approval has been given in terms of subsection (1), a complete set of the drawings that have been required and approved by the municipality must be available for inspection at the site at all reasonable times until the work has been completed.
- (5) If installation work has been done in contravention of subsections (1) or (2), the municipality may require the owner -
 - (a) to rectify the contravention within a specified time;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all work that does not comply with these by-laws.

82. Persons permitted to do installation and other work

- (1) No person who is not a plumber, or working under the control of a plumber, shall be permitted to -
 - (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
 - (b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
 - (c) service, repair or replace a back flow preventer; or
 - (d) install, maintain or replace a meter provided by an owner in a drainage installation.

- (2) No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsections (1) and (2), the municipality may permit a person, who is not a plumber, to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be inspected and approved by a plumber under the direction of or who has been nominated by, the engineer.

83. Use of pipes and water fittings to be authorised

- (1) No person shall, without the prior written authority of the engineer, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the schedule of approved pipes and fittings compiled by the municipality.
- (2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the municipality
- (3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if -
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SANS to certify that the pipe or water fitting -
 - (i) complies with an SANS Mark specification; or
 - (ii) a provisional specification issued by the SANS;
 - (c) it is included in the list of water and sanitation installations accepted by the engineer; and
 - (d) no certification marks shall be for a period exceeding two years.
- (4) The municipality may impose any additional condition that it considers necessary as relating to the use, or method of installation, of any pipe or water fitting included in the schedule.
- (5) A pipe or sanitation fitting must be removed from the schedule if it -
 - (a) no longer complies with the criteria upon which its inclusion was based; or

- (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule must be available for inspection at the office of the municipality at any time during working hours.
- (7) The municipality may sell copies of the current schedule at a charge determined by it.

84. Testing of drainage installations

- (1) No drainage installation, or any part of one, shall be connected to on-site Sanitation Services nor shall, the municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence, and to the satisfaction, of the engineer, before the draining installation has been enclosed:
 - (a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;
 - (b) a smooth ball having a diameter 12 mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
 - (c) after all openings to the pipe or series of pipes to be tested, after having been plugged or sealed and after all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38 mm of water is indicated, after which the pressure must remain greater than 25 mm of water for a period of at least 3 (three) minutes without further pumping; and
 - (d) all parts of the installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3 m head of water for a period of not less than 10 minutes.
- (2) If the municipality has reason to believe that any drainage installation or any part of it has become defective, it may require the owner of any premises to conduct any or all of the tests prescribed in subsection (1) and, if the installation fails to pass any test, or all the tests, to the satisfaction of the municipality, the municipality may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

85. Water demand management

- (1) Notwithstanding the provisions of Sections 158, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within six months of the commencement of these by-laws.
- (2) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

CHAPTER 6: WATER SERVICES INTERMEDIARIES**86. Registration**

The municipality may by public notice require Water Services intermediaries or classes of Water Services intermediaries to register with the municipality in a manner specified in the public notice.

87. Provision of Water Services

- (1) Water Services intermediaries must ensure that Water Services, including basic services as determined by the municipality, are provided to such persons it is obliged to provide with Water Services.
- (2) The quality, quantity and sustainability of Water Services provided by a Water Services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the municipality to customers.

88. Charges for Water Services provided

- (1) A Water Services intermediary may not charge for Water Services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the municipality.
- (2) A Water Services intermediary must provide subsidised Water Services, as determined by the municipality in terms of the Municipality's By-laws relating to Credit Control and Debt Collection from time to time, and provided by the municipality to customers at a price that is the same or less than the charges at which the municipality provides such services.
- (3) In cases where the municipality is required to intervene and carry out any services, the municipality can recover the costs from the Water Services Intermediary.

CHAPTER 7: UNAUTHORISED WATER SERVICES

89. Unauthorised services

- (1) No person may gain access to Water Services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.
- (2) The municipality may, irrespective of any other action it may take against such person in terms of these by-laws by written notice order a person who is using unauthorised services to -

- (a) apply for such services in terms of Sections 2 and 3; and
- (b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

90. Interference with infrastructure for the provision of Water Services

- (1) No person other than the municipality shall manage, operate or maintain infrastructure through which Water Services are provided.
- (2) No person other than the municipality shall effect a connection to infrastructure through which Water Services are provided.
- (3) The municipality may recover any costs associated with repairing damage caused as a result of a contravention of subsections (1) and (2). The costs recoverable by the municipality is the full cost associated with repairing the damage and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

91. Obstruction of access to infrastructure for the provision of Water Services

- (1) No person shall prevent or restrict the physical access of the municipality to infrastructure through which Water Services are provided.
- (2) If a person contravenes subsection (1), the municipality may -
 - (a) by written notice require such person to restore access at his own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.
- (3) The costs recoverable by the municipality is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental cost.

92. Waste of water

(1) No customer shall permit -

- (a) the purposeless or wasteful discharge of water from terminal water fittings;
- (b) pipes or water fittings to leak;
- (c) the use of maladjusted or defective water fittings; or
- (d) an overflow of water to persist.

(2) An owner shall repair or replace any part of his water and sanitation installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).

(3) If an owner fails to take measures as contemplated in subsection (2), the municipality shall, by written notice, require the owner to comply with the provisions of subsection (1).

(4) The municipality may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

93. Unauthorised and illegal discharges

(1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm-water drain, river, stream or other water resource, whether natural or artificial.

(2) The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or water resource, whether natural or artificial, except where, in the case of steam, the municipality has approved such discharge.

(3) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the municipality is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other water resource, whether natural or artificial, or to cause or contribute towards the pollution of any such water resource, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimize such discharge or pollution.

- (4) No person may discharge or cause or permit the discharge of -
- (a) any substance, including storm water, other than sewage, to be discharged into a drainage installation;
 - (b) of water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
 - (c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the municipality and subject to the payment of relevant charges and such conditions as the municipality may impose;
 - (d) any sewage, industrial effluent or other liquid or substance which -
 - (i) in the opinion of the engineer may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;
 - (iii) has a pH value less than 6.0;
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapors in any sewer;
 - (v) contains any substance having an open flashpoint of less than 93°C or which releases a poisonous vapour at a temperature below 93° C;
 - (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
 - (vii) shows any visible signs of tar or associated products or distillates, bitumen's or asphalts;
 - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odor or colour, or excessive foam;
 - (ix) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in

Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;

- (x) contains any substance which in the opinion of the engineer -
 - (aa) cannot be treated at the sewage treatment work to which it could be discharged;
 - (bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or
 - (cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act No 36 of 1998), or
 - (xi) either alone or in combination with other substance may -
 - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Council's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or
 - (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- (5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.
- (6) The municipality may, notwithstanding any other actions that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the municipality as a result of such discharges, including costs that result from -
- (a) injury to persons, damage to the sanitation system; or
 - (b) a prosecution in terms of the National Water Act, 1998 (Act No 36 of 1998).

94. Illegal re-connection

A customer whose access to water supply services have been restricted or disconnected, who intentionally reconnects to services or who intentionally or negligently interferes with infrastructure through which water supply services are provided, shall on written notice be disconnected.

95. Interference with infrastructure

- (1) No person may unlawfully and intentionally or negligently interfere with infrastructure through which the municipality provides municipal services.
- (2) If a person contravenes subsection (1), the municipality may -
 - (a) by written notice require such person to seize or rectify the interference at his own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

96. Pipes in streets or public places

No person shall for the purpose of conveying water or sewage derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of any municipality, except with the prior written permission of the municipality and subject to such conditions as it may impose.

97. Use of water from sources other than the water supply system

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, such as grey water, raintank or borehole systems, including any such systems which are not connected to the water installation, except with the prior approval of the engineer, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes. The use or reuse of blackwater is strictly not permitted
- (2) Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactory to it that the water referred to in

subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of

- a. SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.
 - b. Grey Water Systems, which application must be accompanied by a designed approved and authorised by an associated Professional Engineer. Such design shall include adequate control of smells and pathogens.
 - c. Rain water and/or borehole water storage shall be housed in purposely designed tank systems, which shall conform to the requirements of the Building Regulations in terms of foundations, structural support, rainwater ducts/piping from roofing structure.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the engineer -
 - (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water quality no longer conforms to the requirements referred to in subsection (2).
 - (4) The engineer may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
 - (5) The determined charge for the taking and testing of the samples referred to in subsection (4) above shall be paid by the person to whom consent was granted in terms of subsection (1).
 - (6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the owner or occupier shall install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

98. Use of on-site Sanitation Services not connected to the sanitation system

- (1) No person shall use or permit the use of onsite Sanitation Services not connected to the municipality's sanitation system except with the prior approval of the engineer, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactory to it that the sanitation facility is not likely to have a detrimental effect on health or the environment.

- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the engineer -
- (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the sanitation facility has a detrimental impact on health or the environment.
- (4) The engineer may undertake such investigations as he or she may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

CHAPTER 8: PROTECTION OF SERVICES

99. Protection of municipality's supply mains

- (1) No person may, except with the consent of the municipality and subject to such conditions as may be imposed –
- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the water services networks.

- (b) excavate, open up or remove the ground above, next to, under or near any part of the water services networks.
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the water services networks; or
 - (d) makes any unauthorised connection to any part of the water services networks or divert or cause to be diverted there from.
- (2) The owner or occupier must limit the planting of trees or similar plants with penetrating root systems in the proximity of any pipelines or any other submerged water service network equipment and must provide a means of protection which in the opinion of the municipality will adequately prevent trees from interfering with the water services underground network.
- (3) Should the owner fail to observe this provision the municipality may, after prior written notification, or at any time in an emergency, order the owner to remove the trees or other vegetation in such a manner as to comply with this provision.
- (3) The municipality may, subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (4) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the water services network system.

100. Prevention of tampering with service connection or supply mains

If the municipality finds it necessary or desirable to take special precautions in order to prevent tampering with any portion of the water services networks, service connection or service controlling device or meter or metering equipment, the municipality may require the customer to either supply and install the necessary protection or pay the costs involved where such protection is supplied by the municipality.

101. Unauthorised connections

No unauthorised person shall directly or indirectly connect, attempt to connect or cause or permit to be connected any pipe or network of pipes or part thereof to the supply mains or service connection.

102. Unauthorised re-connections

- (1) No unauthorised person shall re-connect, attempt to re-connect or cause or permit to be re-connected to the supply mains or service connection any Water Services Network or installations which has or have been disconnected by the municipality.
- (2) Where the supply of water that has been disconnected is found to have been re-connected, the customer using the supply of water shall be liable for all tariffs for water consumed between the date of disconnection and the date the water supply was found to be re-connected and any other tariff raised in this regard.
- (3) The municipality has the right to remove part of or all of the supply equipment until such time as payment has been received in full in which case the customer will be responsible for all the costs associated with the re-instatement of such supply equipment.

CHAPTER 9: NOTICES**103. Power to serve and compliance with notices**

- (1) The municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these by-laws, or to fulfill any condition imposed in it, to rectify his failure within a period specified in the notice, which period shall not be less than thirty days except where a notice is issued in terms of Section 18, when the period shall not be less than seven days.

- (2) If a person fails to comply with a written notice served on him by the municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including -
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) restricting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) must -
- (a) give details of any provision of the by-laws that has not been complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his case, in writing, to the municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that the municipality -
 - (i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply with it; and
 - (ii) may take any other action that it considers necessary for ensuring compliance.
- (4) In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by subsection (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of subsection (1).
- (5) The costs recoverable by the municipality in terms of subsections (3) and (4) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of

any part of a street or ground affected by the work and the environmental cost.

CHAPTER 10: APPEALS

104. Appeals against decisions of the municipality

- (1) A customer may appeal in writing to the engineer against a decision of, or a notice issued by, the municipality in terms of these by-laws.
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the municipality within 14 (fourteen) days after a customer became aware of the decision or notice and must -
 - (a) set out the reasons for the appeal; and

- (b) be accompanied by any security determined by the municipality for the testing of a measuring device, if it has been tested.
- (3) An appeal must be decided by the municipality within 14 (fourteen) days after an appeal was lodged and the customer must be informed of the outcome in writing, as soon as possible thereafter.
- (4) The decision of the municipality is final.
- (5) The municipality may condone the late lodging of appeals or other procedural irregularities.

CHAPTER 11: DOCUMENTATION

105. Signing of notices and documents

A notice or document issued by the municipality in terms of these by-laws and signed by the engineer shall be deemed to have been duly issued and must on its mere production be accepted by a court as prima facie evidence of that fact.

106. Service of notices

- (1) Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, falling which it may regarded as having duly been served -
 - (a) when it has been left at a person's village, place of residence, or business or employment in the Republic, with a person apparently over the age of sixteen years;
 - (b) when it has been posted by registered or certified mail to a person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
 - (c) if a person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in a manner provided for in sub-Sections (a), (b) or (d); or
 - (d) if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates.

- (2) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.
- (3) When any notice or other document must be authorised or served on the owner, occupier of any property, or of any person who holds a right over, or in respect of it, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the right over or in respect of, the property, and shall not be necessary to name him.
- (4) Where compliance with a notice is required within a specified number of working days, the period that is required shall commence on the date when the notice is served or when it has first been given in any other way contemplated in these by-laws.

107. Authentication of documents

- (1) Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if it is signed by the Municipal Manager, by a duly authorised officer of the municipality or by the Manager of the Municipality's authorised agent.
- (2) Authority to authorise, as envisaged in subsection (1) must be conferred by a resolution of the municipality, by a written agreement or by a by-law.

108. Prima facie evidence

In legal proceedings by or on behalf of the municipality, a certificate reflecting an amount of money as being due and payable to the municipality, shall, if it is made under the hand of the Municipal Manager, or of a suitably qualified employee of the municipality who is authorised by the Municipal Manager or the Manager of the municipality's authorised agent, shall upon its mere production constitute prima facie evidence of the indebtedness.

CHAPTER 12: GENERAL PROVISIONS

109. Responsibility for compliance with these by-laws

- (1) The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to water and the installation and maintenance of sanitation.
- (2) The customer is responsible for compliance with these by-laws in respect of matters relating to the use of any water and the installation and maintenance of sanitation.

110. Provision of information

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws.

111. Power of entry and inspection

- (1) The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.
- (2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- (3) The municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.
- (4) A person representing the municipality must, on request, provide his identification.

112. Indemnification from liability

Neither employees of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality is liable for any damage arising from any omission or act done in good faith in the course of his duties unless the damage is caused by a wrongful and intentional act or negligence.

113. Exemption

- (1) The engineer may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these by-laws, subject to any conditions it may impose, if he or she is of the opinion that the application or operation of that provision would be unreasonable, or had been unreasonable, provided that the engineer shall not grant exemption from any Section of these by-laws that may result in -
 - (a) the wastage or excessive consumption of water supply services;
 - (b) significant adverse effects on public health, safety or the environment;
 - (c) the non-payment for services; and
 - (d) the Act, or any regulations made in terms of it, not being complied with.
- (2) The Engineer may not deviate from any published tariff in terms of the MFMA.
- (3) The municipality may, at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).
- (4) The Municipal Manager may consider any exemption under the control of the Municipality as provided for by the Municipal Systems Act and the Municipal Finance Management Act

114. Conflict of law

In the event of any inconsistency between a provision of this By Law and any other By Law in force within the Municipality, when this By Law takes effect, and which regulates any engineering aspect of the Water Services affairs within the Municipality, the provision of this By Law prevails.

115. Transitional arrangements

- (1) Installation work authorised by the municipality prior to the commencement date of these by-laws or authorised installation work in progress on that date shall be deemed to have been authorised in terms of these by-laws; and the municipality may, for a period of 90 (ninety) days after the commencement of these by-laws, authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of these by-laws.

- (2) Any reference in these by-laws to a charge determined by the municipality shall be deemed to be a reference to a charge determined by the municipality under the laws repealed by Section 48, until the effective date of any applicable charges that may be determined by the municipality in terms of these by-laws, or by-laws relating to Credit Control and Debt Collection, and any reference to a provision in the laws repealed by Section 48 shall be deemed to be a reference to a corresponding provision in these by-laws.
- (3) Any approval, consent or exemption granted under the laws repealed by Section 48 shall, save for the provisions of subsection (3), remain valid.
- (4) No customer shall be required to comply with these by-laws by altering a water installation or part of it which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws; provided that if, in the opinion of the engineer, the installation, or part, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the engineer may by notice require the customer to comply with the provisions of these by-laws.

116. Storage tanks

- (1) Any person who installs a storage tank must install it in such a position that its exterior and interior can readily be inspected, cleaned, and maintained, unless it is a concrete reservoir that is buried or partly sunk into the ground and has been designed, constructed and tested in accordance with SANS 10100-1 and SANS 1200-G where only the interior is accessible for inspection and cleaning.
- (2) No persons may without the written consent of the engineer cause or allow a tank, buried or placed in the ground, to be used for reception or storage of water supplied by the municipality.
- (3) Any person who uses a storage tank to store water of potable quality must ensure that-
 - (a) it is of contamination proof design and in accordance with the requirements of the engineer;
 - (b) the overflow and vent of a contamination proof tank is screened to prevent the ingress of insects, animals, and other sources of pollution, and
 - (c) a contamination proof tank is totally enclosed with no other access to its interior, other than an access panel in its side to facilitate inspection and cleaning, which must be at a level where

the tank cannot be used unless the access panel cover is in place.

- (4) Unless authorised in writing by the engineer, every boiler, steam kettle, or other apparatus for generating steam, gas producer, gas engine, or oil engine or any other apparatus in, or by which water supplied by the municipality is used must be supplied only through a cold water feed tank which utilizes an air gap to separate the incoming mains water from the contents of the tank.

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CHAPTER 13: OFFENCES

112. Offences

- (1) Subject to subsection (2), any person who -
- (a) obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under these by-laws;
 - (b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
 - (c) contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services; and
 - (d) fails to comply with the terms of a notice served upon him in terms of these by-laws; is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine, or in default of payment, to imprisonment for every day during the continuance of such offence, after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such an offence.
- (2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.
- (3) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

117. Repeal of existing municipal Water Services by-laws

The provisions of any by-laws relating to water supply and Sanitation Services by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

118. Short title and commencement

- (1) These by-laws are called the Water Services By-laws of the Municipal Council.

- (2) This By Law will become applicable upon the date of publishing this By Law in the Provincial Gazette.
- (3) The municipality may, by notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.
- (4) Until any notice contemplated in subsection (3) is issued, these by-laws are binding on all areas within the jurisdictional area of the Municipality of Stellenbosch

SCHEDULE A

LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE MUNICIPALITY'S SANITATION SYSTEM

Parameter	Allowed Specification
pH within range	6,0 – 10,0
Electrical conductivity— not greater than	500 mS / m at 20 °C
Caustic alkalinity (expressed as CaCO ₃)	2 000 mg / l
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000 mg / l
Substances soluble in petroleum ether	500 mg / l
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50 mg / l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg / l
Formaldehyde (expressed as HCHO)	50 mg / l
Non— organic solids in suspension	100 mg / l
Chemical oxygen demand (COD)	5 000 mg / l
All sugars and / or starch (expressed as glucose)	1 500 mg / l
Available chlorine (expressed as Cl)	100 mg / l
Sulphates (expressed as SO ₄)	1 800 mg / l
Fluorine— containing compounds (expressed as F)	5 mg / l
Anionic surface active agents	500 mg / l

METALS:**Group 1:**

Metal	Expressed as
Manganese	Mn
Chromium	Cr
Copper	Cu
Nickel	Ni
Zinc	Zn
Iron	Fe
Silver	Ag
Cobalt	Co
Tungsten	W
Titanium	Ti
Cadmium	Cd

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, shall not exceed 50 mg / l, nor shall the concentration of any individual metal in a sample exceed 20 mg / l.

Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of the effluent shall not exceed 10 mg / l, nor shall the concentration of any individual metal in any sample exceed 5 mg / l.

OTHER ELEMENTS

Element	Expressed as
Arsenic	As
Boron	B

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg / l.

RADIO-ACTIVE WASTES

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any National Department:

Provided that, notwithstanding the requirements set out in this Part, the municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sanitation system from any premises.

METHOD OF TESTING

The method of testing in order to ascertain the concentration of any substance in this schedule shall be the test normally used by the municipality for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the municipality.

SCHEDULE B

APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE MUNICIPALITY'S SANITATION SYSTEM

I (name):

the undersigned, duly authorised to set on behalf of

Name of Company _____

Address:

Contact Details:

Telephone No.

Email

Cell No.

and hereinafter referred to as the applicant, hereby apply in terms of the Water Services By-laws of the Stellenbosch Municipality for approval to discharge industrial effluent into the municipality's sanitation system in accordance with the information provided herein.

The applicant hereby declares and warrants that the information given by him/her in this form, or otherwise, in connection with this application is, to the best of his/her knowledge and belief, in all respects correct.

The applicant agrees that the said information as set out below, shall form the basis on which this application is granted by the municipality.

Thus done at _____ by the applicant this _____ day of _____ 20 ____

Signature : _____

Capacity of the
applicant: _____

ADMINISTRATIVE INFORMATION:

*Nature of the business or
industry concerned:*

Name or style under which the business or industry is conducted:

Postal address of the business or industry:

Physical street address:

Telephone, Fax and Cell Numbers of the Applicant

Email Address of the Applicant

Property Description

Erf No. or Farm Description

Township or Farm

Is this a new or established business?

Short description of industrial or trade process by which the effluent will be produced:

Information relating to employees:

Total number of daily employees

Number of shifts worked per day

Number days worked per week

Number of persons resident on the premises

Is a canteen provided (Indicate with a X)

YES

NO

INFORMATION RELATING TO WATER USE AND WATER CONSUMPTION.

Provide a flow diagram and water balance showing the position of all water intakes, municipal water meters, internal water meters and sections of the plant served by a water meter.

Water Use - Anticipated water use if new application

Volume of Water purchased from the municipality Average

(monthly over the last six month period)

Volume of Water from borehole, river or other sources of water used in six months (kl) Average

Total Water Use per Month Average

Total number of water meters

Are other tenants supplied from the same water meter

Domestic Effluent Volume Discharged To Sewer.

Total number of employees (Allow 1 kilolitre/person/month)

Total number of people permanently resident on the premises Allow 1 kilolitre/person/month

Total Domestic use kl/Month discharged to sewer

Water Consumption

Quantity of water in product

Quantity of water lost by evaporation

Quantity of water used as boiler make-up

Quantity of water for other uses (e.g. cooling, gardens, etc)

Total Water Consumed per Month (not going to sewer)

Industrial Effluent Volume Discharged to Sewer

Metered volume (if known) in kl/ Month (six month period) Average

Estimated rate of discharge Maximum - l/hr Mean - l/hr Minimum - l/hr
litres/hour maximum, minimum, mean

Period of maximum discharge
eg. 07:00 to 08:00

Maximum discharge per day
kl/day

If not metered, estimate the volumes

Estimated un-metered volume
.....kl/ Month

Estimated rate of discharge Maximum - l/hr Mean - l/hr Minimum - l/hr
litres/hour maximum, minimum, mean

Period of maximum discharge
eg. 07:00 to 08:00

Maximum discharge per day
kl/day

Based on the above information please confirm the following:

Average Total Water Usage in kl/month

Average Domestic effluent discharge to sewer in kl/month

Average Industrial effluent discharge to sewer in kl/month

Industrial effluent discharge as a percentage of the Total Water Usage

INFORMATION RELATING TO QUALITY OF EFFLUENT DISPOSED OF TO SEWER.

Identify if any of the following substances or their salts, specified in the table below, are used or formed on the premises, and give the average concentration of this substance likely to be present in the effluent discharged to sewer.

Information Regarding The Composition Of Industrial Effluent

Maximum temperature of effluent °C

pH value

Nature and amount of Settleable Solids

Organic Content (Expressed as Chemical Oxygen Demand)

Substances or their salts	Usage: yes/no	Average concentration of this substance likely to be present in any effluent discharged to sewer in mg/l
<i>Arsenic mg/l</i>		
<i>Ammonium mg/l</i>		
<i>Boron mg/l</i>		
<i>Cadmium mg/l</i>		
<i>Chromium mg/l</i>		
<i>Cobalt mg/l</i>		
<i>Copper mg/l</i>		
<i>Cyanide mg/l</i>		
<i>Grease and / or oil mg/l</i>		
<i>Iron mg/l</i>		
<i>Lead mg/l</i>		
<i>Manganese mg/l</i>		
<i>Mercury mg/l</i>		
<i>Nickel mg/l</i>		
<i>Nitrate mg/l</i>		
<i>Other (Specify) mg/l</i>		
<i>Selenium mg/l</i>		
<i>Starch and / sugars mg/l</i>		
<i>Sulphate mg/l</i>		

Sulphide mg/l

Synthetic detergents mg/l

Tar and / or tar oils mg/l

Titanium mg/l

Tungsten mg/l

Volatile Solvents mg/l

Zinc mg/l

Others (Specify) mg/l

Off-site Disposal of Industrial Wastes and Sludges

Description	Volume kg/month	Disposal Site
<i>Volume of Organic Sludge disposed of monthly</i>		
<i>Volume of Chemical Sludge disposed of monthly</i>		
<i>Volume of Metal sludge disposed of monthly</i>		

Describe the nature of business and the various processes used on the premises

Description: Add as an Annexure if necessary.

Describe any pre-treatment processes.

This includes Solids Separation (screens), pH control, Settling /Clarification, Sludge Management, and any other pre - treatment processes -

Plans of Water and Effluent Reticulation Systems

Please attach plans to the application

CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT in terms of Schedule B of the By-laws

1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralizing tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation system.
2. The applicant shall submit to the municipality, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the Municipality's Water Services By-laws aimed at the protection of its employees, sewers and treatment plant from damage, comply with any direction concerned with such protection given by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.
4. The applicant shall notify the municipality, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him therein.
5. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litres of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the municipality for analysis and also submit to the engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the municipality for a period not exceeding six months or such further extended periods as the municipality in its discretion may approve.
6. The applicant hereby declares and warrants that the information given by him in this form, or otherwise, in connection with this application is, to the best of his knowledge and belief, in all respects correct.
7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the municipality.

SCHEDULE C

FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES

**Discharge Cost = Basic Tariff + COD Surcharge + Substance Limit
Tariff Surcharge**

DISCHARGE FORMULA:

Discharge Cost = (Vw) (SVC) + (Vie) (T) $\frac{(\text{COD} - 1000)}{1000}$ + (Vie) (T) (SF)

Where:-

- Vw** – The total volume in kl of wastewater discharged from the premises during the relevant period.
- SVC** – Sewerage volumetric charge in terms of the Sanitation Tariff (**conveyance and treatment**)
- Vie** – Total volume in kl of Industrial Effluent discharged from the premises during the relevant period
- T** – cost as determined yearly by Council of treatment 1 kl of wastewater
- COD** – Chemical Oxygen Demand
- 1000** – is the accepted average COD as determined by Council entering all the wastewater treatment works under its jurisdiction.

Surcharge Factor (SF)

There is a surcharge factor which is a charge in addition to the above formula where an effluent does not comply with one or more of the limits given for the constituents.

SF = (X-L)/L where

X - concentration of one or more of the parameters listed in Schedule A

L - is the limit applicable to the parameter

ANNEXURE B

WATER SERVICES BY-LAW (2019)

PROPOSED OFFENCES AND FINES

Section Contravened	Description of Offence	Proposed Fine (1)	Fines approved by Magistrate (2)
68(1)	Gaining access to water supply system without permission	R2 500	
83 (a)(b)	Failing to take prescribed measures to protect water supply system and installation against backflow of water	R1 500	
83(a)(b)	Failing to prevent pollution of water	R2 500	
83(a)(b)	Unlawful connection of borehole water supply to a water installation connected to the supply system of the municipality	R1 500	
83(a)(b)	Unlawful connection of non- potable water supply to a potable supply system of the municipality	R2500	
84(1)(2)(3)	Ignore any temporary or permanent water restrictions without written exemption or relaxation of such restrictions by the Municipality	R2 500	
84(1)(a)(i)-(iii)	Unlawful watering of sports field, park or other grassed area as prescribed in the restriction notice	R5 000	
84(1)(a)(ii)	Not adhering to water restrictions by using water during specified hours of the day or on specified days as prescribed in the restriction notice	R5 000	
84(1)(a)(iii)	Not adhering to water restrictions by using water in a specified manner against restrictions as prescribed in the restriction notice	R5 000	
84(1)(b)	Determine and Impose- (i) a restriction on the quantity of water that may be consumed over a specified period;	R5 000	
84(1)(c)	Impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.	R5 000	
84(1) (c)	Failing to ensure that any equipment or plant connected to a water installation uses water in an efficient manner.	R2 500	

WATER SERVICES BY-LAW (2019)

PROPOSED OFFENCES AND FINES

85(8)	Allowing interconnections between premises without permission	R2 000	
86(6)(a)-(f)	Owner failing to comply with requirements where measuring device installed by municipality	R1 500	
86(7)(a)	Unlawful disconnection of measuring device	R2 500	
86(7)(b)	Unlawful breaking of a seal on a measuring device	R2 500	
86(7)(c)	Unlawful interference with measuring device	R2 500	
109(2)	Failing to give notice of intention to cause a fire fighting installation to be tested or serviced	R500	
91(1)	Installation of works without Permission	R2 500	
91 (2) (c)	Owner failing to submit certificate of compliance after completion of alteration or installation of water supply and drainage	R1 000	
93(3)	Failing to obtain permission to undertake maintenance on installation outside boundary of premises	R1 000	
92(1) 148(1)(a)-(d)	Permitting a person other than qualified plumber to undertake installation and other work	R1 000	
94	Installation of water for fire fighting purposes not compliant with SANS 0252-1 or SANS 0254	R1 500	
95(1)	Using unauthorised pipes and fittings in installation	R1 500	
97(2)	Installing taps on hand wash basins with maximum flow rate exceeding 6 litres per minute	R1 000	
97(1)	Shower head exceeding the maximum flow rate of 10 litres per minute	R1 000	
99 (1) – (4)	Failing to apply for approval to obtain water from a hydrant	R1 500	
111(4)	Commencing development on premises before installation of connection pipe	R2 000	
111 (1) – (4)	Owner of single connecting sewer failing to comply with requirements of the Engineer	R1 500	
111(3)- (4) 148(1)(a)-(d) (2)(3)	Private persons laying sewers and connecting sewers not compliant with municipality's specifications	R1 500	
111(1) – (4)	Unlawful connection of temporary toilet device to sewer system	R1 000	

114	Installation of interconnection without approval	R1 500	
114	Failing to ensure that no interconnection between premises exist	R1 500	
115	Unlawful opening of sewer connection after being sealed by the Engineer	R2 500	
121 (2) 155(1)	Installation of connecting sewer without approved building plans	R2 500	
122	Failing to notify the municipality prior to disconnection of installation from a sewer	R1 000	
123	Failing to maintain drainage installations	R1 500	
128(1)-(4)	Industrial grease traps must be installed to ensure that industrial effluent which contains, or which, in the opinion of the municipality is likely to contain, grease, oil, fat or in organic solid matter in suspension	R2 500	
132(3)	Failing to ensure visibility and accessibility to septic tanks, conservancy tanks and treatment plants	R1 000	
137(1)	Unlawful discharge of industrial effluent into sanitation system	R2 500	
140(1)(b) 167 (b)	Unlawful interference with or damaging of industrial effluent measurement device	R2 500	
150(1)(a)	Permitting entry of liquid or solid substance into drainage installation before testing	R1 000	
155(1)(2)	Unauthorised interference, obstruction or use of any part of the water services system	R2 500	
151 (2)	Installing a cistern exceeding capacity of 9 litres	R1 000	
151(1)	Installing automatic flushing urinals that are not user activated and exceeding a capacity of 4.5 litres	R1 000	
152	Intermediary failing to register with municipality on request to do so	R3 000	
155(1)	Erecting a toilet directly on top of a municipal or private manhole	R1 500	

WATER SERVICES BY-LAW (2019)
PROPOSED OFFENCES AND FINES

WATER SERVICES BY-LAW (2019)

PROPOSED OFFENCES AND FINES

156	Manage, operate or maintain the water services system through which municipal services are provided without being authorised thereto by the Municipality	R2 500	
156(2), 147(1) 155(1), 156(2)	Installation of installations drainage systems without approval	R2 500	
157(1)	Unlawful obstruction of access to supply system of sanitation service	R2 500	
158(1)(a)	Permitting purposeless or wasteful discharge of water	R2 500	
158(1)(b)	Permitting pipes or water fittings to leak	R2 500	
158(1)(c)	Permitting the use of maladjusted or defective water fittings;	R2 500	
158(1)(d)	Permitting an overflow of water to persist	R2 500	
158(4)	Permitting an inefficient use of water to persist	R2 500	
158(2)	Failing to repair or replace any part of a water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in section 47(1)	R2 500	
159 (1) - (6)	Unlawful discharge of sewage	R2 500	
159	Permitting or causing polluted water to enter a stream river or other water course	R5 000	
159(4)	Discharging sewage or solid substances into sewage disposal system which do not comply with standards and criteria for discharge	R2 500	
159 (4) (a)	Causing or permitting objectionable discharge into the drainage system	R2 500	
159	Unlawful damage to or endangering the sewage disposal system	R2 500	
159(4)(b)	Unlawful deposit of swimming pool backwash into stormwater system	R1 500	
159 (4)(d)(xi) (cc)	Unlawful use of treated effluent	R1 500	
162	Installation of pipes and or drains in streets or public places without permission	R2 500	

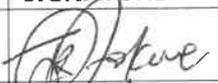
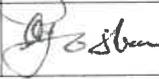
WATER SERVICES BY-LAW (2019)

PROPOSED OFFENCES AND FINES

162	Unlawful erection of trees or structures next to or on top of any part of water services system	R1 000	
163(1)	Unlawful access to and use of water services from source other than the Municipal supply system	R2 500	
163 (2)	Failing to provide satisfactory evidence of compliance to requirements of SANS 241 : Drinking Water or that the use of alternative water sources do not or will not constitute a danger to health	R1 500	
164(1)	Unlawful operation of on site sanitation services not connected to the municipal sanitation/sewer system	R2 500	
165 (1) (2)	Fail to comply with any lawful notice / instruction given in terms of this by-law	R2 500	
167(1)(a) 174	Refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access	R2 500	
167(1)(a) 174	Obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this by-law	R2 500	
167(1)(a)	Give false or misleading information to an authorised official	R2 500	
173	Fail or refuse to provide an authorised official with a document or information that the person is required to provide under this by-law	R1 500	

Fines applicable to 1st Offence only
 2nd offence – no admission of guilt – to appear in Court

WATER SERVICES BY-LAW (NOTICE 3/2019)

LIBRARY	RECEIVED BY	DATE	SIGNATURE
STELLENBOSCH	Thobeka	14/02/19	
KAYAMANDI	BABAIWA	14/02/19	
JAMESTOWN	B. King	14/2/19	
KLAPMUTS	Chevonne	15.02.19	
FRANSCHHOEK	Z. SANEWA	15/2/19	
GROENDAL	S.K.	15:02:19	
IDASVALLEY	M.C. Jeffers	14.02.2019	
CLOETESVILLE	BUSISIWE	14.02.19	
PNIEL	Bronwyn	14.2.19	



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MUNISIPALE KENNISGEWING : 3/2019 PUBLIEKE DEELNAME PROSES VIR WATERDIENSTE VERORDENINGE

Kennis geskied hiermee dat Stellenbosch Munisipaliteit in die proses is om die 2017 Waterdienste Verordeninge te hersien en nooi die publiek uit om insette te lewer. Die konsep weergawe sal vanaf **24 Januarie 2019 tot 25 Februarie 2019** vir openbare inspeksie en kommentaar by die al die munisipale bibiloteke in die WC024 area asook op www.stellenbosch.gov.za beskikbaar wees.

Alle kommentaar moet verwys word na die Direkteur: Infrastruktuurdienste

Kontak persoon: Deon Louw
Tel: 021 808 8213
E-Pos: engineering.services@stellenbosch.gov.za
Verwys asseblief in die onderwerpslyn van u epos na 'WATER SERVICES BY-LAW'

Geraldine Mettler
MUNISIPALE BESTUURDER

Posbus 17
STELLENBOSCH
7599

PUBLIC NOTICE: 3/2019 CALL FOR COMMENTS ON WATER SERVICES BY-LAW

Notice is hereby given that Stellenbosch Municipality is in the process to review the 2017 Water Services By-Law and invites the public to provide input/comment. The draft by-law will be available for public comment at www.stellenbosch.gov.za and at all the municipal libraries in the WC024 area and on **24 January 2019 to 25 February 2019**.

All 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 to 'WATER SERVICES BY-LAW'

Geraldine Mettler
MUNICIPAL MANAGER

PO BOX 17
STELLENBOSCH
7599

7.5.5	CREATION OF A NEW DELEGATION TO AUTHORISE THE PAYMENT OF REWARDS FOR INFORMATION ON CRIMINAL ACTIVITIES WITHIN THE AREA OF JURISDICTION OF THE MUNICIPALITY OF STELLENBOSCH, BASED ON THE SIMILAR ACTION OF THE CITY OF CAPE TOWN
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Collaborator No: 663706
IDP KPA Ref No: Good Governance
Meeting Date: 20 November 2019

1. SUBJECT: CREATION OF A NEW DELEGATION TO AUTHORISE THE PAYMENT OF REWARDS FOR INFORMATION ON CRIMINAL ACTIVITIES WITHIN THE AREA OF JURISDICTION OF THE MUNICIPALITY OF STELLENBOSCH, BASED ON THE SIMILAR ACTION OF THE CITY OF CAPE TOWN

2. PURPOSE

To propose the creation of a delegation to be conferred upon the Executive Mayor and Municipal Manager, to authorize the payment of rewards for information on criminal activities in circumstances as prescribed below.

3. FOR DECISION BY

Council

4. EXECUTIVE SUMMARY

There is no current system of delegations of payment of rewards to any individual who supplies information that would lead to the successful prosecution of individuals or groups effecting material or financial harm to the Municipality.

A recent City of Cape Town system of delegations for the payment of rewards conferred upon the City Manager, provides for two broad categories under which the City Manager may authorize the payment of a reward not exceeding R20 000. The first category relates to information leading to a successful criminal prosecution where a criminal act has been committed against the city, as defined in the Systems Act and which is controlled and or effectively managed by the City and any councillor or official of the city. The second instance is for information leading to council achieving substantial savings, recovering monies due to it and or the implementation of measures which substantially improves the manner in which it conducts its business.

The Executive Mayor of the City of Cape Town may authorize the payment of a reward not exceeding R100 000.

This report to the Council of Stellenbosch Municipality seeks to adapt the equivalent report from the City of Cape Town to the conditions within the Municipality of Stellenbosch in order to create a new delegation to the above to cater for broader circumstances where an arrest and subsequent criminal prosecution is not necessarily required but where information provided can lead to the recovery of funds lost through fraudulent activities of staff and public, theft of equipment, illegal drugs, firearms as well as alcohol and the prevention and combatting of crime generally

5. RECOMMENDATIONS

- (a) that this report on the delegation proposal for rewards to the successful supply of information, be noted;
- (b) that the scenario of reward informants who supply information to the benefit of Stellenbosch, be accepted; and
- (c) that the following delegation proposals be debated and adjusted to Stellenbosch conditions:

Delegations proposed:

a. Executive Mayor

- i) To authorize the payment of a reward exceeding R10 000 but not more than R20 000 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act against the Municipality, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the Municipality and any Councillor or official of the Municipality.
- ii) To authorize the payment of a reward exceeding R10 000 but not more than R20 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

b. Municipal Manager

- i) To authorise the payment of a reward not exceeding R10 000.00 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act in or against the Municipality, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the Municipality and any Councillor or official of the Municipality
- ii) To authorize the payment of a reward not exceeding R10 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

c. Director: Community Services

- i) That Council agrees to a delegation to the Director: Community Services to authorise the payment of rewards for information on criminal activities in the Stellenbosch Municipal Area being reported to the Municipality's Uniform Services;
- ii) The delegation authorise the payment of a reward not exceeding R1 000 to any person for information provided;
- iii) The payment of a reward will be considered for information that leads to:

- an arrest, confiscation of stolen or illegal goods or the handing-in of illegal or stolen goods with the understanding that opening of a formal case docket and provision of the relevant CAS number will be a prerequisite for such payment;
 - any other consequence, which, in the discretion of the Director, will promote good governance in the Municipality, enable the Council to achieve substantial savings, recover monies due to it or implement measures which substantially improve the manner in which it conducts its business.
- iv) The exercise of such delegation be done in terms of a standard operating procedure to be approved by the Municipal Manager and Chief Financial Officer to ensure accountability and good governance, including provisions for the protection of the identity of informers where appropriate.

That the Directorate Community Services be requested to draft a Standard Operating Procedure to regulate the awarding of rewards.

6. DISCUSSION / CONTENTS

6.1 BACKGROUND

The identification and development of reliable information sources is a necessity in every policing agency. For years, the Municipality's Law Enforcement Departments as well as all other law enforcement sections such as (but not limited to):

- Building Inspectors
- Electricity Installation Inspectors
- Water and Sanitation Installation Inspectors
- All other Law Enforcement and Peace Officers

Have acted on information received from member of the public, whether that be random tip-offs, information provided by suspects that have been arrested or formal assistance from the SAPS, concerned members of the public or any other eye witness.

A growing need exist within these divisions to have access to a system by means of which members of the public can be compensated for valuable information provided.

There is no current system of delegation for the rewarding informants. The equivalent system within the city of Cape Town is as follows:

“The current system of delegations contains provisions under which both the Executive Mayor and City Manager may authorize the payment of rewards for information. The only difference are the amounts which can be offered, the city manager has a maximum limit of R20 000 and the Executive mayor R100 000.

In addition the City introduced a reward that could be authorised by the equivalent of Stellenbosch's Director: Community Services.

This additional delegation was required to enable the City to deal with reporting of incidents which do not necessarily lead to prosecution but the information is of such a nature that once verified and acted upon it can lead to an arrest, confiscation of stolen or illegal goods or the handing-in of illegal or stolen goods. The opening of a formal case docket and provision of the relevant CAS number will be a prerequisite to payment for such information. It is furthermore required that the delegation provides for payment of information to be considered in any other consequence, which, in the discretion of the

Executive Director, will promote good governance in the City, enable the Council to achieve substantial savings, recover monies due to it or implement measures which substantially improve the manner in which it conducts its business.

Staff within Metro Police, Traffic Services and Law Enforcement will act upon this information and engage in a process of information verification as well as action if required. If the information proves to be accurate and confiscations and arrests do take place, consideration will be given to the payment of a pre-determined sum of money to the source of the information. This must be done with due regard to the financial control guidelines as well as auditing requirements. The South African Police Services have a National Instruction dealing with the Registration and Finances of informers. This is used as part of their constitutionally mandated function for the prevention, detection and investigation of crime. The City will not be managing informers in terms of this suggested delegation. All the City is seeking to do is to reward persons who provide information which could result in any of the listed situations above.

Prescripts pertaining to the abovementioned actions are to be provided for in a Standard Operating Procedure which will include the following:

- Registration of people providing information
- Verification process
- Confidentiality
- Guidelines for amount determination
- Application process for approval by the Executive Director
- Payment process
- Auditability
- Protection of informant identity
- General principles guiding the SOP”

6.2 Delegations accepted by the City of Cape Town

The following delegations were accepted by the City of Cape Town:

6.2.1 Executive Mayor

Rewards:

- a. Delegation 10 (13) To authorize the payment of a reward exceeding R20 000 but not more than R100 000 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act against the City, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the City and any Councillor or official of the City.
- b. Delegation 10 (14) To authorize the payment of a reward exceeding R20 000 but not more than R100 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations. Delegations 116(1) and 10(13) are confined to rewards for information which lead to a successful prosecution.

- c. Delegations 116(2) and 10(14) authorise rewards for information which lead to the Council achieving substantial savings, recovering monies due to it or implementing measures which substantially improve the manner in which it conducts its operations. This will depend on the facts of each case, but in broad terms information which helps to trace persons with multiple outstanding warrants, information on service delivery protests and information on illegal drugs may well fit into these categories.

6.2.2 Municipal Manager

Rewards:

- a. To authorise the payment of a reward not exceeding R20 000.00 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act in or against the City, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the City and any Councillor or official of the City.
- b. To authorize the payment of a reward not exceeding R20 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

6.2.3 Stellenbosch Proposed set of delegations:

Since Stellenbosch is considerably smaller than the City of Cape Town, it would by nature not be able to afford such high rewards. It is however also true that the criminal element is increasing which is proven by the higher state of vandalism taking place with Stellenbosch.

The following delegations are therefore proposed:

- a. Executive Mayor
 - i) To authorize the payment of a reward exceeding R10 000 but not more than R20 000 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act against the Municipality, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled and/or effectively managed by the Municipality and any Councillor or official of the Municipality.
 - ii) To authorize the payment of a reward exceeding R10 000 but not more than R20 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.
- b. Municipal Manager
 - i) To authorise the payment of a reward not exceeding R10 000.00 to any person who furnishes information leading to the successful criminal prosecution of any person who has committed any criminal act in or against the Municipality, any municipal entity as defined in the Local Government: Municipal Systems Act and which is owned-controlled

and/or effectively managed by the Municipality and any Councillor or official of the Municipality

- ii) To authorize the payment of a reward not exceeding R10 000 to any person who furnishes information leading to Council achieving substantial savings, recovering monies due to it and/or the implementation of measures which substantially improve the manner in which it conducts its operations.

6.2.4 Director: Community Services

Rewards:

- a. To authorise the payment of rewards for information on criminal activities in the Stellenbosch Municipal Area being reported to the Municipality's Uniform Services;
- b. To authorise the payment of a reward not exceeding R1 000 to any person for information provided;
- c. The payment of a reward will be considered for information that leads to:
 - an arrest, confiscation of stolen or illegal goods or the handing-in of illegal or stolen goods with the understanding that opening of a formal case docket and provision of the relevant CAS number will be a prerequisite for such payment;
 - any other consequence, which, in the discretion of the Director, will promote good governance in the Municipality, enable the Council to achieve substantial savings, recover monies due to it or implement measures which substantially improve the manner in which it conducts its business.
- d. The exercise of such delegation be done in terms of a standard operating procedure to be approved by the Municipal Manager and Chief Financial Officer to ensure accountability and good governance, including provisions for the protection of the identity of informers where appropriate.

6.3 Financial Implications

The expenditure is to be absorbed within the budgets of the Municipality and will be transferred to the correct cost element after the approval of the 2019/2020 adjustment budget at the beginning of the second semester and the commencement of the 2020/2021 financial year.

6.4 Legal Implications

Delegations are regulated by the relevant provisions of the Municipal Systems Act. Any payments authorised will also have to meet the requirements of the MFMA as well as Auditing standards.

6.5 Staff Implications

None

6.7 Previous / Relevant Council Resolutions:

Not applicable.

7. Comments from Executive Management:**7.1 DIRECTOR: INFRASTRUCTURE SERVICES:**

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.2 DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.3 DIRECTOR: COMMUNITY SERVICES:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.4 DIRECTOR: CORPORATE SERVICES:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.5 CHIEF FINANCIAL OFFICER:

Accepted at the DIRECTORS' MEETING of 17 September 2019

7.6 MUNICIPAL MANAGER:

Accepted at the DIRECTORS' MEETING of 17 September 2019

ANNEXURES:

Annexure 1

Annexure 2

FOR FURTHER DETAILS CONTACT:

NAME	<i>Deon Louw</i>
POSITION	<i>Director: Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	<i>Deon.louw@ Stellenbosch.gov.za</i>
REPORT DATE	<i>18 September 2019</i>

ANNEXURE 1

Policy for the Payment of Financial Rewards for Safety and Security related Information

1. Preamble

The Stellenbosch Municipality is committed to ensuring a safe valley for all. In an effort to improve Crime Prevention to the people within the Municipal Boundary of Stellenbosch Municipality, the Community and Protection Services Directorate introduced a reward system for members of the public providing information that leads to desired outcomes.

The identification and development of reliable information sources is a necessity in every policing agency. There have been instances where the Municipalities Traffic and Law Enforcement Departments have acted on information received from members of the public without them being compensated. This process provides reward for active citizenry in combating crime.

2. Purpose

The purpose of the Policy is to establish guidelines for the management of confidential information received and for the compensation of persons who provide information leading to an arrest, confiscation, recovery of stolen goods or other desired outcomes. This Policy is designed to ensure the process to compensate for information is consistent, transparent and appropriate through the established and clearly defined eligibility criteria. Payments of rewards for information are considered under the following categories:

- I. Information that leads to an arrest, confiscation of stolen or illegal goods or the handing-in of illegal or stolen goods with the understanding that opening of a formal case docket and provision of the relevant CAS number will be a prerequisite for such payment;
- II. Information that leads to the issuing of a fine in respect of an offence that has been committed in terms of a City by-law. This will require the issuing of a

Section 341 or Section 56 notice in terms of the Criminal Procedures Act and payment of a reward will be subject to the provision of the relevant Section 341 or Section 56 notice number;

- iii. Information that in any other consequence, in the discretion of the Director for Community & Protection Services, leads to the promotion of good governance in the Municipality , and enable the Municipality to achieve substantial savings, recover monies or to implement measures which substantially improve the manner in which it conducts its business.

3. Goal

To create a centralised system to record and manage confidential information and compensate members of the public for providing information which is in line with the set requirements and encourage active citizen participation in crime and disorder management, contributing to a well- run, inclusive and safe Municipality.

4. Scope

This Policy applies to all members of the public eighteen years (18) or older who provide information to the Community and Protection Services Directorate that falls within any of the three categories listed under (2) above and conforms to the criteria set out below.

5. Criteria

The following criteria must be met before any payment of a reward is considered:

5.1 The request for a financial reward must be initiated and made by a member of one of the departments within Protection Services. Requests for payment for information submitted by members of the public will not be considered.

5.2 In the case of Category 1, sufficient proof that the information led to the generation of a CAS number i.e. that an arrest was made, goods or substances confiscated or stolen goods recovered, must be presented.

5.3 The request for a financial reward must be submitted not later than 30 days after arrest, confiscation, recovery or other benefit resulting from the information in question, has been achieved.

5.4 The staff member initiating the request for payment of a reward must be the person or one of the persons who received the information from a member of the public.

5.5 Request for a financial reward must be done on the prescribed form to be completed in full.

6. Establishment of a Reward for Information Committee (RIC)

6.1 A Reward for Information Committee (RIC) has been established to consider all requests for the payment of financial rewards for information received.

6.2 The RIC formulates an appropriate recommendation to the Director Community and Protections Services in respect of every request and submits such requests to the Director Community and Protections Services for final decision.

6.3 The RIC will comprise the following members:

- The Senior Manager Protection Services who will facilitate the proceedings;
- The CFO;
- One senior member of each of the two Policing departments duly appointed to represent that department.

Members of the RIC will be required to nominate alternate members who can serve on the committee in their absence. Only one alternate per department is to be

nominated. The alternates should be senior officials reporting directly to the member of the RIC.

6.4 The RIC will meet on an ad hoc basis with the understanding that special meetings will be accommodated if circumstances require it. Where an RIC member cannot attend an official meeting of the RIC, it will be their responsibility to ensure attendance of the nominated alternate.

6.5 The official tasked with administering the rewards for information system (i.e. the responsible official), will attend the meetings of the RIC for purposes of advising the members of the committee if required.

6.6 The RIC will open all meetings with a standard declaration of confidentiality agreed to by all members.

7. Legislative Framework

The following acts provide the legislative framework from which this Policy is implemented:

- Municipal Systems Act 32 of 2000
- Municipal Finance Management Act 56 of 2003

8. Operational Implementation (SOP)

The following steps are to be followed if a staff member of one of the departments of the Protection Services Directorate wish to initiate the possible payment of a reward for information received:

8.1 The staff member to complete the Reward for Information Form (RIF) in full, attach sufficient proof of the identity of the information provider to the RIF and submit the form to his/her departmental head. The RIF to be delivered to the office of the departmental head by hand and in a sealed envelope marked "confidential". An entry

acknowledging receipt is to be made in the dedicated register kept at the office of the departmental head for this purpose.

8.2 The relevant departmental head to consider the request and indicate per signature on the RIF if the request is supported or not. In the event of the request being supported by the departmental head, the RIF is to be delivered to the office of the Senior Manager: Protection Services by hand, in a sealed envelope marked "confidential". An entry acknowledging receipt is to be made in the dedicated register kept at the office of the Senior Manager: Protection Services for this purpose.

8.3 The Senior Manager Protection Services will allocate a unique file reference number to the information provider, enter this number in the RIF and issue the file reference number to the official initiating the request. If, in future, the same information provider is recommended for a financial reward for other information provided, only the unique file reference number and no other personal details, is to be entered on the RIF.

8.4 The Senior Manager Protection Services will ensure the safe keeping of the RIF and arrange for it to be considered at the next meeting of the Reward for Information Committee (RIC).

8.5 The staff member initiating the request shall request the information provider to complete and sign the Payment Details Form. This must be done in the information provider's own handwriting and in the presence of the staff member initiating the request. Completion and signing the Payment Details Form as detailed above is a prerequisite for any payment to be made.

8.6 The RIC will consider the request and make an appropriate recommendation to the Director Community and Protection Services. The RIF, now containing the recommendation of the RIC, is to be delivered to the office of the Director Community and Protection Services by hand, in a sealed envelope marked "confidential." An entry acknowledging receipt is to be made in the dedicated register kept at the office of the Director Community and Protection Services for this purpose.

8.7 After the Director has considered the request and indicated his decision, the RIF will be returned to Senior Manager Protection Services, by hand, in a sealed envelope marked "confidential" and against signature.

8.8 In the event of the request being rejected, the relevant head of department will be informed and the RIF will be placed in secure file.

8.9 In the event of the request being approved, the Chief Financial Officer (CFO) will generate the prescribed Payment Request form. The Payment Request together with supporting documentation (proof of approval) will then be submitted to the Finance Directorate for processing. The relevant departmental head will be informed of the outcome and the RIF will be placed in secure file.

8.10 Payments in terms of this Policy will be done by means of electronic funds transfers (EFT) or a "Cash Send" facility. Proof of the EFT payment is to be provided by the Finance Directorate to the Senior Manager Protection Services for record purposes.

8.11 In the event of the information provider not having a bank account or prefer payment by other means due to confidentiality concerns, payment will be done by means of the "Cash Send" facility which will allow the recipient to collect cash at an ATM after he/she received a specific code by SMS. If this process is followed, the relevant option should be selected on the Payment Request form and the cell phone number of the information provider must be provided in the appropriate space on the Payment Request form.

8.12 Proper and secure records are to be kept by the Finance Directorate.

8.13 The Reward for Information Form (RIF/SS1) is a controlled document, any damaged or incorrectly completed forms requires an accompanying statement by the request initiator, furnishing reason thereof. The relevant RIF and accompanying

statement must be submitted to the office of the Senior Manager Protection Services within seven days (7) of damage or error.

9. Principles guiding this Policy

The following principles will apply in processing requests for payment for information:

9.1 Integrity and transparency are the building blocks of this process and a sound administrative process is to be created to ensure effective and efficient implementation.

9.2 All disclosures of information for payment and related documents are to be treated in the strictest of confidence; any breach thereof will be regarded as a material act of misconduct under the Code of Conduct of Municipal Staff Members.

9.3 The payment for information will be made at the discretion of the Director and not exceed R5000.00.

9.4 No payment will be made to an employee of the Municipality or service Provider to the Municipality.

9.5 Direct requests for the payment of financial rewards submitted by members of the public will not be considered.

9.6 Payments in cash will not be generated under any circumstances.

10. Auditability

Proper and secure records will be kept by the Senior Manager Protection Services. The Policy and RIF have been designed to promote auditability of the entire process.

11. Confidentiality

The steps outlined in this SOP are intended to ensure the required level of confidentiality.



REWARD FOR INFORMATION FORM

FOR OFFICE USE FILE REFERENCE NO: 5/15/3/1/1 FORM NO: SS1

I.....(Rank & full Name), Staff Number:.....

Hereby request that: (Full name of information Provider)

ID No:.....File reference number (if previously allocated):.....

be rewarded for information that led to:.....SAPS case Number:

- Arrest Confiscation Recovery of Stolen Goods Other (In case of Category 2 Information)

INFORMATION RECEIVED

DESCRIPTION OF OUTCOME

**Please Note: Under no circumstances shall this form be duplicated. Breach of this rule shall constitute a violation of confidentiality.*

CONFIRMATION

Do you confirm that the outcome achieved directly resulted from the information provided?

Yes
 No

I.....hereby certify that all the information provided in this document is accurate and represents a true reflection of the events that transpired. I understand that misrepresentation will lead to disciplinary action

Signature:(Rank):.....Date:.....

DEPARTMENTAL HEAD

The request for payment of a reward for information provided has been duly considered

and the request is: Supported Not Supported

Name:Comment:.....

Signature:.....

REWARD FOR INFORMATION COMMITTEE (RIC): EVALUATION

The request for payment of a reward for information provided has been duly considered and the request is:

Supported Not Supported

Name & Signature of RIC Members:

Reward Recommended:

R

.....
.....
.....
.....
.....

Reason for Recommendation:.....

.....

.....

.....

Date:

DIRECTOR

the payment of a financial reward to:to the amount of R..... is hereby

Approved Rejected Referred Back

Signature:

Date:.....

Director:
Community & Protection Services

FILE REFERENCE NO:

*Please Note: Under no circumstances shall this form be duplicated. Breach of this rule shall constitute a violation of confidentiality.

FILE REFERENCE NO:

FORM NO: PS2

I..... ID No:

Hereby confirm the accuracy of my bank account details or cellphone number stated hereunder:

Bank:

Branch:

Account Type:

Account Number:

OR

Cellphone Number:

I understand that completing this form does not imply the payment of any financial reward and that any payment is subjected to approval by the Director: Community & Protection Services.

I furthermore understand that any payment is subject to this form being duly completed by myself.

.....
Signature

.....
Date



MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PROTECTION SERVICES • BESKERMINGS DIENSTE

MEMORANDUM

TO : **Director G Boshoff**

FROM : **Mr. C Kitching: Senior Manager Protection Services**

DATE : **12th March 2019**

RE : **Rewards for Information (Informers Policy)**

Good day Director

Purpose

To have a Policy considered that will reward persons which provides information that leads to the successful arrests and or successful confiscation of Municipal property by means of payment within the Stellenbosch Municipal Boundaries

Motivation

Since my appointment I have been informed of many instances of theft and the great amount of damages caused which places unnecessary strain on the municipal finances and day to day operationalization / functioning. Large scale of Cable and copper theft has been reported which is being resold for cash by criminals. The proposal of this policy will allow for persons to come forward and provide information of criminals that has stolen Municipal property and the location of the stolen items in order for these culprits to be taken to task and held accountable for their criminal actions.

The same type of Policy was implemented in the City of Cape Town with great results, and this could be done the same within the Municipality of Stellenbosch.

Recommendation

The proposal is supported and submitted for Public participation and acceptance in Council where after funding be made available for this function.

Kind Regards

ANNEXURE 2

SOP of Financial Rewards for Safety and Security related Information

The following steps are to be followed if a staff member of one of the departments of the Protection Services Directorate wish to initiate the possible payment of a reward for information received:

8.1 The staff member to complete the Reward for Information Form (RIF) in full, attach sufficient proof of the identity of the information provider to the RIF and submit the form to his/her departmental head. The RIF to be delivered to the office of the departmental head by hand and in a sealed envelope marked "confidential". An entry acknowledging receipt is to be made in the dedicated register kept at the office of the departmental head for this purpose.

8.2 The relevant departmental head to consider the request and indicate per signature on the RIF if the request is supported or not. In the event of the request being supported by the departmental head, the RIF is to be delivered to the office of the Senior Manager: Protection Services by hand, in a sealed envelope marked "confidential". An entry acknowledging receipt is to be made in the dedicated register kept at the office of the Senior Manager: Protection Services for this purpose.

8.3 The Senior Manager Protection Services will allocate a unique file reference number to the information provider, enter this number in the RIF and issue the file reference number to the official initiating the request. If, in future, the same information provider is recommended for a financial reward for other information provided, only the unique file reference number and no other personal details, is to be entered on the RIF.

8.4 The Senior Manager Protection Services will ensure the safe keeping of the RIF and arrange for it to be considered at the next meeting of the Reward for Information Committee (RIC).

8.11 In the event of the information provider not having a bank account or prefer payment by other means due to confidentiality concerns, payment will be done by means of the "Cash Send" facility which will allow the recipient to collect cash at an ATM after he/she received a specific code by SMS. If this process is followed, the relevant option should be selected on the Payment Request form and the cell phone number of the information provider must be provided in the appropriate space on the Payment Request form.

8.12 Proper and secure records are to be kept by the Finance Directorate.

8.13 The Reward for Information Form (RIF/SS1) is a controlled document, any damaged or incorrectly completed forms requires an accompanying statement by the request initiator, furnishing reason thereof. The relevant RIF and accompanying statement must be submitted to the office of the Senior Manager Protection Services within seven days (7) of damage or error.

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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7.8.1	MERGING,AND/OR CO-OPERATION BETWEEN DWARSRIVIER TOURISM, AND FRANSCHHOEK WINE VALLEY TOURISM
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

20 November 2019

1. SUBJECT:MERGING,AND/OR CO-OPERATION BETWEEN DWARSRIVIER TOURISM, AND FRANSCHHOEK WINE VALLEY TOURISM

2. PURPOSE

To advise the Executive Mayor whether there should be one organisation with Dwarsrivier as a region within Franschhoek, or whether it should remain two tourism bodies with a Memorandum of Understanding of mutual co-operation.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

Council

4. EXECUTIVE SUMMARY

It is understood that the Dwarsrivier Tourism office has long wanted to operate independently of Franschhoek Wine Valley tourism office.

At present the Dwarsrivier Tourism office is not constituted with any appropriate legal structure, and as such has no Board of Directors, nor separate financial statements fully appropriate to the requirements of the MFMA.

The application for Dwarsrivier Tourism funding is submitted as part of the Franschhoek Wine Valley application, as FWV is properly constituted to receive such funds.

Municipal Grant funding for Dwarsrivier Tourism is paid to Franschhoek Wine Valley, which then disburses funds as and when needed for projects and initiatives of Dwarsrivier Tourism.

Dwarsrivier Tourism office currently fills the primary role of a Visitor Information Centre, with a secondary role of school & media educational, some community-based events, membership services, and product development and activity booking.

Within the Dwarsrivier office, there is limited capacity to undertake organisational and product development needed to catalyse tourism opportunities within the Valley.

5. RECOMMENDATIONS

- (a) that in the interim the current relationship between Franschhoek Wine Valley Tourism and Dwarsrivier Tourism Office be maintained;
- (b) that in the next 24 months Dwars Tourism Office be assisted by Franschhoek Wine Valley and the Local Economic Development Department to become a fully fledged organisation;
- (c) Alternatively, that Franschhoek, Dwarsrivier and Stellenbosch start discussions as to the incorporation of the Route or some portion (s) of it into Fransshoek and Stellenbosch; and
- (d) that the Dwarsrivier Tourism Office be retained as a Visitor Information Centre, but that it is moved to the front of the Municipal building for improved tourist visibility and access from the Main Road.

6. DISCUSSION / CONTENTS

6.1 Background

An historical need to exercise improved financial control over Dwarsrivier forms in large part the reason for the current arrangement and relationship between Franschhoek Wine Valley Tourism and Dwarsrivier Tourism.

Subscription Membership of Dwarsrivier Tourism as a member marketing organisation is limited, with big well-resourced tourism entities choosing to align with Franschhoek Wine Valley and/or Stellenbosch 360.

Membership drives within the Dwarsrivier Valley have had small successes, but

total membership falls short of achieving critical mass in number of member organisations, and consequently also in the generation of additional revenue from membership fees or levies.

6.2 Discussion

Whilst the desire for independence burns bright within the Dwarsrivier Tourism office, there are practical operational matters that need consideration.

- a. A previous initiative to establish a Dwarsrivier Project Committee to implement a specific event, and to establish governance and operational capabilities failed due to almost total community drop-out rates.
- b. An independent Dwarsrivier office will need to fulfil all corporate governance requirements including registration of an entity, and a functional Board.
- c. It will need an in-house bookkeeping function.
- d. Dwarsrivier Tourism does access additional outside funding, but not to the extent of either FWV or S360.
- e. Lack of access to the back-office functions of FWV could result in increased costs to Dwarsrivier Tourism with less resource available for marketing.

- f. Currently, access to the CEO of FWV gives Dwarsrivier Tourism a marketing resource of unique breadth, depth, and knowledge and experience.
- g. Ultimately a business case may evolve that suggests independence for the Dwarsrivier Tourism function when a tourism critical mass is achieved.
- h. At present it is felt that tourism business interests will be best served by much tighter oversight and control of Dwarsrivier in the short term, and by Franschhoek Wine Valley absorbing the Dwarsrivier functions and guiding all activities in the Dwarsrivier region with due recognition of synergies to be gained from better intergated processes and calendars.

6.4 Financial Implications

Assuming Dwarsrivier Tourism continues being funded at similar levels as at present, there would not be any significant change in financial implications for the Municipality.

6.3 Legal Implications

The Municipality has responsibilities toward Local Tourism as set out in Schedule 4, Part (B) of the Constitution of the Republic of South Africa, 1996.

6.4 Staff Implications

The incorporation of Dwarsrivier Tourism within Franschhoek Wine Valley may have staff implications in the organisations concerned, but not for the Municipality.

6.5 Previous / Relevant Council Resolutions:

None

6.6 Risk Implications

None

6.7 Comments from Senior Management:

As per signatories of the submission form- Manager: LED & Tourism, Director: Planning & Economic Development, Municipal Manager, MMC, and Executive Mayor.

ANNEXURES:

None

FOR FURTHER DETAILS CONTACT:

NAME	W. Moses
POSITION	Manager: LED & Tourism
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Widmark.Moses@ Stellenbosch.gov.za
REPORT DATE	01/04/2019

7.9	YOUTH, SPORTS 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