



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2019-05-16

MAYORAL COMMITTEE MEETING
TUESDAY, 2019-05-21 AT 10:00

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

COUNCILLORS P Crawley (Ms)
J De Villiers
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 **Tuesday, 2019-05-21 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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2019-05-21
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2019-04-16

MINUTES

MAYORAL COMMITTEE MEETING:

2019-04-16 AT 10:00

**MINUTES
MAYORAL COMMITTEE MEETING
2019-04-16
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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)
Deputy Executive Mayor, Cllr N Jindela

Councillors: PR Crawley (Ms)
JN De Villiers
A Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
M Pietersen
Q Smit

Also Present: Councillor FJ Badenhorst
Councillor WF Pietersen
Alderman J Serdyn

Officials: Municipal Manager (G Mettler (Ms))
Acting Chief Financial Officer (D Jacobs)
Director: Community and Protection Services (G Boshoff)
Director: Planning and Economic Development (T Mfeya)
Director: Infrastructure Services (D Louw)
Director: Corporate Services (A de Beer (Ms))
Manager: Secretariat (EJ Potts)
Senior Administration Officer (B Mgcushe (Ms))
Committee Clerk (N Mbali (Ms))
Interpreter (J Tyatyeka)

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

Verlede week die voorreg gehad om saam met die Provinsiale Minister van Onderwys, Debbie Schaefer verskeie skole regoor die Munisipaliteit te besoek.

Die doel van die skolebesoek saam met Minister Schafer, was om met skoolhoofde te vergader en te praat oor uitdagings wat die skole ervaar binne die gemeenskap.

Onderwys is ‘n provinsiale mandaat en munisipaliteite kan nie help met onderwysverwante uitdagings nie.

Kan egter help as die skool uitdagings met dienste ervaar en soms is die uitdagings geïntegreerd met uitdagings wat die gemeenskap as 'n geheel ervaar.

Gesamentlike besoek baie belangrik om te sien waar ons saam met die Departement kan hande vat.

Gedurende hierdie besoek het ek weereens besef hoe baie uitstekende en toegewyde onderwysers ons binne die gemeenskap het.

Al staar baie van ons skole uiters moeilike sosio-ekonomiese omstandighede in die gesig, is daar wonderlike gedetermineerde onderwysers wat werk om die beste geleentheid te skep vir ons kinders.

Geïnspireer deur hul toewyding en passie en kan net dankie sê namens ons hele gemeenskap vir hul harde werk

Incredibly excited and proud to provide you with feedback with regards to the upgrade of the Mandela City Upgrade.

We are now almost at the end of phase one of the project, and will then move top phase 2.

This project is addressing the living conditions of people in informal settlements

In 2016, when I first arrived in Stellenbosch I was shocked and saddened to see how the residents lived and promised to improve their living conditions

Dignified living conditions is a basic human right, and this project helps to realise that by providing residents with basic services, tarred roads and new prefabricated structures.

There is still a lot of work that must be done, but I am overjoyed to inform you that the first families have moved in!

The provincial government has sponsored the installation of bulk services, and the municipality has provided the funding for the prefabricated top structures.

Each unit has their own bathroom, massive upgrade, especially considering the national standard is 7 families sharing one bathroom.

Will improve safety for especially women, who do not have to walk to a shared distant facility.

All the units have electricity too.

It is anticipated that a total of 505 households will be accommodated by the end of the project.

The upgrade involves a block approach

The families were allocated in accordance with the emergency housing policy of the municipality as well as the criteria communicated by the residents. The criteria made provision for the current structure sizes of the families currently residing in Mandela City.

When the families move in, they are required to demolish their old structure.

As soon as the entire plot of land has been cleared and all the phase 1 families have been moved, the next phase can begin.

This again involves the installing of bulk services, roads and housing units.

We are in the process to continue with Phase 2 and request residents of Mandela City to assist

the Municipality with the control of new illegal structures being erected in Mandela City.

More open ons die Klapmuts Brandweer Stasie asook die Klapmuts Multi Purpose Centre.

Beide hierdie fasiliteite lewer kritiese dienste aan die gemeenskap en ek is baie dankbaar om dit aan die gemeenskap te lewer.

Brandeweerstasie is werklik 'n kritiese fasiliteit vir die omliggende gemeenskap.

Dit bespoedig die reaksietyd op brande in die gemeenskap en verseker vinniger hulp in geval van 'n nood toestand.

Inwoners hoe nie te wag vir nooddienste vanaf Stellenbosch of Paarl nie

Die Veeldoelige Dienssentrum, is 'n wonderlike nuwe fasiliteit wat die gemeenskap sal in staat stel om makliker toegang te kry tot verskeie dienste, en sal ook 'n fasiliteit beskikbaar maak waar die gemeenskap kan vergader.

Daar lê 'n langnaweek voor ons, en ek hoop ons inwoners, raadslede en amptenare sal die geleentheid gebruik om 'n blaaskans te neem

Na die langnaweek wag 'n uiters besige tyd op ons, met die nasionale en provinsiale verkiesing asook die finalisering van die begroting en die einde van die finansiële jaar wat voorlê.

Aan al ons Raadslede, amptenare en inwoners wat Paasnaweek gaan vier, ek wens u 'n geseënde tyd toe. Dit is die heiligste tyd op die Christin Kalender en word dikwels saam met vriende en familie spandeer.

Aan die inwoners wat die naweek weg gaan, wees asseblief versigtig op die pad en kom veilig terug”.

3.1	DISCLOSURE OF INTERESTS
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NONE

3.2	APPLICATIONS FOR LEAVE OF ABSENCE
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NONE

4.	CONFIRMATION OF PREVIOUS MINUTES
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4.1 The minutes of the Mayoral Committee Meeting held on 2019-03-13 were **confirmed as correct.**

4.2 The minutes of a Special Mayoral Committee Meeting held on 2019-03-18 were **confirmed as correct.**

5.	STATUTORY MATTERS
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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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 J DE VILLIERS)
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7.1.1	STELLENBOSCH GIVES RESPONSIBLY CAMPAIGN
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Collaborator No: 635004
IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
Meeting Date: 16 April 2019

1. SUBJECT: STELLENBOSCH GIVES RESPONSIBLY CAMPAIGN

2. PURPOSE

To inform Council of developments in relation to a collaborative approach to addressing the needs of persons living on the street as part of a holistic approach to dealing with the issue.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Department Community Development drove a process through community participation and collaboration in search of a collective and holistic approach to service delivery to persons living on the street. The process delivered a draft Street People Policy which was recommended to serve at the next available Section 80 committee for Community and Protection Services.

Apart from the development of a policy, participants also explored and mapped a holistic service for persons living on the street with four strategies requiring actions. The strategies include:

1. Educating the public
2. Empowering people to be self sufficient
3. Preserving human dignity
4. Prevention services

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.1

that Council notes the developments made toward a collaborative action in terms of educating the public by way of an awareness campaign called Stellenbosch Gives Responsibly.

FOR FURTHER DETAILS CONTACT:

NAME	M Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	18/02/2019

7.1.2	DRAFT STELLENBOSCH MUNICIPALITY INTEGRATED FIRE MANAGEMENT PLAN (JANUARY 2019)
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Collaborator No: 632905
 IDP KPA Ref No:
 Meeting Date: 16 April 2019

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

2. PURPOSE

To acquire Council's approval to advertise the draft Stellenbosch Municipality Integrated Fire Management Plan for public input.

3. DELEGATED AUTHORITY

For decision by the Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

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

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

- Awareness
- Prevention & preparedness
- Response

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.2

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

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	12 February 2019

7.1.4	STREET PEOPLE POLICY
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Collaborator No: 529636
IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
Meeting Date: 2019-04-10

1. SUBJECT: STREET PEOPLE POLICY

2. PURPOSE

To obtain Council's approval of the Stellenbosch Municipality Street People Policy.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

4. EXECUTIVE SUMMARY

The objective is to present Council with a policy aimed at addressing the needs of persons living on the street through a holistic approach of service delivery in collaboration with civil society. A further aim is to develop a unified response to the reality of persons living on the street as part of an awareness / communication strategy aimed at all citizens and sectors within the municipal boundaries.

Delivery of Social Services is not a municipal competency and The Policy can thus only be implemented through active participation by all relevant stakeholders.

A series of workshops have contributed to starting a network of communication between different local service providers.

In the field of service delivery to persons living on the street, the following local stakeholders have been identified and consulted during three engagements:

Stakeholder	Level of participation
Department Social Development	Did not attend any of the workshops
Stellenbosch Night Shelter	Attended two sessions
Straatlig	Attended two sessions
Youth Outreach	Attended one session
Feeding in Action	Attended three sessions
Youth Empowerment Action	Attended one session

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.4

- (a) that Council approves the Draft Policy on Street People (as amended) in principle;
- (b) that the Draft Policy on Street People be advertised for public comment; and
- (c) that all inputs and comments received be brought back to Council for final consideration and approval of the Street People Policy.

FOR FURTHER DETAILS CONTACT:

NAME	M Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	03/12/2018

7.1.5	ALIGNMENT OF INSIGNIA OF LAW ENFORCEMENT RANKS
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Collaborator No: 617136
IDP KPA Ref No: Safest Valley
Meeting Date: 10 April 2019
File Plan: 8/1/4/2/3

1. SUBJECT: ALIGNMENT OF INSIGNIA OF LAW ENFORCEMENT RANKS

2. PURPOSE

To submit the alignment of insignia of Law Enforcement ranks to Council for adoption.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The current rank insignia of Law Enforcement is not in line with the other municipalities in South Africa. The rank insignia of Law Enforcement need to be aligned with the rest of the municipalities across the country. The new rank insignia is in line with the directive of the Institute of Municipal Public Safety of South Africa (IMPS-SA).

The alignment of the rank insignia will not impact on the approved organisational structure of Council, neither will it promote any staff member within the Law Enforcement fraternity or have any financial impact insofar as it concerns the salary of T-levels of staff.

The alignment of the rank insignia will bring uniformity amongst law enforcement officers throughout the country which in effect means from an Inspector to the Chief; Law Enforcement the insignia will be the same in each Law Enforcement Department irrespective of the municipality this will also boost staff morale and influence staff positively.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.5

that Council adopts the alignment of the new rank insignia for Law Enforcement.

FOR FURTHER DETAILS CONTACT:

NAME	ALBERT VAN DER MERWE
POSITION	ACTING DIRECTOR COMMUNITY & PROTECTION SERVICES
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	X8437
E-MAIL ADDRESS	Albert.vandermerwe @ Stellenbosch.gov.za
REPORT DATE	10 October 2018

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	POSSIBLE DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Organisational Transformation

16 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 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 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 applicable, measured from the middle of Lamprecht Street (Northern boundary of site) which would not allow the church to develop on that area.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.2.1

- (a) that the portion of erf 23, excluding the parking area, Franschoek, 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 Franschoek 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, 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; and
 - vi) 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.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate services</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	<i>2018-07-30</i>

7.2.2	PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Organisational Transformation

16 April 2019

1. SUBJECT: PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS

2. PURPOSE

To make a determination regarding the disposal of erven 3192, 3019 AND 3111 in Mooiwater, following a public participation process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Before making a decision on the possible disposal of the three (3) erven in Mooiwater, Franschhoek, Council requested that a public participation process first be followed. Notice was published as required and is attached hereto as **ANNEXURE 2**.

No comment/inputs were received. Council must now decide on a way forward. The current zoning of the erven is "Institutional Use".

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.2.2

- (a) that it be noted that no comment/inputs were received from the residents of wards 1 and 2 in regard to the future use of the properties;
- (b) that erven 3192, 3019 and 3111 be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be, in principle, disposed of;
- (c) that Council resolves that the properties be put out on a Call For Proposals for multi-purpose institutional use to the benefit of the community. Proposals will be evaluated based on the type of institutional uses, how it will benefit the greater community, and how many institutions will be accommodated through the proposals;
- (d) that the matter be reported back to Mayco and Council after implementation of resolution (c) above; and
- (e) that the conditional awarding of the tenders by the Bid Adjudication Committee, should in principle disposal be approved, be submitted to Council to make a final determination on the disposal of the properties.

7.2.3	ADDITIONAL RESPONSIBILITY ALLOWANCE POLICY
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Collaborator No: 4/P/26
IDP KPA Ref No: Good Governance
Meeting Date: 16 and 24 April 2019

1. SUBJECT: ADDITIONAL RESPONSIBILITY ALLOWANCE POLICY

2. PURPOSE

To request Council to approve the Additional Responsibility Allowance Policy.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Currently there is no provision to pay employees for taking on a higher level of responsibility which functions falls within a higher level post. There is a need to pay employees who take on responsibilities on a higher level for the additional responsibility.

To fill the gap a policy was drawn up to make provision for the payment of employees who do not fall within the ambit of the acting allowance provisions in the Western Cape Conditions of Service collective agreement. Additional responsibility allowances are paid when an employee takes on additional duties or responsibilities of a higher graded post for a limited period of time.

The policy was tabled at the Local Labour Forum and referred to the Human Resources Development Sub-Committee. The committee met on several occasions to discuss the content of the policy and concluded consultation on the 04th of March 2019. The Additional Responsibility Allowance Policy was re-submitted and accepted by the Local Labour Forum on the 25th of March 2019 and recommended for approval to MAYCO and Council.

5. RECOMMENDATION

that the Additional Responsibility Allowance Policy be approved by Council.

6. DISCUSSION/CONTENTS

6.1 Background

Currently there is no provision to pay employees for taking on a higher level of responsibility which functions falls within a higher level post. There is a need to pay employees who take on responsibilities on a higher level for the additional responsibility.

6.2 Discussion

A policy was drawn up to address the need and tabled at the Local Labour and the policy was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

Additional responsibility allowances are paid when an employee takes on additional duties or responsibilities of a higher graded post for a limited period of time. It is important that the criteria set out is clear and transparent and applied consistently and fairly across the Municipality.

The Human Resources Development Sub-Committee met on several occasions to discuss the content of the policy and concluded consultation on the 04th of March 2019. The Additional Responsibility Allowance Policy (**APPENDIX 1**) was re-submitted and accepted by the Local Labour Forum on the 25th of March 2019. It was recommended for approval by MAYCO and Council.

6.3 Financial Implications

Per approved budget

6.4 Legal Implications

The recommendations comply with labour law and legislation.

6.5 Staff Implications

This will enable the Municipality to give a monetary acknowledgment to staff that goes the extra mile and is willing to take on more responsibilities when operationally required.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

The risks addressed by the policy.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.2.3

that the Additional Responsibility Allowance Policy be approved by Council.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>08 April 2019</i>

The item was discussed with the portfolio Councillor and the recommendations are supported.

7.2.4	GUIDELINES ON NEGOTIATION OF REMUNERATION (WITHIN THE NATIONAL NEGOTIATED FRAMEWORK) FOR THE RETENTION AND ATTRACTION OF STAFF
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Collaborator No: 4/P/49
IDP KPA Ref No: Good Governance
Meeting Date: 16 and 24 April 2019

1. SUBJECT: GUIDELINES ON NEGOTIATION OF REMUNERATION (WITHIN THE NATIONAL NEGOTIATED FRAMEWORK) FOR THE RETENTION AND ATTRACTION OF STAFF

2. PURPOSE

To inform MAYCO and Council of the guidelines for negotiation of remuneration with the view to attract and retain staff.

3. DELEGATED AUTHORITY

The Municipal Manager may appoint staff below the Section 56 Managers within a framework set by Council. The current framework is the provisions in the Collective Agreement and salary scales set in TASK.

4. EXECUTIVE SUMMARY

When employees are appointed it is done on the basis of the first notch of a salary scale applicable to the post. It often happens that candidates request to negotiate their salaries and provide proof of previous remuneration. In an attempt to ensure that the candidate accepts the offer of employment the candidate is offered a different notch. It also often happens that employees get offers of employment from other employers and that the municipality would like to retain the services of such an employee. The only manner to do that is to provide a counter offer to the employee or to offer another post in the municipality that is vacant. The Municipal Manager may appoint an employee on a salary within the framework set by Council. That framework is the salary scales attached to TASK for the category municipality we are (category 4 for employees other than section 56 employees).

We think it is good practise to develop guidelines within which the negotiations takes place to ensure uniformity and curb undue expectations. The Guidelines on the Negotiation of Remuneration (within the National Negotiated Framework) for the Retention and Attraction of Staff was drawn up and tabled at the Local Labour Forum for consultation. It was referred to the Human Resources Development Sub-Committee for consultation and re-submitted to Local Labour Forum. The local Labour Forum approved the guidelines on 25 March 2019.

5. RECOMMENDATIONS

- (a) that the Guidelines on the Negotiation of Remuneration (within the National Negotiated Framework) for the Retention and Attraction of Staff be noted and supported;
- (b) that it be noted that the salary negotiations falls within the authority of the Municipal Manager and may be delegated as per the content of the guidelines; and
- (c) that where there is a contradiction between the provisions of this guidelines and other provisions within a Human Resources policy that has not yet been reviewed within this Council's term, the provisions of these guidelines will prevail.

6. DISCUSSION / CONTENTS

6.1 Background

When employees are appointed it is done on the basis of the first notch of a salary scale applicable to the post. It often happens that candidates request to negotiate their salaries and provide proof of previous remuneration. It also often happens that employees get offers of employment from other employers and that the municipality would like to retain the services of such an employee.

6.2 Discussion

When employees are appointed it is done on the basis of the first notch of a salary scale applicable to the post. It often happens that candidates request to negotiate their salaries and provide proof of previous remuneration. In an attempt to ensure that the candidate accepts the offer of employment the candidate is offered a different notch. It also often happens that employees get offers of employment from other employers and that the municipality would like to retain the services of such an employee. The only manner to do that is to provide a counter offer to the employee or to offer another post in the municipality that is vacant. The Municipal Manager may appoint an employee on a salary within the framework set by Council. That framework is the salary scales attached to TASK for the category municipality we are (category 4 for employees other than section 56 employees).

We think it is good practise to develop guidelines within which the negotiations takes place to ensure uniformity and curb undue expectations. The Guidelines on the Negotiation of Remuneration (within the National Negotiated Framework) for the Retention and Attraction of Staff was drawn up and tabled at the Local Labour Forum for consultation. It was referred to the Human Resources Development Sub-Committee for consultation. The Human Resources Development Sub-Committee had several deliberations on this document and re-submitted it to Local Labour Forum. The local Labour Forum approved the guidelines on 25 March 2019.

The Guidelines were amended and the title amended to: Guidelines on negotiation of remuneration (within the National negotiated framework) for the retention and attraction of staff.

6.3 Financial Implications

As per the approved budget. Negotiations with a staff member may only be within the salary scales applicable to the post.

6.4 Legal Implications

The guidelines are in line with the National negotiated salary scales.

6.5 Staff Implications

This will enable the Municipality to attract and retain suitable staff.

6.6 Previous / Relevant Council Resolutions

None.

6.7 Risk Implications

Risks are minimised through the implementation of the guidelines as it provides a regulated framework for offers to staff.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.2.4

- (a) that the Guidelines on the Negotiation of Remuneration (within the National Negotiated Framework) for the Retention and Attraction of Staff be noted and supported;
- (b) that it be noted that the salary negotiations falls within the authority of the Municipal Manager and may be delegated as per the content of the guidelines; and
- (c) that where there is a contradiction between the provisions of this guidelines and other provisions within a Human Resources policy that has not yet been reviewed within this Council's term, the provisions of these guidelines will prevail.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>08 April 2019</i>

The item was discussed with the portfolio Councillor and the recommendations are supported.

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

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

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

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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7.6.1	ESTABLISHMENT OF 'FRIENDS GROUPS' FOR STELLENBOSCH NATURE RESERVES AND DESIGNATED NATURE AREAS
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Collaborator No: 635397
IDP KPA Ref No: 10/5/34/1
Meeting Date: 2019-04-16

1. SUBJECT: ESTABLISHMENT OF 'FRIENDS GROUPS' FOR STELLENBOSCH NATURE RESERVES AND DESIGNATED NATURE AREAS

2. PURPOSE

To obtain Council's approval for:

- (a) Establishing of Friends Groups at the three declared Nature Reserves of Stellenbosch (WC024);
- (b) To officially acknowledge the Friends Groups, after establishment; and
- (c) To convert Mont Rochelle Nature Reserve Advisory Board to a Friends Group.

3. DELEGATED AUTHORITY

For decision the Municipal Council.

In terms of the National Environmental Management: Protected Areas Act, 57 of 2003 and the National Conservation Ordinance, 19 of 1974.

4. EXECUTIVE SUMMARY

The purpose of the 'Friends Groups' is to create a platform for interested members of the public to play an active role in the improvement of the management of nature reserves and designated nature areas by means of volunteerism. This extends the arm of the current capacity which the municipality can expand on this function and allows the general public to contribute to the improvement of these areas.

It is envisaged that the Friends Groups will contribute to the overall efficient management of these areas by assisting and possibly fast-tracking addressing non-technical matters such as security, marketing, events and sourcing of external funding, amongst others.

Technical advice and leadership is currently being provided by the overarching Protected Areas Forum (PAF), established in 2016. This technical group assists the municipality with conservation and biodiversity advice and leadership in alignment with the National Environmental Management Protected Areas Act, 57 of 2003 (NEM:PAA). The Friends Groups will have representation on the PAF.

Significant portions of the Stellenbosch Municipality consist of areas designated and/or declared for conservation purposes. The Stellenbosch Municipality Protected Areas Forum (SMPAF) was created to form an overarching technical advisory body which assists and guides the municipality in the execution of their legislative mandate in respect of biodiversity conservation.

However, this forum is technical of nature and does not give interested public a platform to get actively involved in the improvement of these sites.

In order for the Municipality to enable this platform, the department has investigated at the "Friends Groups" model which is implemented at various other nature sites in South Africa.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.6.1

- (a) that Council accepts the concept of "Friends Groups" as a way of creating community involvement in the management of nature areas;
- (b) that approval is granted for the establishment of "Friends Groups" for the declared nature reserves of Papegaaiberg, Mont Rochelle and Jan Marais Nature Reserve as well as informal nature areas as required;
- (c) that the Protected Areas Forum Terms of Reference be revised and brought in alignment with the Norms and Standard of the Department of Environment, Gazette Notice 382 of 31 March 2016, and its purpose as alluded to in this item; and
- (d) that a progress report on the establishment of Friends Groups be submitted within 30 days after implementation

FOR FURTHER DETAILS CONTACT:

NAME	<i>Albert van der Merwe / Schalk van der Merwe</i>
POSITION	<i>MANAGER Community services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021-808 8160</i>
E-MAIL ADDRESS	<i>albert.vandermerwe@stellenbosch.gov.za</i>
REPORT DATE	<i>April 2019</i>

7.6.2	DRAFT STELLENBOSCH MUNICIPALITY ENVIRONMENTAL MANAGEMENT FRAMEWORK (SEPTEMBER 2018)
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Collaborator No: 635707

IDP KPA Ref No:

Meeting Date: 16 April 2019

1. SUBJECT: DRAFT STELLENBOSCH MUNICIPALITY ENVIRONMENTAL MANAGEMENT FRAMEWORK (SEPTEMBER 2018)

2. PURPOSE

To acquire Council's approval to advertise the draft Stellenbosch Municipality Environmental Management Framework (SEMF, September 2018) (**ANNEXURE 1**) in terms of the Local Government: Municipal Systems Act, 32 of 2000 (MSA) for a period of 60 days for public comment.

3. DELEGATED AUTHORITY

For decision by the Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

South Africa's environmental right is captured in the Constitution which states that every person has a right to an environment that is not harmful to his/her health and well-being. Through the same section an obligation is placed on the state to put in place reasonable legislative and other measures to realise this right¹.

In terms of the MSA, municipalities have the duty to strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner². To achieve this each Municipal Council must adopt an Integrated Development Plan (IDP), a single, inclusive and strategic plan for development of the municipality³. An IDP must include a Spatial Development Framework that makes provision for guidelines for land use management within the municipality⁴.

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), a Municipal Spatial Development Framework (MSDF) must include a strategic assessment of environmental pressures and opportunities within the municipal area, including the spatial location of environmental sensitivities, high potential agricultural land and coastal access strips where applicable⁵. As a sector plan to the MSDF it is envisioned that the SEMF will fulfill this function.

¹ Bill of Rights, Section 24

² MSA, Section 4.

³ MSA, Section 25.

⁴ MSA, Section 26.

⁵ SPLUMA, Section 21(j)

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.3

- (a) that Council approves the advertisement of the draft Stellenbosch Municipality Environmental Management Framework (September 2018) for a period of 30 days for public input, and
- (b) that the inputs received during the above public participation process be worked into a final draft Stellenbosch Municipality Environmental Management Framework to be presented to Council for approval.

FOR FURTHER DETAILS CONTACT:

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

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: M PIETERSEN)
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NONE

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 12:00.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**

5.	STATUTORY MATTERS
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5.1	APPROVAL OF THE FINAL SECOND REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022
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Collaborator No: **643969**
 IDP KPA Ref No: **Good Governance and Compliance**
 Meeting Date: **Mayco 21 May 2019 and Council 29 May 2019**

1. SUBJECT: APPROVAL OF THE FINAL SECOND REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022

2. PURPOSE

To submit the following to Mayco and Council for consideration:

- (a) The Final Second Review of the 2017 – 2022 Fourth Generation Integrated Development Plan (IDP), attached as **APPENDIX 1**; and
- (b) The public participation inputs, written submissions and Provincial Government LGMTEC findings on the Draft Second Review of the 2017 - 2022 Fourth Generation IDP, attached as **APPENDIX 2**.

3. DELEGATED AUTHORITY

For approval by the Municipal Council.

4. LEGISLATIVE CONTEXT

In terms of Section 34 of the Local Government: Municipal Systems Act No 32 of 2000 (MSA) prescribes that the Municipal Council:–

“(A) must review its Integrated Development Plan-

- (i) annually in accordance with an assessment of its performance measurements in terms of section 41; and*
- (ii) to the extent that changing circumstances so demand”.*

5. RECOMMENDATIONS

- (a) that the Stellenbosch Municipality’s final Second Review of the 2017 – 2022 Fourth Generation Integrated Development Plan (IDP), attached as **APPENDIX 1**, be adopted;
- (b) that the public participation inputs and written submissions on the Draft Second Review of the 2017 – 2022 Fourth Generation Integrated Development Plan (IDP) attached as **APPENDIX 2**, be noted; and
- (c) that an advertisement be placed on the official website of the Municipality, municipal notice boards and in the local newspapers notifying the public that the final Second Review of the Fourth Generation IDP 2017 – 2022 has been adopted by Council.

6. DISCUSSION / CONTENTS

6.1 Background

In terms of the provisions of the MSA, each Council must, within the prescribed period after the start of its elected term, adopt a single, inclusive, strategic plan. The Fourth Generation IDP 2017 – 2022 serves as this instrument, which was adopted by the new Council on 31 May 2017 for the period 2017 – 2022.

An Integrated Process Plan and Time Schedule was approved by Council in August 2018 to guide the planning, review and adoption of the Second Revision of the fourth Generation IDP 2017 – 2022.

The following processes were followed in accordance with the process plan:

DATE	ACTION(S)
July/August 2018	<ul style="list-style-type: none"> Approval of IDP/Budget/SDF Process Plan and Time Schedule.
September – November 2018	<ul style="list-style-type: none"> Community engagement meetings were held in all 22 wards, explaining the processes to be followed for the next five years and the time schedule for the Second Review of the Fourth Generation IDP. Feedback was provided on the implementation of priorities listed by the wards. The priorities in the basic needs assessment were presented and the communities were given time for additional inputs. Ward plan update meetings were held in September 2018, all 22 wards with the respective ward committees and Ward Councillors. Provincial IDP Manager's Forum hosted by Department Local Government.
December 2018 – February 2019	<ul style="list-style-type: none"> Compilation of Draft IDP document in collaboration with all Directorates. Administration prepared the Draft IDP in finalising the chapters of the document. Administration prepared the Draft Budget. Administration prepared the draft Top Layer SDBIP. Provincial TIME held to support the Fourth Generation IDP.
March – April 2019	<ul style="list-style-type: none"> Mayco and Council to consider the draft IDP and Budget. SDF/IDP/BUDGET public meetings to be held in all 22 wards. Three focussed engagements to be held to determine the needs in Stellenbosch Municipal Area and exploring potential partnerships in addressing these needs. Closing date for submission on draft IDP, Budget & SDF (30 April 2019). Inputs received from the SDF/IDP/BUDGET meetings - collated and distributed to the Directorates for consideration.
May – June 2019	<ul style="list-style-type: none"> Capital Planning Forum (CPF) – to consider inputs received from SDF/IDP/BUDGET meetings. Consultation and refinement of SDF, IDP and Budget documents. Approval of Final SDF, IDP, Budget, Tariffs and Budget related policies Submit approved IDP to Provincial Government. Approval of Top Layer SDBIP by the Executive Mayor within 28 days after adoption of the IDP and Budget.

6.2 Financial Implications

The IDP and the Budget has been aligned, taking into account ward priorities and public needs identified through the public participation engagements outlined above.

6.3 Legal Implications

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

6.4 Staff Implications

This report has no additional staff implications for the Municipality.

6.5 Previous / Relevant Council Resolutions

The adoption of the draft Second Review of the Fourth Generation Integrated Development Plan that was approved in the Council meeting on 27 March 2019.

6.6 Risk Implications

None.

ANNEXURES(WILL BE DISTRIBUTED UNDER SEPARATE COVER)

Appendix 1: The final Second Review of the 2017 – 2022 Fourth Generation Integrated Development Plan (IDP)

Appendix 2: The public participation inputs, written submissions and Provincial Government LGMTEC findings on the Draft Second Review of the 2017/18 Fourth Generation IDP

NAME	Shireen de Visser
POSITION	Senior Manager Governance
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8035
E-MAIL ADDRESS	Shireen.devisser@stellenbosch.gov.za
REPORT DATE	9 May 2019

5.2	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2019/2020-2021/2022
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Mayco 21 May 2019 and Council 29 May 2019

1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2019/2020-2021/2022

2. PURPOSE

The purpose of this report is three fold:-

- a) To consider the views/submissions of the local community in terms of Section 23(1)(a) of the Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public as envisaged in terms of Section 23 (2) (a) and (b).
- b) To approve the Medium Term Revenue and Expenditure Framework for 2019-2022, the prescribed appendices, property tax increases, tariffs and tariff structures and revisions to the Budget and related Policies (where appropriate) in terms of Section 17 (1) – (3) of the MFMA (Act 56 of 2003); and
- c) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R 380 million of which over the MTREF R160 million will be required in year 1, R120 million in year 2 and R100 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms final approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATIONS

- (a) that the High Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved;
- (b) that the Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved;
- (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved;
- (d) that the three year Capital Budget for 2019/2020, 2020/2021 and 2021/2022, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved;

-
- (e) that in terms of MFMA Section 19 and Municipal Budget Reporting (MBRR) Regulations 13, projects above a prescribed value set at R50 million, as set in **APPENDIX 1- PART 1- SECTION B**; be individually approved;
 - (f) that the proposed rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3** , be approved;
 - (g) that the proposed amendments to existing budget-related policies and other policies as set out in **APPENDICES 4 - 30**, be approved;
 - (h) that Council specifically notes and considers the need to take up an external loan needed for investment in income-generating infrastructure to the amount of R380 million, of which R160 million will be required in year 1, R120 million in year 2 and R100 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;
 - (i) that Council specifically takes note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially;
 - (j) that Council takes note of MFMA circulars 93 and 94 that were published to guide the MTREF for 2019/2020 to 2021/2022 as set out in **APPENDICES 31 – 32**; and
 - (k) that Council takes note that the public comments and submissions were taken into account in the compilation of the final budget.

6. DISCUSSION / CONTENTS

6.1. Background/ Legislative Framework

Section 23 of the MFMA (Act No 56 of 2003) prescribes to municipalities the process to be followed when the Annual Budget is tabled for approval, which is as follow:

(1)“The municipal council must consider any views of the local community, the National Treasury, the relevant Provincial Treasury and any provincial or national organs of state or municipalities which made submissions on the budget.

(2)After considering all budget submissions, the council must give the mayor an opportunity—

- (a) to respond to the submissions; and
- (b) if necessary, to revise the budget and table amendments for consideration by the council.

ANNEXURE 1 to the Council Item for the Integrated Development Plan includes the input and comments received during the IDP and Budget Public Participation Process.

6.2 Discussion

The 2018 Medium Term Budget Policy Statement (MTBPS) by the Minister of Finance highlighted the difficult choices both fiscal and economic, which will be confronting the government over the next several years. The Minister further stated that given the current economic climate faced by the country, the government will be confronted with

the above mentioned choices over the medium term as well. This undoubtedly reiterates the sentiments expressed in 2016's annual budget circular, which stated clearly that the South African economic outlook is bleak.

South Africa continues to confront an economic environment that are challenging as a result of slow global growth and trade tensions mounting.

The focus must be to choose a path which will lead to economic growth that will be faster and more inclusive, which will also strengthen public and private sector investment. The projected Gross Domestic Product (GDP) growth forecasted during 2018 for 2019 has been revised downwards from 1.7 per cent to 1.5 per cent. This is due to a fragile recovery in employment and investment, and a less supportive global trade environment. However growth is expected to gradually recover and improve to over 2 per cent by 2021, as confidence returns and investments gathers pace. This will be achieved through the government's efforts to reform state-owned companies and the launch of the infrastructure fund that are expected to increase growth and investment in the years ahead. To achieve higher and more inclusive growth improved state capacity as well as a comprehensive structural reform are needed to address unemployment and poverty.

The 2019 Budget review also notes that the government's budget priorities is as follow; narrow the budget deficit and stabilise the national debt-to-GDP ratio, support restructuring of the electricity sector, and reduce the immediate risks Eskom poses to the economy and the public finances and renew economic growth by strengthening private-sector investment, improving the planning and implementation of infrastructure projects, and rebuilding state institutions.

The President announced the implementation of an economic stimulus and recovery plan during September 2018 and during the 2018 MTBPS he announced the steps to implement the economic and recovery plan. The initiative will focus on the following five interventions:

- Implementing growth-enhancing economic reforms;
- Reprioritising public spending to support economic growth and job creation;
- Establishing an infrastructure funds;
- Addressing urgent matters in education and health; and
- Investing in municipal social infrastructure improvement.

The economic recovery process over the medium term will focus on increased investment in social and economic infrastructure. This will require a more increased role for the private sector and improved implementation of government's existing plans. Government has begun to implement growth enhancing reforms in line with the aforementioned economic stimulus and recovery plan. It was noted in the State of the Nation Address on 7th February 2019 that faster economic growth is required to expand employment and raise the revenue needed to support social development. To bolster confidence and encourage private-sector investments additional steps are required to strengthen policy certainty, improve the effectiveness of infrastructure spending and rebuild public institutions.

In his budget speech on 20 February 2019, the Minister of Finance emphasised the importance of using the budget as a mechanism to accelerate economic transformation and the importance of ensuring that the budget is utilised as a platform for renewal, inclusive growth and job creation. The Minister further reiterated the same five tasks/priorities that were addressed during the State of the Nation Address on the 7th February 2019.

The broad principles that flow from the National Development Plan were also touched on as the Minister emphasised that the National Budget promotes inclusive growth, it emphasises partnerships among the various stakeholders in our economy, it makes investments in education and infrastructure a priority, it supports and encourages employment creation and it contributes to building a developmental and capable state. The Minister stated in his speech that the National Budget should be viewed as a long-term vision. Challenges were highlighted by the Minister as focus areas for the future, namely, technology, sustainability, rapid urbanisation and nationalism.

The Budget of 2019 outlines a series of economic and fiscal measures to be implemented to move the economy onto a new trajectory and reduce the long-term risks to South Africa's public finances. The central economic policy goal of the government, is to accelerate inclusive growth and create jobs. The main objective is to ensure sustainable finances by containing the budget deficit and stabilising public debt. The Constitution requires the national budget and related budget processes to promote values such as transparency, accountability, as well as effective management of the economy to these requirements in a difficult environment in which economic growth remains weak, public debt and debt service costs have accelerated, and governance and operational concerns are manifest across the public sector. The 2019 Budget confronts these challenges by addressing the central risks of the economy and its public finances, supporting growth-enhancing reforms and maintaining real growth in expenditure on social and economic priorities.

The Budget of 2019 maps a path out of economic stagnation, anticipating a steady increase in economic growth, which in turn will create a path to prosperity for the South African people, and improve the nation's finances over time. In essence the budget presents a roadmap to maintaining the integrity of the public finances, while also protecting social services. It is based on the idea of an inclusive social contract, encompassing equitable burden of tax and progressive programme of expenditure. It also relies on institutions that operate on good governance and a public ethic that values honesty, transparency and fairness.

As part of Government's transformation action agenda, the following programmes are a priority:

- Dignified living & improving the conditions of the poor;
- Improved access to services and economic participation across all racial lines;
- Creating an environment for small businesses to thrive, which in turn will stimulate economic growth, accelerate inclusive economic growth and increase job opportunities;
- Reconstitute a professional national intelligence capability;
- Improve the education system and develop skills;
- Step up and fight against state capture and corruption;
- Remove the constraints to inclusive growth and to pursue far greater levels of investment;
- Improve governance, strengthen leadership and restore stability in strategic entities; and
- Strengthen the capacity of the state to address the needs of the people.

The National key priorities below, directly aligned to the National Development Plan, the Constitution and the Freedom Charter, which are the cornerstones for South Africa's economic development, remain priorities for the municipality. These priorities are ultimately aimed at addressing the challenges of poverty, inequality and unemployment. Implementation of radical socio-economic transformation is therefore key in achieving these priorities.

- Infrastructure development and investment therein plays a pivotal role in improving the economy, creating jobs, empowering small businesses and providing services to the people. Municipalities are encouraged to invest in upgrading of municipal roads, building waste water treatment works, installation of electricity networks, power stations, upgrading of sewer systems, building water reservoirs and other infrastructure. With the population growth that Stellenbosch municipality has, especially in informal settlements, infrastructure needs to be upgraded to meet the demands of the communities. This also has a linkage in reduction of unemployment. Similar to 2017/18 and 18/19 financial years, the municipality's capital budget is huge.
- Implementation of National Minimum Wage: One of the demands of the freedom charter. The introduction of the minimum wage was made possible by the determination of all social partners to reduce wage inequality, while still maintaining economic growth and employment creation. This will improve the living conditions of households across the country.
- Building safer communities for all: Efforts to tackle crime must be intensified.
- Adhering to the principles of Batho Pele-“Putting people first”.
- Sustainable Job Creation: One of the biggest challenges South Africa is confronted with is lack of job creation, which remains a national and provincial priority, as highlighted in the State of the Nation Address delivered by the President. One of the most pressing challenges is youth employment, which are currently at the centre of the economic agenda. With the low scaling economy, it is a challenge for jobs to be created as the two have a direct relationship. Thus, it is paramount for municipalities to continue to undertake joint planning with their communities and respective business sectors that drive the local economy to create opportunities, especially for young people to be exposed to the work world through various initiatives such as internships, apprenticeships, mentorships, entrepreneurships, etc. Municipalities should explore opportunities to mainstream labour intensive approaches to delivering services.

As a means to combat unemployment, the municipality would employ the following measures:

- Full participation in the Expanded Public Works Programme;
 - Providing support to small businesses, which will create employment in the medium to long term;
 - Establishment of Informal Traders;
 - Promoting Internships and in-service training opportunities;
 - Filling of vacancies within the municipality; and
 - Developing partnerships with academic institutions for training opportunities.
- A revised capacity building initiative, aligned to Back to Basics strategy, where the main focus will be on improving service delivery, accountability and financial management. It is always important that local government be effective and efficient, and this will be measured by its ability to perform the basic mandate of service delivery. The “Back to Basics” programme was launched to promote good governance and effective administration through cutting wastage, spending public funds prudently, hiring competent staff, and ensuring transparency and accountability in local government.

The President of South Africa, in his State of the Nation Address (SONA), on 7th February 2019 conceded that unemployment remains a national challenge and that job creation remains at the centre of the national agenda of 2019. The following focus areas were highlighted during SONA, which will be used as instruments to reignite growth so that the economy can create much-needed jobs:

- SMMEs: Expanding the small business incubation programme which provides entrepreneurs with the physical space, infrastructure and shared services, access to specialised knowledge market linkages, training in the use of new technologies and access to finance.
- National Minimum Wage (one of the demands of the Freedom Charter) to ensure greater coherence and consistency in the implementation of economic policy.
- Mining and beneficiation
- Youth Development and Employment through the implementation of various initiatives (launch of the youth employment service through paid internships).
- Agriculture and related initiatives
- Water Conservation Initiatives
- Encourage significant new investments and promoting greater investment in key manufacturing sectors
- Provision of Infrastructure through Infrastructure Investments
- Expansion of the Tourism Sector
- Developing capabilities in science, technology and innovation towards digital industrial revolution

Various programmes and initiatives will/must be established and the existing one's improved upon to ensure effective implementation of the strategic priorities.

The Western Cape Premier in her State of the Province address, on 15th February 2019, reiterated the sentiments highlighted during the State of the Nation Address and also the challenges that are faced and the initiatives that were implemented to address these challenges with regards to unemployment, education, building of safer communities, sustainable infrastructure development, land reforms, drought disaster management plans, implementation of related initiatives, provision of housing (dignified living), provision of services to the poor households, among others. The Premier highlighted the importance of finding ways to minimise unemployment by creating an environment that encourages job creation, through investment and growth and creating an environment which raises the quality of education and prepares generations for a digital future. During her address the Premier mentioned the successes achieved through the implementation of various initiatives with focus on land reform, improvement of education and creation of an environment which encourages expanding social services, building of partnerships to foster safer communities, investments in and maintenance of infrastructure and implementation of various youth development programmes which in return will boost employment opportunities. All of the above issues are of importance, however as the Premier stated, the basis of all of this is economic growth, investment and job creation. In essence little else is possible if there is no growth or job opportunities.

Curtailing non-core expenditure has always been emphasized by National Treasury. In order to maintain a funded budget, municipalities need to not only focus on tariff increases, but also focus on how to eliminate expenditure that is unnecessary. The initial cost containment measures were introduced through a MFMA Circular. Building on the MFMA Circular, National Treasury and other stakeholder's drafted regulations that will promote the cost containment measures introduced in a number of spending areas. The Draft Municipal Cost Containment Regulations were published on 16 February 2018.

The implementation of cost containment measures is important as it will assist municipalities to reprioritise expenditure and to free up resources targeted towards service delivery. It will also be used to eliminate wastage of public resources on non-service delivery items. The main object of the draft Regulations is to ensure that the resources of municipalities are used in an effective, efficient and economical manner.

In essence these Cost Containment Regulations propose to provide a framework that is consistent with the provisions of the MFMA. The effective implementation of the

regulations aims to ensure that municipalities and municipal entities achieve value for money in utilising public resources to deliver effective municipal services.

The National Budget places emphasis on municipalities to ensure that expenditure is allocated in an efficient manner, that management is enhanced and that cutting of waste occur. The 2019 Budget allocates resources to core social and economic priorities while containing aggregate expenditure growth. Spending plans give effect to priorities of the National Development Plan and the Medium Term Strategic Framework.

Municipalities are encouraged by National Treasury to maintain tariff increases and adopt a tariff setting methodology that achieves an appropriate balance between the interests of poor households and other customers while ensuring the financial sustainability of the municipality. Municipalities must ensure that their budget are funded from realistically anticipated revenues. This means that the municipality must refrain from assuming collection rates that are unrealistic and unattainable.

In the instance of bulk tariff increases for electricity municipalities are also encouraged to apply for electricity tariff increases that reflect the total cost of providing the service, to ensure that they are working towards achieving fully cost-reflective tariffs that will assist them to achieve financial sustainability. Drought conditions makes it challenging and difficult for some municipalities to improve their revenue generation from provision of water services. In respect of water services the following important aspects should be focused on such as improving demand management, maintenance of infrastructure, management of losses, meter reading and tariff setting. When setting the tariffs municipalities must ensure that the tariffs charged will be able to cover for the cost of bulk purchases, ongoing operations as well as provision for any future infrastructure.

Municipalities should consider the following facts during tariff setting process, namely, the costs of bulk purchases and the fluctuation in the seasonal cost thereof; the consumption patterns to enable better demand planning and management; and in the event that municipalities have been under recovering costs, embark on a process to correct their tariff structures over a reasonable time period so that cost reflective tariffs are achieved, which in turn will result in financial sustainability. It is important that municipalities ensure that the tariffs charged are able to cover for the cost of bulk purchases, ongoing operations and provision for future infrastructure.

As a result of the economic landscape and weak tariff setting, municipalities are under pressure to generate additional revenue. Additional revenue needs to be generated because the consumers' ability to pay for services received, continues to decline, which leads to limited revenue collection. The effects of slow growth and economic challenges experienced these past years, still have an impact and continue to place pressure on the finances of the average consumer (levels of disposable income and savings). This typically results in greater difficulty for the municipality with regards to the revenue collection, which have a direct impact on the municipality's ability to provide effective and efficient services, but also to budget accurately for service delivery over the short to medium term. Continued policy uncertainty and the deterioration in the finances of state-owned companies are some of the main risks and challenges that can hinder the economic outlook. It is as a result of above economic challenges, alongside continued unemployment and slow growth that a more conservative approach is advised for revenue projections.

Municipalities affected by the drought should thus consider its impact on revenue generation. The municipalities will also have to improve their efforts to limit non-priority spending and implement stringent cost-containment measures.

Municipalities are required to focus on the following during the compilation of the 2019/2020 MTREF budgets:

- Improving the effectiveness of revenue management processes and procedures;
- Paying special attention to cost containment measures by, amongst other things, controlling unnecessary spending on nice-to-have items and non-essential activities as highlighted in the MFMA Circular No.82;
- Ensuring value for money through the procurement process;
- The affordability of providing free basic services to all households; and
- Curbing consumption of water and electricity by the indigents to ensure that they do not exceed their allocation.

The municipality has taken this in consideration when drafting the budget.

The application of sound financial management principles for the compilation of the Stellenbosch's financial plan is essential and critical to ensure that the municipality remains financially viable and that municipal services are provided sustainably, economically and equitably to all communities. As a result of excellent financial discipline, the Stellenbosch Municipality has taken the theme of "Driving efficiencies-doing more with less", to heart. The municipality not only maintained its healthy financial position, but improved its already outstanding liquidity position. The municipality's business and service delivery priorities were reviewed as part of this year's planning, through the Integrated Development Plan (IDP), and the annual budget process.

Funds were shifted from low to high priority programmes so as to maintain sound financial stewardship. A critical review was also undertaken on non-core and 'nice to have' items with regards to expenditure. The municipality has embarked on developing a revenue enhancement strategy to optimize revenue, including the collection of debt owed by consumers. Furthermore, the municipality has undertaken various customer care initiatives to ensure the municipality truly involves all citizens in the process of ensuring a people lead government.

The main challenges experienced during the compilation of the 2019/20 MTREF can be summarized as follows:

- The on-going difficulties in the national and local economy;
- Aging infrastructure;
- The need to reprioritise projects and expenditure within the existing resource envelope given the cash flow realities and declining cash position of the municipality;
- The increased cost of bulk water and electricity, which is placing upward pressure on service tariffs to residents. Continuous high tariff increases are not sustainable - as there will be a point where services will no-longer be affordable;
- Wage increases for municipal staff that continue to exceed consumer inflation, as well as the need to fill critical vacancies;
- Reductions in allocations of some National and Provincial grants due to a worsening fiscal outlook; and
- Limited resources to deal with all key priorities.

The following budget principles and guidelines directly informed the compilation of the 2019/20 MTREF:

- Integrated Development Plan was used to inform the measurable objectives, targets and backlog eradication goals;
- Tariff and property rate increases should be as affordable as possible and should ideally not exceed inflation as measured by the CPI, except where there are price increases in the inputs of services that are beyond the control of the municipality. However, tariffs need to remain or move towards being cost reflective, and should take into account the need to address infrastructure backlogs;
- National, provincial and local priorities;
- Headline inflation forecasts; and
- Funding choices and modelling.

The Integrated Development Plan (IDP) was used as a guiding strategic document to inform the budget compilation. The challenge however is still to deliver services more efficiently and effectively with the tight financial envelope.

Stellenbosch municipality's revenue strategy was based on the following fundamentals:

- Tariff policies of the municipality
- Economic outlook and development for Stellenbosch and surrounding areas
- National Treasury's guidelines and macroeconomic policy
- National, Provincial and Regional fiscal growth rates
- Electricity tariffs as approved by National Electricity Regulator of South Africa (NERSA)

The financial resources to fund the Operational Budget will and must consist of realistically anticipated revenue generated from property taxes, service charges and other income. The municipality were mindful of the estimated headline inflation for 2019/2020 of around 5.2 per cent, forming the basis of the extensive income modelling exercise, but also taking into account the principles of economical services that are cost reflective, trading services generating surpluses, the effect of escalating salary costs and bulk purchases.

The total budget quantum for the 2019/2020 year is R2 366 523 752 of which R 1 808 247 224 (76%), is allocated to the operating budget and R 558 276 528 (24%) to capital investment.

Budget documentation in line with the budget and reporting regulations is attached as **APPENDIX 1 – PART 1**. The report serves as an overview of the budget as a whole, budget assumptions used to compile the budget, funding sources used to fund the capital budget, different income categories to fund priorities of the municipalities, as well as the different expenditure items, including non-cash items.

CAPITAL BUDGET 2019/2020 – 2021/2022

The draft capital budget is infrastructure orientated and addresses the huge backlog and urgent need to upgrade/refurbish Council's infrastructure as addressed by the different master plans. It is directed by the IDP (Integrated Development Plan) and the needs of the community. It's also aligned to the strategic priority in the State of the Nation Address of Infrastructure investment and the "back to basics" approach. Council's attention is however drawn to the fact that not all needs identified by the community can realistically be funded by the municipality.

The main capital projects that the municipality will be investing in, which constitute more than 57% of the capital budget, include:

- New Plankenburg Main Outfall Sewer;
- Bulk Sewer Outfall: Jamestown;
- Ida's Valley Merriman Outfall Sewer;
- Upgrade of WWTW: Pniel & Decommissioning of Franschoek;
- Bulk Water Supply Pipe Line & Pumpstations: Franschoek;
- Bulk water supply: Klapmuts;
- New Reservoir & Pipeline: Vlottenburg;

-
- Sewerpipe Replacement: Dorp Street;
 - Water Conservation & Demand Management;
 - Stellenbosch WC024 (MRF)- Construct;
 - Expansion of landfill site (New Cells);
 - Main Road Intersection Improvements;
 - Ida's Valley mixed Housing Project IRDP/ FLISP;
 - Klapmuts: Erf 2181 (298 serviced sites);
 - Upgrading of The Steps/ Orleans Lounge;
 - Purchasing of Land; and
 - Hydraulic Ladder Fire Truck.

The detailed draft capital budgets for 2019/2020, 2020/2021 and 2021/2022 are attached as **APPENDIX 1**.

OPERATING BUDGET 2019/2020 – 2021/2022

The basis of the operating budget is aligned to the principle of total potential income (less income forgone as an expense where applicable) from all our services as well as a projection of total direct income. The extent, to which tariffs and levies are proposed to increase, is in the main influenced by:

- The increase in bulk purchases (water and electricity)
- Employee related costs, as per SALGBC wage agreement
- Councillor remuneration, as per SALGA upper limits
- Service delivery challenges
- Repairs and maintenance
- Operational projects impacting job creation and economic development
- Contractual commitments
- Day to day operational costs (fuel & oil, telephones, bank costs, etc)
- Finance costs, influenced by level of borrowing

Taking all of these issues into consideration and to ensure the sustainability of our operations from realistically anticipated income flows, the following tariff and property tax increases are proposed for 2019/2020:

Electricity	13.07%
Sanitation	6.00%
Refuse removal	16.50%

Water 6.50%

Rates 6.50%

The impact of the proposed tariff increases on the monthly services account for the various consumer categories is summarized in **APPENDIX 2**.

HIGH LEVEL CAPITAL AND OPERATING BUDGET FOR 2019/2020 – 2021/2022

The draft high level budget depicting the total budget is attached as **APPENDIX 1 – PART 1 – SECTION C**.

TARIFFS

Council's attention is further drawn to the fact that the Tariff List attached as **APPENDIX 3** includes Sundry Tariffs as a basket of services and charges, i.e. Land Use Management Fees, Development contributions, Technical Charges, etc. In this regard, the proposed tariff list must be consulted for the detail.

BUDGET RELATED POLICIES & BY-LAWS

The following budget-related policies were developed:

Ward Allocation Policy (**Appendix 4**)

The following budget related policies were revised:

Rates Policy (**Appendix 5**)

Indigent Policy (**Appendix 6**)

Special Ratings Area Policy (**Appendix 7**)

Credit Control and Debt Collection Policy (**Appendix 8**)

Irrecoverable Debt Policy (**Appendix 9**)

Petty Cash Policy (**Appendix 10**)

Travel and Subsistancy Policy (**Appendix 11**)

Virement Policy (**Appendix 12**)

Accounting Policy (**Appendix 13**)

Cash Management and Investment Policy (**Appendix 14**)

Supply Chain Management Policy (**Appendix 15**)

SCM Policy for Infrastructure Procurement and Delivery Management (SIPDM) (**Appendix 16**)

Development Charges Policy (**Appendix 17**)

Unchanged Policies and By-Laws

Performance Management Policy (**Appendix 18**)

Rates By-law (**Appendix 19**)

Special Ratings By-law (**Appendix 20**)

Tariff By-law (**Appendix 21**)

Tariff Policy (**Appendix 22**)

Asset Management Policy (**Appendix 23**)

Budget Implementation and Monitoring Policy (**Appendix 24**)

Borrowing, Funds and Reserves Policy (**Appendix 25**)

Financing of External Bodies performing municipal functions Policy (**Appendix 26**)

Liquidity Policy (**Appendix 27**)

Inventory Management Policy (**Appendix 28**)

Preferential Procurement Policy (**Appendix 29**)

Grants-In-Aid Policy (**Appendix 30**)

OTHER SUPPORTING DOCUMENTATION

The additional information as prescribed by the budget and reporting regulations are attached as **APPENDIX 1 – PART 2 – SECTION P**.

6.3 Financial Implications

Financial impact discussed above.

6.4 External Loan for 2019/2020

That Council specifically notes and considers the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R 380 million of which over the MTREF R160 million will be required in year 1, R120 million in year 2 and R100 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary).

6.5 Legal Implications

Legal Services:

The item is compliant with the relevant legislative framework.

6.6 Risk Implications

None

6.7 Comments from Senior Management:

6.7.1 Director: Infrastructure Services

Noted

6.7.2 Director: Planning and Development Services

Noted

6.7.3 Director: Community and Protection Services:

Noted

6.7.4 Director: Corporate Services:

Noted

6.7.5 Chief Financial Officer:

Noted

6.7.6 Municipal Manager:

Noted

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	29 May 2019

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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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 J DE VILLIERS)
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7.1.1	STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safest valley

21 May 2019

1. SUBJECT: STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

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

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

5. RECOMMENDATIONS

- (a) that Council notes that no public comments were received for consideration; and
- (b) that Council approves the Stellenbosch Municipality Closed Circuit Television Policy.

6. DISCUSSION/ CONTENTS

6.1 Background

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

6.2 Discussion

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

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

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

6.3 Financial Implications

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

6.4 Legal Implications

The policy adheres to all relevant legislation.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

Minutes of previous Council meeting 2018-11-28, Item 7.1.2 Stellenbosch Municipality Closed Circuit Television Policy (Attached as **ANNEXURE B**).

Resolved (majority vote with abstentions)

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

6.7 Risk Implications

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

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

Circulated for comments

6.8.2 Director: Planning and Economic Development

Circulated for comments

6.8.3 Director: Community and Protection Services

Circulated for comments

6.8.4 Director: Strategic and Corporate Services:

Circulated for comments

6.8.5 Director Human Settlements and Property Management

Circulated for comments

6.8.6 Chief Financial Officer

Circulated for comments

6.8.7 Municipal Manager

Circulated for comments

Further comments by the Department: Protection Services

The policy was advertised for a minimum period of 30 days on 24 January 2019 in the Eikestadnuus (Attached as **ANNEXURE C**) and Paarl Post with closing date for public comments 28 February 2019. On request from the Acting Director: Community and Protection Services, Mr Albert van der Merwe, the policy was advertised after the festive season period to allow members of the public sufficient time to submit comments.

No comments were received from the public. The policy is thus submitted for final approval.

ANNEXURES

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

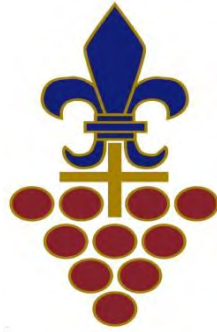
Annexure B: Minutes of Council meeting, item 7.1.2 Stellenbosch Municipality Closed Circuit Television (CCTV) Policy.

Annexure C: Copy of Eikestadnuus advertisement.

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REPORT DATE	25 March 2019

ANNEXURE A



STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY

DRAFT

STELLENBOSCH CLOSED CIRCUIT TELEVISION POLICY

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STELLENBOSCH CLOSED CIRCUIT TELEVISION POLICY

1. Definitions

To assist in the interpretation the following definitions shall apply;

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

“CCTV” shall mean Closed Circuit Television;

“Council” means the Municipal Council of Stellenbosch;

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

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

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

“Person” means a natural or juristic person;

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

“SAPS” shall mean South African Police Services;

“PSIRA” shall mean Private Security Industry Regulatory Authority;

“LPR” shall mean License Plate Recognition;

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

2. Problem Statement

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

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

3. Introduction

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

4. Purpose

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

- 4.1 Facilitate public safety.
- 4.2 Facilitate staff and councillor's safety.
- 4.3 Improve security and deter criminal activity in public places including Council premises and recreational facilities.
- 4.4 Monitor traffic movements.
- 4.5 Monitor trespass on Council facilities.
- 4.6 Monitor compliance with Council bylaws.
- 4.7 Capture information that could be used to investigate crime, a health and safety environment and/ or staff incidents.
- 4.8 Monitor behaviour around Council objects.
- 4.9 Manage council assets and infrastructure.

5. Regulatory Context

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

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

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

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

6. Scope

6.1 This policy applies to private and external CCTV cameras, installed on municipal land and infrastructure as well as private CCTV cameras installed on private property monitoring any or of which the projection plane covers any public street or public area of WCO24.

6.2 The policy is applicable within the boundaries of WCO24.

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

7. Policy Directives

7.1 Camera Locations

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

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

7.1.3 Exceptional circumstances where applicable;

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

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

7.2 Monitoring

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

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

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

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

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

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

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

7.3 User Access

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

7.4 The CCTV and LPR Administrator are responsible for:

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

7.4.2 Ensuring the installation and maintenance of equipment is sufficient.

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

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

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

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

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

7.5 Control and operation of cameras

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

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

7.6 CCTV High Level Users are responsible for:

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

7.7. CCTV Operators are responsible for:

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

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

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

- 7.8.1 SAPS or other authorised law enforcement agencies may access footage on short notice from for viewing purposes related to crime detection and prevention to assist with investigating the crime.
- 7.8.2 The requester is required to hand a subpoena or S205 of the Criminal Procedure Act, Act 51 of 1977 to the Municipality prior to the release of footage relating to the subpoena or in the case of the SAPS Investigating officer, a case number.
- 7.8.3 All footage released to SAPS or other authorised law enforcement agencies at their request, or when criminal activity is suspected, will be recorded in the CCTV Access Log detailing;
 - 7.8.3.1 Case numbers
 - 7.8.3.2 Investigating officer's name and staff number
 - 7.8.3.3 Case number and incident
 - 7.8.3.4 Sign out all evidence accordingly
 - 7.8.3.5 and any other information, as deemed necessary by SM.

7.9 CCTV information access by individuals

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

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

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

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

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

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

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

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

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

7.11 CCTV and Council Staff

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

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

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

7.12 CCTV & LPR Contractors

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

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

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

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

7.13 CCTV Signage

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

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

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

7.14 CCTV Staff Training

7.14.1 Operators

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

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

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

7.15 Privately owned CCTV cameras

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

7.15.2 Registration of privately owned CCTV cameras as per 7.15.1 will require the owner of these cameras to provide the name of the owner/s of the premises/ erf, the type of camera used and the connectivity status of the CCTV cameras as well as the projection plane of the public areas the cameras cover.

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

CLOSED CIRCUIT TELEVISION POLICY

ANNEXURE B

7.1.2	STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY
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Collaborator No: 599452
IDP KPA Ref No: Safest Valley
Meeting Date: 09 November 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

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

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

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.1.2

RESOLVED (majority vote with abstentions)

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

FOR FURTHER DETAILS CONTACT:

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

ANNEXURE C



Bloemhof se nuwe a capella-groep met een van hul oefensessies. Foto: Leon Piron

Bloemhof nou 'n sanggroep ryker

Die nuutste toevoeging tot die Hoër Meisieskool Bloemhof se kultuurprogram is 'n a capella-groep wat reeds vroeg in die skooljaar die eerste note saam as groep laat opklink het.

Die groep, onder leiding van Marijke de Villiers-Roos, bestaan uit 20 leerders.

"Ek is baie opgewonde oor die groep. Daar is soveel potensiaal en talent wat groei," sê Daniëlle van Rooijen (gr. 10).

Annemi Burger, ook gr.10, beaam dit: "Dis meer as net nense wat saam sing. Dit is 'n familie wat vorm."

Marijke meen dat hierdie groep nie net talentvol en energiek is nie, maar dat dit juis hul positiewe gesindheid is wat haar opgewonde maak.

Al het die groep nog nie 'n amptelike naam nie, het hulle reeds drie liedere ingeef, iets waaroor Dalene Bosman, Bloemhof se musiekhoof, baie opgewonde is.

"Ons sien met verwagting uit na die eerste optrede," sê sy.

Young tennis stars take international opportunity

Rhenish Girls' High has produced two top tennis players who trained hard throughout their high school careers.

Sinazo Solani who matriculated in 2016, has been selected for the Fed Cup Team to participate in Luxembourg in February while Evangeline du Toit who matriculated last year got a tennis scholarship at Abilene Christian University in Texas, USA.

"I am so excited and proud of these two players of mine," says Sunel Malan (coach of both Evangeline and Sinazo while they were at Rhenish).

"Their commitment and discipline shown throughout their careers has been outstanding. There is nothing more rewarding than reaching a goal through trust and hard work," says Sunel.



Sinazo Solani, Sunel Malan and Evangeline du Toit.



Eikestad verwelkom nuwe onnies

Leerskool Eikestad het vanjaar nuwe personelede by die skool verwelkom. Agter is Nieké Matthee (gr. 5-onderwyser), Alné Nel (assistent), Tom Ntobeko (terreinwerker), Anke Nel (assistent) en Anri Schoonees (assistent). Voor is Chantelle Williams (leerondersteuner), Mamé Stander (assistent) en Celeste Gouws (assistent).



Net een nuwe onnie vir 2019

Die Hoër Meisieskool Bloemhof verwelkom vanjaar slegs een nuwe lid tot sy personeelkorps, Winnie Viljoen, die skool se nuwe adjunkhoof en onderwyser in Engels. Drie ander personelede wat in 2019 by die skool aangesluit het, het Maandag 21 Januarie saam met haar hul amptelike personeelbeadjies ontvang. Van links is Winnie Viljoen, Mitzi Marais, Anke Wethmar (van Sanlam FinPrufe Wealth BlueStar), Betti Erasmus en Elzabé van der Watt.

Foto: Stephan Meyer



Drieling is nou in graad 3

Leerskool Eikestad het vanjaar 'n drieling in gr. 3. Hulle is Jeandré, Liseke en Andries Burger.

Stellenbosch Municipality Closed Circuit Television Policy

Notice is hereby given that the Council of Stellenbosch Municipality at a meeting held on 2018-11-28 approved the Stellenbosch Municipality Closed Circuit Television Policy of which the policy is hereby advertised for a minimum period of 30 days in terms of the provisions of Section 160(4) (b) of the Constitution, Act 108/96 read with Section 12 and 13 of the Local Government: Municipal Systems Act 32/2000.

Be advised that the policy is open for inspection and for written comments, if any, at the office of the Chief Law Enforcement, Stellenbosch Municipality, 1 Hofman Street, Stellenbosch and will be available at all libraries in the area, on the municipal website and at each ward office until 28 February 2019. Copies of the policy can also be downloaded from the municipal website: www.stellenbosch.gov.za

All written comments should be addressed to:

The Municipal Manager, Stellenbosch Municipality, PO Box 17, Stellenbosch, 7599/ Plein Street, Stellenbosch, 7600 or emailed to: municipal.manager@stellenbosch.gov.za

MUNICIPAL MANAGER

Notice no.: 06/2019
Dated: 24/01/2019

Stellenbosch Munisipaliteit Beleid op Geslote Kringtelevisie

Kennis geskied hiermee dat die Raad van Stellenbosch Munisipaliteit tydens 'n vergadering gehou op 2018-11-28 die Beleid op Geslote Kringtelevisie goedgekeur het en word derhalwe geadvanteer vir 'n minimum periode van 30 dae ingevolge die bepalings van Artikel 160(4)(b) van die Konstitusie, Wet 108/96, saamgelees met Artikel 12 en 13 van Plaaslike Regering, Munisipale Stelselwet 32/2000.

Genoemde beleid is oop vir inspeksie en skriftelike kommentaar, (indien enige) by die Kantoor van die Hoof, Wetsvoepassing, Stellenbosch Munisipaliteit, Hofmanstraat 1, Stellenbosch en sal beskikbaar wees by alle biblioteke, die munisipale webwerf en elke wykskantoor tot 28 Februarie 2019. Afskrifte van die beleid kan afgelaai word van die munisipale webblad: www.stellenbosch.gov.za

Alle skriftelike kommentaar moet adresseer word aan:

Die Munisipale Bestuurder, Stellenbosch Munisipaliteit, Posbus 17, Stellenbosch, 7599/ Pleinstraat, Stellenbosch, 7600 of ge-apos word aan: municipal.manager@stellenbosch.gov.za

MUNISIPALE BESTUURDER

Kennisgewing no. 06/2019
Gedateer: 24/01/2019

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS: CORRECTION OF PROPERTY DESCRIPTION

Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 21 May 2019 and 29 May 2019 Council meeting

1. SUBJECT: APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS: CORRECTION OF PROPERTY DESCRIPTION

2. PURPOSE

To amend the previous Council resolution in order to rectify the property description.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

On 2017-09-27 Council considered a request from the Provincial Government for an additional portion of land in Klapmuts, to enable them to enlarge the current Clinic in Klapmuts.

Although Council approved the donation of a portion of land, measuring approximately 2272 m² in extent, it has now been brought to our attention that the property description is incorrect, as it only refers to a portion of erf 342, whilst it should have referred to a portion of erf 342 and the remainder portion of erf 1311 (crèche area).

Council must amend their previous decision to include both portions of land, as was the initial idea.

5. RECOMMENDATIONS

that the decision taken by Council on 2017-09-27 (12th Council meeting, item 7.5.1) regarding the disposal/donation of a portion of erf 342 be rescinded and replaced with the following:

"a) *that a portion of erf 342 and Remainder portion of erf 1331, as indicated on Fig 2, measuring 2272m² in extent, be identified as land not needed to provide the minimum level of basic municipal services;*

b) *that, seeing that the provision of a new clinic for the area is of critical importance, and seeing that the land in question was donated to Stellenbosch Municipality by the Provincial Housing Board in 1972, the land be made available to the Provincial Government free of charge;*

- c) *that approval be granted that the land, as indicated in figure 2, be transferred to the Western Cape Government (Chief Directorate Property Management) for the purpose of constructing a health facility, on condition that the Provincial Government of the Western Cape:*
- i) *be responsible for all costs related to the transfer of the land, including, but not limited to survey and legal costs;*
 - ii) *be responsible for the subdivision and rezoning cost;*
 - iii) *be responsible for the upgrading of bulk infrastructure, should the need arise, and for making a contribution towards the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan;*
 - iv) *be responsible for all service connections at the prevailing rates;*
- d) *that the Provincial Government be given occupancy of the land with immediate effect, to enable them to attend to planning/building plan approval(s); and*
- e) *that the Municipal Manager be authorised to sign the Deed of Donation and all documents necessary to effect the transfer of the property”.*

6. DISCUSSION / CONTENT

6.1 Background

On 2017-09-27 (item 7.5.1) Council considered a request from the Provincial Government of the Western Cape (The Department of Transport and Public Works) for an additional portion of land in Klappmuts to enable them to extend the clinic on erf 3630, thereby improving the health care services to the growing community of Klappmuts.

Having considered the request, Council resolved as follows:

RESOLVED (majority vote with abstentions)

- (a) *that the portion of erf 342, Klappmuts, measuring ±2272m² in extent, be identified as land not needed to provide the minimum level of basic municipal services;*
- (b) *that, seeing that the provision of a new clinic for the area is of critical importance, and seeing that the land in question (portion of erf 342) was donated to Stellenbosch Municipality by the Provincial Housing Board in 1972, the land be made available to the Provincial Government free of charge;*
- (c) *that approval be granted that the portion of erf 342, Klappmuts, as indicated in figure 5, be transferred to the Western Cape Government (Chief Directorate Property Management) for the purpose of constructing a health facility, on condition that:*
 - i) *the Provincial Government be responsible for all costs related to the transfer of the land, including, but not limited to survey and legal costs;*
 - ii) *the Provincial Government be responsible for the subdivision and rezoning cost;*
 - iii) *the Provincial Government be responsible for the upgrading of bulk infrastructure, should the need arise, and for making a contribution towards the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan;*
 - iv) *the Provincial Government be responsible for all service connections at the prevailing rates;*

- d) *that the Provincial Government be given occupancy of the land with immediate effect, to enable them to attend to planning/building plan approval(s); and*
- e) *that the Municipal Manager be authorised to sign the Sales Agreement and all documents necessary to effect transfer of the property.*

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

Following the above resolution the Department of Transport and Public Works were informed accordingly.

They have subsequently indicated that they are in agreement with the conditions. A Deed of Donation was subsequently compiled and presented to them for signature.

On 2019-04-03, however they informed us that, although the Deed of Donation referred to a portion of erf 342, Klapmuts as well as the remainder of erf 1331, totalling approximately 2272m² in extent, the Council resolution (wrongfully so) only refers to a portion of erf 342, measuring approximately 2272m² in extent. They requested that this discrepancy be corrected.

6.2 **Discussion**

As is clear from the agenda item that served before Council (see paragraph 3.1.1, in particular Fig 4) the idea was all along to transfer a portion of erf 342 as well as Remainder erf 1331, together totalling $\pm 2272\text{m}^2$ in extent. The Council resolution, however, only refers to a portion of erf 342, measuring $\pm 2272\text{m}^2$ in extent.

This was clearly a mistake, and Council is now requested to amend their previous decision to include both portions of land.

6.2.1 **The Site**

6.2.1.1 **Location and context**

The area to be transferred is situated off Merchant Street, Klapmuts, next to the existing clinic, as indicated on Fig 1 and 2 below.

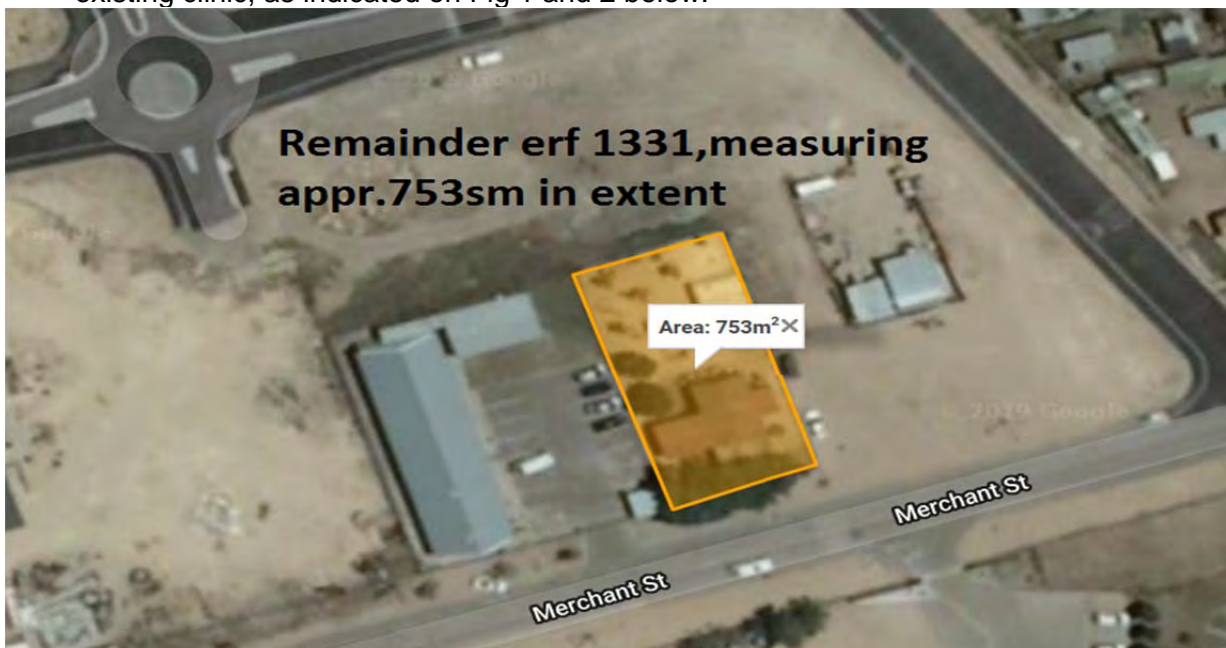


Fig 1: Location and context



Fig 2: Proposed area to be transferred

The area consists of two portions; i.e.:

- a) Remainder of erf 1331, measuring 753m² in extent; and
- b) Portion of erf 342, measuring ± 1519m² in extent.

6.2.2 Ownership

Ownership erf 342 and Remainder erf 1331 vests with Stellenbosch Municipality in terms of Title Deed T31590/1972 and T72297/2016.

6.3 Financial Implications

None

6.4 Legal Implications

The recommendation in this report comply with the Municipality's policies and applicable legislation.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

On 2017-09-27 (item 7.5.1) Council considered a request from the Provincial Government of the Western Cape (The Department of Transport and Public Works) for an additional portion of land in Klapmuts to enable them to extend the clinic on erf 3630, thereby improving the health care services to the growing community of Klapmuts. (See paragraph 6.1 above).

6.7 Risk Implications

None

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

None requested

6.8.2 Director: Planning and Economic Development

None requested

6.8.3 Chief Financial Officer

None requested

ANNEXURES:**APPENDIX 1:** Agenda item that served before Council**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	2019-04-12

APPENDIX 1

7.5.1	APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS
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1. PURPOSE OF REPORT

The purpose of this report is to consider a request from the Western Cape Government (Department of Transport and Public Works) to acquire an additional portion of land for the purpose of extending the clinic in Klapmuts.

2. BACKGROUND**2.1 Transfer of health services to provincial government**

The State Attorney is in the process of transferring the Klapmuts Clinic, situated on Erf 3630 (portion of erf 1331), Klapmuts, measuring 1115m² in extent, held under Deed of Transfer T42229/2000, as agreed to in term of a Memorandum of Agreement of Transfer, to the Western Cape Government.

2.2 Application for additional land

Hereto attached as **APPENDIX 1** a self-explanatory letter from the provincial Department of Transport and Public Works, requesting Stellenbosch Municipality to dispose of an additional portion of land, to enable them to extend the clinic on erf 3630, Klapmuts.

This would enable the Department of Health to provide better health care services to the existing and growing community of Klapmuts.

12TH COUNCIL: 2017-09-27: ITEM 7.5.1**RESOLVED** (majority vote with abstentions)

- (a) that the portion of erf 342, Klapmuts, measuring ±2272m² in extent, be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that, seeing that the provision of a new clinic for the area is of critical importance, and seeing that the land in question (portion of erf 342) was donated to Stellenbosch Municipality by the Provincial Housing Board in 1972, the land be made available to the Provincial Government free of charge;
- (c) that approval be granted that the portion of erf 342, Klapmuts, as indicated in figure 5, be transferred to the Western Cape Government (Chief Directorate Property Management) for the purpose of constructing a health facility, on condition that:
 - i) the Provincial Government be responsible for all costs related to the transfer of the land, including, but not limited to survey and legal costs;
 - ii) the Provincial Government be responsible for the subdivision and rezoning cost;

- iii) the Provincial Government be responsible for the upgrading of bulk infrastructure, should the need arise, and for making a contribution towards the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan;
- iv) the Provincial Government be responsible for all service connections at the prevailing rates;
- (d) that the Provincial Government be given occupancy of the land with immediate effect, to enable them to attend to planning/building plan approval(s); and
- (e) that the Municipal Manager be authorised to sign the Sales Agreement and all documents necessary to effect transfer of the property.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>	<i>7/2/1/1</i>	<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>	<i>529254</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

7.2.2	PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

21 May 2019

1. SUBJECT: PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)

2. PURPOSE

To obtain the necessary approval/authorisation to dispose of erf 347, Le Roux, Groendal.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

Erf 347, Le Roux (Groendal) has been identified as surplus to the municipality's own needs, i.e. the municipality does not require the property to provide the minimum level of basic municipal services.

For this reason Council is requested to authorise the disposal of this property by way of a Call for Proposal.

5. RECOMMENDATIONS

- (a) that Erf 347, Le Roux (Groendal) be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of in principle;
- (b) that council resolves to dispose of the property by either:
 - (i) dispose of the property to the highest bidder by way of an open tender process; this disposal may be subject to certain conditions set by Council on what type of development it may be used for
OR
 - (ii) go out on a Call for Proposal, soliciting proposals to develop the land for high density housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area.
- (c) that the market value of the property be determined by two independent valuers and be taken into consideration in the SCM determination and reported to Council when the item is tabled for final consideration as indicated in (d) below; and
- (d) that, following the supply chain process, the matter be brought back to Council for a final decision on whether to dispose of the property under the conditions set in the supply chain process.

6. DISCUSSION / CONTENTS

6.1 Background

Erf 347 was recently transferred to Stellenbosch Municipality by the Provincial Housing Board. This property is not needed to provide the minimum level of basic Municipal services, and therefore it is recommended that the property be disposed of.

6.2 Discussion

6.2.1 Property description

6.2.1.1 Erf 347, Le Roux (Groendal)

Erf 347, a portion of erf 234, Le Roux is situated in Keerom Street, Groendal as indicated on Fig 1 and 2 below.



Fig 1: Location and context



Fig 2: Extent of property

Erf 347 is 537m² in extent and is zoned single residential. The ownership vests with Stellenbosch Municipality by virtue of Title Deed T4466/2014. See copies of LG Diagram and Deeds Office information hereto attached as **APPENDICES 1** and **2** respectively.

6.2.2 Options for development/disposal

The following options could be considered by Council:

- a) Dispose of the property to the highest bidder by way of an open tender process;

OR

- b) Go out on a Call for Proposal, soliciting proposals to develop the land for high density housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area.

6.2.3 Legal Requirements

6.2.3.1 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.

6.2.3.2 Asset Transfer Regulation (ATR)

6.2.3.2.1 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 accounting officer has in terms of regulation 6 conducted a public participation* process to facilitate the determinations a municipal council must make in terms of Section 14(2)(a) and (b) of the Act; and
- b) the municipal council-
 - i) has made determinations required by section 14(2) (a) and (b)* and
 - ii) has, as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.

6.2.3.2.2 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.

6.2.3.2.3 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.

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

In terms of Regulation 12(1); if approval has been given in terms of regulation 5(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.

*In the case of Stellenbosch Municipality the Policy on the Management of Council-owned property is deemed to be the disposal management system.

6.2.3.2.5 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

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 transfer, **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.

6.2.3.2.6 Transfer agreements

In terms of Regulation 17, a municipality may transfer assets approved for transfer to a private sector party or organ of state, **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.

6.2.3.3 Policy on the management of Council-owned property

6.2.3.3.1 General 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 demands otherwise.

6.2.3.3.2 Methods of disposal

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, e.g. residential erven;
- b) Call for Proposals, e.g when property is to be developed in a predetermined way

6.2.3.3.4 Preference Point System

In terms of paragraph 12, the following points systems are applicable:

- | | | |
|----------------------|----------------------|-----------|
| • Outright tender: | Price: | 60 points |
| | Status: | 40 points |
| • Call for proposal: | Price: | 60 points |
| | Status: | 20 points |
| | Development concept: | 20 points |

6.3 Financial Implications

None

6.4 Legal Implications

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

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

N/a

6.7 Risk Implications

None

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

This Directorate has no objection to the aforementioned proposal.
No municipal engineering services will be affected.

6.8.2 Director: Planning and Economic Development

None received.

6.8.3 Chief Financial Officer

None received.

ANNEXURES:

Annexure A and B: LG Diagram and Deeds office information

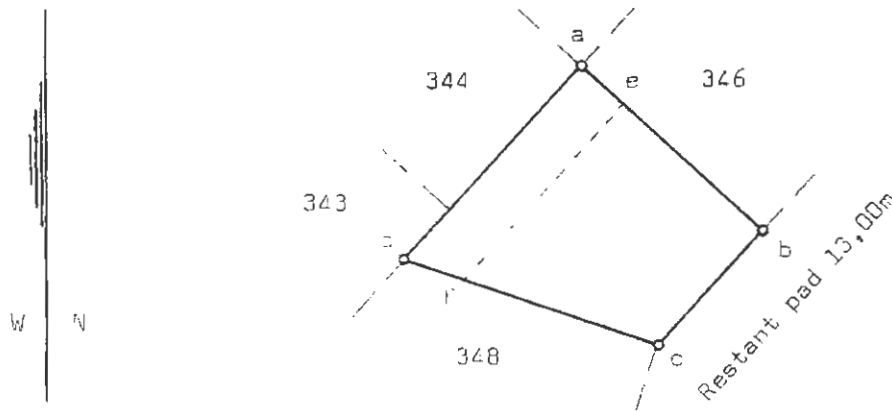
FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-08-21

ANNEXURE A

SYE METERS	RIGTINGS-HOEKE	KOÖRDINATE			L.G. No.	
		Y	Stelsel	Lo 19° X		
	Korstante	+	C,00	+3700000,00	9 9 9 6 / 7 7	
ab	25,00	312 31 10	a	- 9 577,44	+ 51 909,39	Goedgekeur <i>[Signature]</i> Landmeter-generaal 25.4.78
bc	16,00	42 31 10	b	- 9 555,87	+ 51 926,29	
cd	27,31	108 48 00	c	- 9 585,05	+ 51 938,08	
da	26,98	222 31 10	d	- 9 559,20	+ 51 929,28	
	3319/22	French Hoek		- 9 267,35	+ 47 936,71	
	3319/49	Middenberg		- 6 881,61	+ 52 965,39	

a b c d 12mm ronde ysterpen



Skaal 1: 750

Die figuur a b c d
stel voor 537 vierkante meter grond, synde
ERF 347, 'n gedeelte van ERF 234 LE ROUX
geleë in die Munisipaliteit van Franschoek Administratiewe Distrik
Paarl Provinsie Kaap die Goeie Hoop.
Opgemeet in Oktober - Desember 1977
deur my, ons *[Signatures]* Landmeter

Hierdie kaart is geheg aan No. gedateer t.g.v. Registrateur van Aktes	Die oorspronklike kaart is. No. 10143/76 geheg aan Transport/Grondbrief No.	Lêer No. S/6378/2 M.S. No. E.2438/77. Komp. BI-7CAD (3094) Alg Plan F 19 (2627) BI-7CA/W53(6351)
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ANNEXURE B

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

LE ROUX, 234, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2018/08/21 08:08
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 234
Portion Number 0 (REMAINING EXTENT)
Township LE ROUX
Local Authority FRANSCHHOEK MUN
Registration Division NOT AVAILABLE
Province WESTERN CAPE
Diagram Deed T14137/1980
Extent 800.0000DUM
Previous Description -
LPI Code C05500060000023400000

OWNER INFORMATION**Owner 1 of 1**

Type LOCAL AUTHORITY
Name MUN STELLENBOSCH
ID / Reg. Number -
Title Deed T44661/2014
Registration Date 2014/08/20
Purchase Price (R) TRANSFER BY ENDORSEMENT
Purchase Date -
Share 0.00
Microfilm -
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (7)

#	Document	Institution	Amount (R)	Microfilm
1	COMP-15-ERVEN	-	UNKNOWN	-
2	NOW SUBDIVISION	TOWN LE ROUX ,ERF 303 ,PRTN 0	UNKNOWN	-
3	NOW SUBDIVISION	TOWN LE ROUX ,ERF 326 ,PRTN 0	UNKNOWN	-
4	NOW SUBDIVISION	TOWN LE ROUX ,ERF 310 ,PRTN 0	UNKNOWN	-
5	NOW SUBDIVISION	TOWN LE ROUX ,ERF 303 ,PRTN	UNKNOWN	-
6	NOW SUBDIVISION	TOWN LE ROUX ,ERF 326 ,PRTN	UNKNOWN	-
7	NOW SUBDIVISION	TOWN LE ROUX ,ERF 310 ,PRTN	UNKNOWN	-

HISTORIC DOCUMENTS (6)

#	Document	Owner	Amount (R)	Microfilm
1	T14137/1980	COMMUNITY DEVELOPMENT BOARD	UNKNOWN	2007 1268 0812
2	T14137/1980	PROVINCIAL HOUSING DEVELOPMENT BOARD-WESTERN CAPE	UNKNOWN	2007 1268 0812
3	T14137/1980	PROVINCIAL GOVERNMENT-WESTERN CAPE	UNKNOWN	2007 1268 0812
4	T14137/1980	NASIONALE BEHUISINGSRAAD	UNKNOWN	2007 1268 0812
5	T14137/1980	HOUSING DEVELOPMENT BOARD-WESTERN CAPE	UNKNOWN	2007 1268 0812
6	T78485/2007	PROVINCIAL GOVERNMENT-WESTERN CAPE	TRANSFER BY ENDORSEMENT	2007 1268 0788

DISCLAIMER

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7.2.3	ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

21 May 2019

1. SUBJECT: ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE

2. PURPOSE

To obtain Council's approval for the enforcement of the fall-back clause in the Exchange of Land Agreement 12 May 1995 and to decide on the market value of the land.

3. DELEGATED AUTHORITY

For decision by Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and the Dutch Reform Church: Welgelegen concluded an Exchange of Land Agreement in 1995 in terms whereof erf 13246, Stellenbosch (municipal land) was exchanged for two residential erven in Die Boord, being erven 12758 and 12759 (church land) on an equal in value basis. The Agreement, however, has a fall-back clause, indicating that the land must be transferred back to the Municipality should it no longer be needed for church purposes. Seeing that the Dutch Reform Church: Welgelegen does not want to use the property for church purposes (due to the stabilisation of members) they have requested that the fall-back clause be enforced, as per the Agreement. Council must agree on the basis of compensation, as per the Agreement.

5. RECOMMENDATIONS

- (a) that Council approves the buy-back of erf 13246 Stellenbosch, from the Dutch Reform Church: Welgelegen, at a price of R6 540 000.00, being the fair market value of erven 12758 and 12759, Die Boord;
- (b) that the necessary provision be made on the 2019/20 budget;
- (c) that the Municipal Manager be authorised to sign all documents necessary to effect the transfer; and
- (d) that, when the land is transferred back, the matter be brought back to Council for consideration of the way forward in regard to these erven.

6. DISCUSSION / CONTENT

6.1 Background

During 1995 Stellenbosch Municipality and the Dutch Reform Church: Welgelegen concluded an Exchange of Land Agreement, in terms whereof erf 13246, Stellenbosch (municipal owned land at the time) was exchanged for two residential erven (church land) in Die Boord on an equal in value basis. A copy of the Agreement is attached as **APPENDIX 1**.

6.2 Application to enforce buy-back clause

Hereto attached as **APPENDIX 2** a self-explanatory request from the Dutch Reform Church: Welgelegen, requesting Council to buy back erf 13246.

6.3 Discussion

6.3.1 Location and context

Erven 12758 and 12759 is situated in Rhodes- North Road, Die Boord, as indicated on Fig 1 and 2, below.



Fig 1: Location and context: Erven 12758 and 12759



Fig 2: Extent: Erven 12758 and 12759

Erf 13246 is located off Wildebosch Road, Paradyskloof, as indicated on Fig 3 and 4, below.



Fig 3: Location and context: erf 13246



Fig 4: Extent Erf 13246

6.3.2 Property description and Ownership

Erf 13246, measuring 9000m² in extent, is registered in the name of the Dutch Reform Church: Welgelegen, by virtue of Title Deed T4376/2001. Although erf 13246 was rezoned to Religious Purposes, this rezoning has lapsed. The zoning has therefore reverted back to Agricultural Use. See Windeed record attached as **APPENDIX 3**.

Erven 12758 and 12759 measuring 767m² and 720m² in extent respectively, are registered in the name of Stellenbosch Municipality by virtue of Title Deeds T4375/2001. See Windeed records attached as **APPENDIX 4** and **5** respectively. The properties are zone single residential but is used for an early childhood development centre in term of a Lease Agreement (undetermined period).

6.3.3 Contractual situation

In terms of clause 1 of the Exchange of Land Agreement (*Ruilooreenkoms*) the parties agreed that the properties which were the subject of the exchange, are equal in value.

In terms of clause 13, should erf 13246 not be used for religious purposes by the church, it will be transported back to the Municipality at an amount to be agreed upon by the parties.

6.3.4 Valuation

Seeing that erf 13246 was valued at the same value as erven 12758 and 12759 (at the time of exchange), the only logical way to determine the value to be paid for returning the property to the Municipality, would be the current value of erven 12758 and 12759, seeing that this was the basis on which the properties were previously exchanged. Hereto attached as **APPENDIX 6** a copy of a valuation report compiled by HCB Property Valuations, valuing the two properties at R6 540 000.00 (Excl. of VAT).

6.3.5 Options available to Council

In terms of clause 13 of the Exchange of Land Agreement, should erf 32246 not be used for religious purposes by the church, it must be transferred back to the Municipality at an amount to be agreed upon between the parties. Council could consider the following options:

Option 1: Buy back erf 32246 at R6 540 000.00 (equal in value to erven 12758 and 12759).

6.4 Financial Implications

Should Council resolve to buy-back erf 32246, the initial financial cost would be R6 540 000.00, but this amount could immediately be recouped when disposing of the land to a Developer. The net result would be a development that would bring in rates and taxes.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

Council has approved the initial Exchange of Land, during 1995, but no detail could be found.

6.7 Risk Implications

None

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

No comments

6.8.2 Director: Planning and Economic Development

None received

6.8.3 Chief Financial Officer

None received

6.8.4 Director: Community and Protection Services

None received

ANNEXURES:

- Appendix 1:** Copy of Agreement
- Appendix 2:** Request from Dutch Reform Church
- Appendix 3:** Windeed report
- Appendix 4 and 5:** Windeed records
- Appendix 6:** Valuation report

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	2019-04-02

APPENDIX 1

Cluver Markotter
Pleinstraat 4, Stellenbosch

RUILOOREENKOMS

AANGEGAAN DEUR EN TUSSEN:

GERHARDUS MATTHYS STRYDOM in sy hoedanigheid as Uitvoerende Hoof / Stadsklerk van die MUNISIPALITEIT VAN STELLENBOSCH, behoorlik gemagtig daartoe

Adres: Die Munisipaliteit
Pleinstraat
STELLENBOSCH
7600

(hierna die STADSRAAD genoem)

en

GYS DE KLERK namens die Kerkraad van die NEDERDUITSE GEREFORMEERDE GEMEENTE STELLENBOSCH WELGELEGEN TE STELLENBOSCH behoorlik gemagtig daartoe

Adres: N G Kerk Stellenbosch Welgelegen
Buitekringweg
Dalsig
STELLENBOSCH
7600

(hierna die KERK genoem)

NADEMAAL:

1. Die STADSRAAD die geregistreerde eienaar is van 'n eiendom bekend as:

GEDEELTE A van die Plaas Nr. 369/G geleë in die Munisipaliteit en Afdeling van Stellenbosch

GROOT Ongeveer 9 000 (NEGE DUISEND) vierkante meter

Soos aangedui deur die figuur a b c d op die Sketsplan, waarvan 'n afskrif hierby aangeheg word, gemerk Aanhangsel "A".

(hierinlater na verwys as die EERSTE EIENDOM)

5601/13/21

- 4.3 Die partye geensins aanspreeklik sal wees teenoor mekaar vir enige waarborg of voorstelling wat nie in hierdie skriftelike kontrak vervat is nie.

5. REGISTRASIE VAN TRANSPORT

Transport van die eiendomme wat hiermee verruil word, sal so gou moontlik na verkryging van die nodige goedkeuring van die Landmeter-Generaal en ontvangs van die goedgekeurde landmetersdiagramme deur mnre Cluver Markotter gepasseer word.

6. TITEL- EN ANDER VOORWAARDES

Die verkoping geskied onderhewig aan die bepalinge en voorwaardes vervat in die bestaande titelaktes en kaarte van die eiendomme en die partye is nie gebonde aan of aanspreeklik met betrekking tot enige voorstellings gemaak, anders as wat in hierdie ooreenkoms vervat is nie.

7. TRANSPORTKOSTES

Die partye sal in gelyke dele aanspreeklik wees om op aanvraag aan mnre Cluver Markotter te betaal alle koste wat noodsaaklikerwys aangegaan word om uitvoering aan hierdie ooreenkoms te gee, wat sal insluit alle landmeterskoste, die koste vir die opstel van hierdie ooreenkoms en alle konsultasie in hierdie verband, asook die vergoeding vir die opstel en registrasie van die transportaktes soos voorgeskryf kragtens Regulasie 85 van die Registrasie van Akteswet Nr. 47 van 1937.

8. BAKENS EN GRENSE

Die KERK is nie verplig om die bakens en grense van die eiendom uit te wys nie en indien enige sodanige uitwysing plaasvind, geskied dit onderhewig aan die bepalinge van klousules 4.3 en 6 hierbo en op koste van die STADSRAAD. Die bakens en grense van die EERSTE EIENDOM sal nog deur 'n landmeter uitgewys word.

9. DOMICILIUM CITANDI ET EXECUTANDI

Die partye kies hiermee die adresse soos vervat in die aanhef tot hierdie ooreenkoms as hul onderskeie domicilia citandi et executandi vir alle doeleindes van hierdie ooreenkoms.

10. JURISDIKSIE

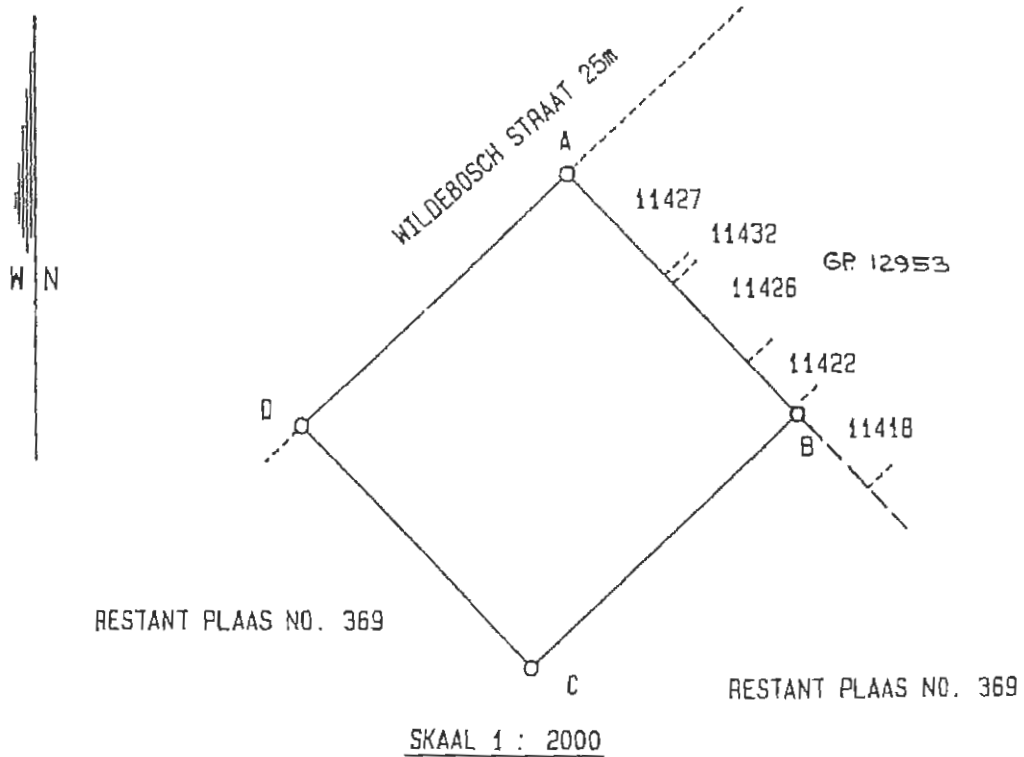
Die partye stem hiermee toe tot die jurisdiksie van die Landdroshof oor enige geding wat voortspuit uit hierdie ooreenkoms met dien verstande dat die partye die reg voorbehou om in die Hooggeregshof aksie teen mekaar in te stel, in welke geval die party wat sodanige aksie aanhangig maak, ook geregtig sal wees op koste op Hooggeregshofskaal.

Friedlaender, Burger & Volkmann Landmeters

SYE Meter	RIGTINGS- HOEKE	KООORDINATE			L.G. No.	
		Y	Stelsel Lo 19°	X		
	Konstante :		0,00	+ 3700000,00	1732/1998	
AB	90,02	316 28 30	A +	13118,01	+ 59761,23	Goedgekeur
BC	100,00	46 30 20	B +	13056,02	+ 59826,50	<i>R.A.F.</i> Landmeter-generaal
CD	90,02	136 30 30	C +	13128,57	+ 59895,33	
DA	99,95	226 30 20	D +	13190,52	+ 59830,02	
	400	VERDUN	Δ +	17185,33	+ 56805,07	
	404	PARADYS	Δ +	10120,28	+ 59264,21	1998.04.22

BESKRYWING VAN BAKENS

A --- Spoorstafseksie 15mm ~~van~~ ysterpen
 Alle ander bakens is 12mm ysterpenne



Die figuur ABCD
 stel voor 9000 vierkante meter grond, synde

ERF 13246 STELLENBOSCH

gelee in die Stellenbosch Plaaslike Oorgangsraad
 Administratiewe Distrik van
 Opgemeet in November 1997
 deur my

Provinsie Wes Kaap

D P Burger Pr Landmeter PLS0080

Hierdie kaart is geheg aan No. Gedateer t.g.v.	Die oorspronklike kaart is No. 593/1884 Geheg aan Stel F 5-35 (Plaas 369)	Leer No. Stel.369 M.S. No. E731/1998 Komp. BH-8DC/X51(1509)
Registrateur van Aktes		

VRYGESTEL VAN DIE REPUBLIEK
 VAN WET 76 VAN 1970
 ARTIKEL 2 (c)

VRYGESTEL VAN DIE REPUBLIEK
 VAN WET 76 VAN 1970
 ARTIKEL 2 (c)

DIE BOORD ERWE



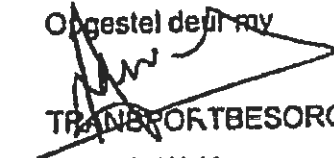
B

[Handwritten signatures and initials]

Bylae C

117

OPGESTELDE WERT
TOTAAL	95,00

Opgestel deur my

 TRANSPORTBESORGER
 A L DE WAAL



Transportakte

CLUVER MARKOTTER ING.
 PROKUREURS
 STELLENBOSCH

T. = 004376 * 2807

HIERBY WORD BEKEND GEMAAK

DAT MELIZE VAN DER MERWE
 Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik
 daartoe gemagtig deur 'n volmag geteken te STELLENBOSCH op die 7de dag
 van April 2000 en aan hoer verleen deur

MUNISIPALITEIT STELLENBOSCH

A

ERF 13246 STELLENBOSCH in die Munisipaliteit en Afdeling Stellenbosch,
Provinsie Wes-Kaap

GROOT: 9 000 (NEGE DUISEND) vierkante meter

SOOS AANGEDUI op Diagram L.G. Nr 1732/1998 en **GEHOU** kragtens Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 op 19 Junie 1884 (Stellenbosch Eienheidsbriewe Volume 5 No 35)

- A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 op 19 Junie 1884 (Stellenbosch Eienheidsbriewe Volume 5 No 35).
- B. **ONDERHEWIG** aan voorwaardes nommers 2 en 4 vervat in Akte van Toekenning uitgereik kragtens die bepalings van Artikel XIII van Wet Nommer 14 van 1878 (Stellenbosch Eienheidsbriewe Volume 5 No 35) wat soos volg lees:

"II That all roads and thoroughfares described in the diagram above referred to shall remain free and uninterrupted unless the same be closed or altered by competent authority.

IV That the Land thus granted shall be further subject to all such Duties and Regulations as are either already or shall in future be established with regard to such Lands."

- C. **NIE ONDERHEWIG**, weens tydverloop, aan voorwaardes vervat in Akte van Toekenning geuater 19 Junie 1884 (Stellenbosch Eienheidsbriewe Volume 5 No 35), wat as volg lees:-

"III That certain ten Leases, entered into between the Commissioners aforesaid of the one part and certain coloured Lessees viz. (Jan de Ronde); (Willem February); on the 5th June 1883 and (Petrus Klerck); (Thomas Bart and Abraham Willemse); (Joseph Stephanus September); (Hendrik Klerck); (Frederick J Adonis); (Jephta Willemse); (Jan Boomgaard); and (Cupido Vlaggendorp) of the other part, on the 22nd May 1883, shall be extended for a period of twenty (20) years from the 15th May 1883; and certain two leases entered into between the Commissioners aforesaid of the one part and certain

DERHALWE doen die Komparant q.q., afstand van al die regte en titel wat die bogenoemde

TRANSPORTGEWER

voorheen op genoemde eiendom gehad het en gevolglik ook erken dat die TRANSPORTGEWER geheel en al van die besit daarvan onthef is en niks meer daarop geregtig is nie, en dat, kragtens hierdie Akte bogenoemde

TRANSPORTNEMER

die se Administrateurs of Gemagtigdes

tans en voortaan daarop geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat.

TEN BEWYSE waarvan ek, die genoemde Registrateur van Aktes, tesame met die Komparant, q.q. hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en geteken op die Kantoor van die Registrateur van Aktes in Kaapstad, Provinsie van die Kaap die Goeie Hoop, op die 22^{ste} dag van die maand Januarie in die Jaar Tweeëduisend en Een (2001).

q.q.

in my teenwoordigheid,

Registrateur van Aktes

APPENDIX 2



STELLENBOSCH
WELGELEGEN
NG Gemeente

Buitekringweg 6
Dalsig, 7600
☎ 021•886•5975
☎ 086•606•9959
✉ skriba@stelwel.co.za
www.stelwel.co.za

4 Oktober 2018

Die Bestuurder: Eiendomsbestuur

Stellenbosch Munisipaliteit

Posbus 17

STELLENBOSCH

7600

Geagte Meneer

NG GEMEENTE STELLENBOSCH-WELGELEGEN: PARADYSKLOOF EIENDOM (ERF 13246)

Die Kerkraad van die NG Gemeente Stellenbosch-Welgelegen het op sy vergadering van 28 Augustus 2018 besluit om aansoek te doen by die Stadsraad dat die *Terugvalsreg* klousule in werking gestel word ooreenkomstig die destydse ruiltransaksie ooreenkoms.

1. AGTERGROND

Die NG Gemeente se eiendom nl. Erf 13246 Pardyskloof, is destyds deur die NG Gemeente Stellenbosch-Welgelegen bekom d.m.v 'n ruiltransaksie vir twee enkelwoon erwe in die Boord nl. Erwe 12758 en 12759 (sien Liggingsplan onder **Bylae A**). Die ruilooreenkoms het 'n paar belangrike beginsels bevat wat relevant is vir die oorweging van die bostaande versoek nl. (uittreksels uit *Ruilooreenkoms* aangeheg onder **Bylae B**).

1.1. Waarde van die eiendom (Par. 1)

“Die partye bevestig hiermee dat die eiendom wat hiermee verruil word, na hul mening gelyk in waarde is”.

1.2. Terugvalsreg (Par. 13)

“Indien die KERK nie meer die EERSTE EIENDOM vir kerkdoeleindes benodig nie, sal dit aan die STADSRAAD teruggetranspoteer word teen ’n vergoedingsbedrag soos deur die partye ooreengekom”. (Sien ook Par. F van die Transportakte aangeheg onder Bylae C).

1.3. Gebruik/sonering (Par 14.2)

“Hierdie ruilooreenkoms sal verder onderhewig wees aan die hersonering van die EERSTE EIENDOM na Bededoeleindes”.

2. HUIDIGE STATUS

Die eiendom is wel destyds gehersoneer na Bededoeleindes, maar aangesien die sonering slegs vir 2 jaar geldig was en die Kerk dit nie uitgeoefen het nie, het die sonering teruggeval na Landboudoeleindes. Tans word dit verhuur aan Blaauwklippen Plaas.

Die eiendom is ook nie ingesluit by die stedelike ontwikkelingsgrens (urban edge) van Stellenbosch nie. Na ons mening is dit ’n fout of oorsig van die Munisipaliteit aangesien die ruilooreenkoms bepaal dat dit vir Bededoeleindes (dus stedelik) gebruik moet word.

3. BEROEP OP TERUGVALSREG

Die Kerk het besluit dat die eiendom nie meer in toekoms vir Bededoeleindes gebruik sal / wil word nie en dat die Stadsraad versoek word om die eiendom terug te transporteer teen ’n vergoeding aan die Kerk soos ooreengekom deur die partye.

Die motivering vir die versoek aan die Stadsraad is omrede die NG Gemeente se lidmaatgetalle grootliks gestabiliseer het en dat die huidige fasiliteite van die Kerk voldoende ruimte bied vir al sy bedieninge en aktiwiteite.

Die behoefte vir die uitbreiding van die Gemeente d.m.v 'n nuwe kergebou op die Paradyskloof eiendom soos destyds voorsien was, het dus nou verval.

Die basis vir die destydse ruil-ooreenkoms was dié van "gelyke waarde". Die huidige waarde van die twee gedienste enkelwoon erwe in Die Boord is dus die enigste basis vir 'n ooreenkoms. Dit behoort by wyse van 'n waardasie(s) as begin basis gedoen te word en dan by wyse van ooreenkoms deur beide partye.

Die ooreenkoms bepaal egter dat dit "teruggetranspoteer sal word, indien die Kerk dit nie meer nodig nie". Na ons mening het die kerk derhalwe geen ander keuse anders as om hulle te beroep op die Terugvalsreg klousule nie.

4. AANSOEK

Ons versoek die Stadsraad derhalwe hiermee om die Terugvalsreg klousule toe te pas op die beginsels soos onder Par. 3 hierbo uiteengesit.

Met waardering.



Ds Monty Sahd

Voorzitter: NG Gemeente Stellenbosch-Welgelegen

Geroep Gewillig Gestuur

Bylae A

ERF 13246



ERF 12758 & 12759



Bylae B

APPENDIX 3

Printed: 2019/03/29 07:36

WinDeed Database Deeds Office Property

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STELLENBOSCH, 13246, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/03/29 07:35
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 13246
Portion Number 0
Township STELLENBOSCH
Local Authority STELLENBOSCH MUN
Registration Division STELLENBOSCH RD
Province WESTERN CAPE
Diagram Deed T4376/2001
Extent 9000.0000SQM
Previous Description -
LPI Code C06700220001324600000

OWNER INFORMATION**Owner 1 of 1**

Type CHURCH
Name NED GER KERK-WELGELEGEN-STELLENBOSCH
ID / Reg. Number -
Title Deed T4376/2001
Registration Date 2001/01/23
Purchase Price (R) EXCHANGE
Purchase Date -
Share 0.00
Microfilm 2001 0105 2202
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	SUBDIVISION FROM	REG DIV STELLENBOSCH RD ,NAME FARM 369 ,NO 369 ,PRTN 0	UNKNOWN	0000000*

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

APPENDIX 4

WinDeed Database Deeds Office Property

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STELLENBOSCH, 12758, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/03/29 07:37
 Deeds Office CAPE TOWN
 Information Source WINDEED DATABASE
 Reference -

**PROPERTY INFORMATION**

Property Type ERF
 Erf Number 12758
 Portion Number 0
 Township STELLENBOSCH
 Local Authority STELLENBOSCH MUN
 Registration Division NOT AVAILABLE
 Province WESTERN CAPE
 Diagram Deed T4375/2001
 Extent 767.0000SQM
 Previous Description PTN OF 5339-GP709/94
 LPI Code C06700220001275800000

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

DISCLAIMER

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APPENDIX 5

WinDeed Database Deeds Office Property

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STELLENBOSCH, 12759, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/03/29 07:38
 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

DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

APPENDIX 6

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

VALUATION REPORT

OF ERVEN 12758, 12759 & 13246

STELLENBOSCH



HCB Property Valuations

14 Church Street
Moorreesburg
7310

Tel: 086 142 2669 **Mobile:** 083 663 2140

Email: admin@hcb.co.za

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH**LIMITATIONS AND RESTRICTIONS**

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.



Signature

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

LIMITATIONS AND RESTRICTIONS

This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.



Signature

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
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VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
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VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
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1. INTRODUCTION

I, Coenraad Botha, registered as a Professional Associated Valuer in terms of the Property Valuers Profession Act 47 of 2000, do hereby certify that I have inspected and identified the subject properties referred to in this report and have obtained all the necessary information to determine the value thereof.

➤ See Annexure 1 for Copy of Valuer Certificates

1.1 Instruction

An instruction was received from Stellenbosch Municipality to attend to the valuation of Erven 12758, 12759 & 13246, situated in Stellenbosch. The purpose of the valuation is to determine the value of the erven to facilitate a land swap between the Stellenbosch Municipality (erven 12758 & 12759 combined) and the adjoining owner (erf 13246). Instruction also specified that only the land must be valued and not the improvements.

Market Value is defined in accordance with the international standards (IAAO), where it is defined as: *"The estimated amount for which an asset should exchange, on date of valuation, between a willing buyer and a willing seller, in arms-length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion"*.

➤ See Annexure 2 for instruction

1.2 Date of Valuation

The date of valuation as instructed by the client is 1 November 2018.

1.3 Date of Inspection

The property was inspected on 1 December 2018.

2. TITLE DEED DESCRIPTION**2.1 Title Deed**

Information obtained from the Registrar of Deeds in Cape Town indicate the Title Deed Numbers as;

- Erf 12758 T4375/2001
- Erf 12759 T4375/2001
- Erf 13246 T4376/2001

➤ See Annexure 3 for copy of the Property Reports

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
--

2.2 Description

The property is described on the Property Report as;

- Erf 12758, Stellenbosch, Western Cape
- Erf 12759, Stellenbosch, Western Cape
- Erf 13246, Stellenbosch, Western Cape

Hereafter in the report we will refer to this erf as "subject properties".

2.3 Owners

The subject properties are registered in the names of;

- Erven 12758 & 12759 – Stellenbosch Municipality
- Erf 13246 – Ned Ger Kerk, Welgelegen, Stellenbosch

2.4 Extent

The registered erf extent as contained in the Deeds printout is;

- Erf 12758 – 767m²
- Erf 12759 – 720m²
- Erf 13246 – 9000m²

2.5 Purchase Price

Not relevant to this report.

2.6 Surveyor General Information

HCB could not find any discrepancies in regards to the ground layout with the Surveyor General Information.

➤ *See Annexure 4 for SG Diagrams*

2.7 Title Deed Conditions

HCB did not have sight or access to the Title Deed and therefore cannot provide an opinion of any adverse Title Deeds conditions.

3. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION**3.1 Local Authority**

The subject properties fall under the jurisdiction of the Stellenbosch Municipality, situated in the Western Cape.

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
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3.2 Zoning

Current Zoning Information as confirmed with Robert Fooy of Stellenbosch Municipality indicates the following; that erf 13246 are zoned as Agricultural Zone 1. However, there is a special Zoning condition that specifies if the property is sold or further developed by the current owner it may only be used/developed as Institutional Zone II (place of worship).

- **Erven 12758 & 12759**

Current Zoning – Single Residential

Normal development:	Dwelling house, hothouse
Special development:	Additional dwelling unit, Day-care centre limited to 15 children, Guest house, Breeding of dogs, Use of a minor portion of the dwelling house for social, religious or occupational purposes or for a home-enterprise & accommodation of additional persons.
Coverage:	Depending on size of erf
Height:	2 storeys
Building lines:	Depending on size of erf
Parking:	Erf area 150m ² - 400m ² , 1 parking bay Erf area 401m ² and greater, 2 parking bays

- **Erf 13246**

Current Zoning – Agricultural Zone

Normal development:	Agricultural Buildings
Special development:	Additional dwelling unit, Day-care centre, Guest house, Farm store, The use of a minor portion of the dwelling house by a permanent resident thereof for any social, religious or occupational purposes, or for a home-enterprise, the accommodation of additional persons
Building lines:	30m from all boundaries
Parking:	With respect to guest house: 0,7 parking bay for every suite or bedroom

➤ See Annexure 5 for Municipal Zoning Information

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
--

3.3 Municipal Valuation

The subject properties were valued on 1 July 2016 as follows;

- Erven 12758 & 12759 – R1,836,000-00 (Combined valuation)
- Erf 13246 - R2,300,000-00.

4. PHYSICAL DESCRIPTION

4.1 Location

Subject properties are well located in Stellenbosch and it is assumed that all services, roads, water, electricity and other relevant amenities is available.

HCB could not find any reason to believe that the location will have a negative impact on the value as such.

- See Annexure 6 for Locality Maps
- See Annexure 7 for Aerial Photos

4.2 Land

HCB Property Valuations could not find any negative effects on the subject properties in regards to the land. We are of the opinion that the land is well located.

4.3 Improvements

The following improvements are noted;

- Erf 12758 – Improved (Crèche) – *Instruction not to value improvements*
- Erf 12759 – Vacant Land
- Erf 13246 – Agricultural Land

- See Annexure 8 for Photos of Subject properties

5. GENERAL PRINCIPLEAS AND ESTABLISHMENT OF COMPARABLES

5.1 Highest and Best Use

Definition: *“The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which result in the highest value of the property being valued”.*

Furthermore, the use of property determines its utility to a potential purchaser. Utility can be described in economic terms as a representation

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
--

of preferences over some set of goods as long as they are transitive, complete and continuous. Therefore, the purchaser will not pay more for a competing property with same utility while the seller would accept no less than a price of a comparable property and these circumstances are true to a certain neighborhood or area.

- Erven 12758 & 12759
Currently used as crèche and highest and best use is achieved with current improvements.
- Erf 13246
I am of the opinion that should the zoning of the property be changed for further development, i.e. Residential, the highest and best use of subject properties will be achieved.

5.2 **Establishment of Comparables**

When the valuer is in the process to establish comparables to the subject properties, he will obtain sales from the market that is in some ways comparable. The highest and best use of this property will influence his decision on which property to use in a specific report. He will also bear in mind that no two land parcels are ever directly comparable to each other, and will make adjustments for these limitations. He will rely on his expertise, best skills and knowledge of the market as such.


5.3 **Comparable Properties**

Definition: "A comparable property is a property selected with characteristics that are similar to subject properties to help estimate the value of such subject properties in a given market".


The market was surveyed for current vacant land sales in the surrounding area, the following sales were noted and used. The sales were adjusted for size, use, location, time and zoning and it is my opinion that they are applicable to this valuation.

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

Sale 1

	Erf No.	13235
	Suburb:	Stellenbosch
	Extent:	864m ²
	Date of Sale:	05/10/2016
	Sales Price:	R4,150,000-00

Sale 2

	Erf No.	13381
	Suburb:	Stellenbosch
	Extent:	498m ²
	Date of Sale:	12/10/2018
	Sales Price:	R2,100,000-00

Sale 3

	Erf No.	15670
	Suburb:	Stellenbosch
	Extent:	625m ² (Complex)
	Date of Sale:	12/12/2017
	Sales Price:	R2,700,000-00

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
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Sale 4

	Erf No.	15671
	Suburb:	Stellenbosch
	Extent:	597m ² (Complex)
	Date of Sale:	28/05/2018
	Sales Price:	R3,590,000-00

6. APPLICATION OF COMPARABLES**6.1 Method of Valuation**Sales Comparison Approach

To determine Market Value on subject properties The Sales Comparison Approach method was used. This method compares recently-sold properties with similar characteristics to the subject properties. Price adjustments are made for differences in the comparable and subject properties.

6.2 Valuation Calculation

Based on comparable sales a rate per square metre of R4,400-00 for erven 12758 & 12759 can be extrapolated. After adjustment for size, location and zoning, a rate per square metre of R800-00 can be extrapolated for erf 13246.

Note: HCB Valuations and Services (Pty) Ltd did obtain recent sales from the market and compared it with subject properties.

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
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7. CERTIFYING OF VALUE

I am of the opinion that the Market Value of the subject properties as mentioned in this Valuation Report, as at 1 May 2019 is in the order of:

- Erven 12758 & 12759 – R6,540,000-00 (Six million five hundred and forty thousand rand).
- Erf 13246 – R7,200,000-00 (Seven million two hundred thousand rand)

The signatory to this document hereby confirms that he has not present or contemplated interest in this or any other properties or any other interests, which would affect the statements or values contained in this valuation report. The valuation enclosed herewith was therefore undertaken on a completely independent basis.



Hendrik Coenraad Botha
Professional Associated Valuer
Registration Number: 5601

28 March 2019
Date of Signature



Ockert Brits
Professional Valuer
Registration Number: 6876

28 March 2019
Date of Signature

➤ See Annexure 9 for Valuation Certificates

8. CAVEATS

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to Ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation, unless such full disclosure has been made.

8.1 Valuation Standard

This valuation has been prepared in accordance within the guidelines of the South African Institute of Valuers for valuation reports.

8.2 Statutory Notices and Unlawful Use

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

8.3 Confidentiality

This valuation is produced exclusively for Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

8.4 Non-Publication

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9. ANNEXURES9.1 Annexure 1 – Valuer Certificates

SOUTH AFRICAN COUNCIL FOR THE
**PROPERTY VALUERS
 PROFESSION**

This is to certify that

HENDRIK COENRAAD BOTHA

is registered as

Professional Associated Valuer

in terms of section 20(2)(a) of the
 Property Valuers Profession Act, 2000,

subject to the following condition(s):

PERMITTED TO PERFORMING WORK IN PROPERTY VALUATION FOR RATING AND ENDOWMENT PURPOSES FOR A LOCAL GOVERNMENT AS DEFINED IN THE LOCAL GOVERNMENT MUNICIPAL PROPERTY RATES ACT, 2004 (ACT NO. 6 OF 2004), AND COMMERCIAL VALUATIONS

WORK IN PROPERTY VALUATION OTHER THAN THAT REFERRED TO IN PARAGRAPH 1 MUST BE PERFORMED UNDER SUPERVISION AND CONTROL OF A PROFESSIONAL PERMITTED TO PERFORMING ALL TYPES AND PURPOSES OF PROPERTY VALUATION (SUPERVISOR)

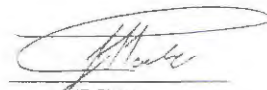
THE WORK REFERRED TO IN PARAGRAPH 2 MUST BE SIGNED BY THE REGISTERED PERSON CONCERNED AND COUNTERSIGNED BY THE SUPERVISOR TO CERTIFY THAT THE WORK HAS BEEN PERFORMED UNDER HIS/HER SUPERVISION BEFORE SUBMISSION THEREOF TO THE CLIENT

A COMPLETE RECORD OF THE DETAILS OF SUCH OTHER WORK IN PROPERTY VALUATION MUST BE KEPT

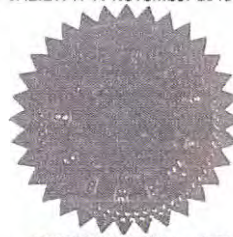
DATE OF REGISTRATION AS: Professional Associated Valuer: 11 November 2013

DATE OF ISSUE: 18 October 2018


PERIOD OF VALIDITY: 11 November 2018- 30 June 2023



JF Cloete
 President



REGISTRATION No: 5601



MC Seota
 Registrar

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH



SOUTH AFRICAN COUNCIL FOR THE
**PROPERTY VALUERS
PROFESSION**

It is certified, that

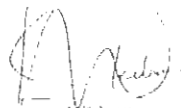
OCKERT BRITS

is registered as

Professional Valuer

in terms of section 20(2)(a) of the
Property Valuers Profession Act, 2000

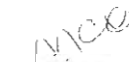
DATE OF REGISTRATION AS Professional Valuer: 21 November 2014
DATE OF ISSUE: 25 November 2014
PERIOD OF VALIDITY: 21 November 2014 - 30 November 2019



K. K. K. K.
President




REGISTRATION No: 0376



MC Seta
Registrar

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9.2 Annexure 2 – Instruction



Stellenbosch
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

AMPTELIKE BESTELLING
OFFICIAL ORDER

• 17, STELLENBOSCH 7599
T 021 808-8520
— 021 808-8698

BESTEL NR. / ORDER NO.
351802

DATUM / DATE
13/11/2018

KREDITEUR NR. / CREDITORS NO.
011531

KONTAK PERSOON / CONTACT PERSON
ANNELENE ROOIFONTEIN
Regulation No. 1053823

HCB WAARDASIE DIENSTE BK
POSBUS 247
MOORREESBURG
7310

REKWISIE / LYN REQUISITION LINE	VOORRAAD NR. STOCK NO.	BESKRYWING / DESCRIPTION	POSNR / VOTE NO.	HOEVEELHEID / QUANTITY	PRYSE SONDER BTW PRICES WITHOUT VAT	BTW VAT	TOTAAL PRYS TOTAL PRICE
		APPOINT PROFESSIONAL VALUERS FOR THE VALUATION OF VARIOUS PLOTS			4000.00	600.00	4600.00
TOTAAL							4600.00

NAMENS / FOR:
STANSBAAI
TOWN COUNCIL

Stokkel
SCW

13/11/2018

STELLENBOSCH

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9.3 **Annexure 3 – Copy of Property Reports**
Erf 12758

Printed: 2019/03/27 15:11

WinDeed Database Deeds Office Property **windeed**
ALTERNATIVE FINANCING

STELLENBOSCH, 12758, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested	2019-03-27 15:11
Deeds Office	CAPE TOWN
Information Source	WINDEED DATABASE
Reference	-



PROPERTY INFORMATION

Property Type	ERF
Erf Number	12758
Portion Number	0
Township	STELLENBOSCH
Local Authority	STELLENBOSCH MUNI
Registration Division	NOT AVAILABLE
Province	WESTERN CAPE
Diagram Deed	T4375 2001
Extent	767 000CSQM
Previous Description	PTN OF 5339-GP709 9A
LPI Code	C06700220001275800000

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

DISCLAIMER

This report contains information gathered from the WinDeed Database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA)

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

Erf 12759

Printed: 2019/03/27 15:12

WinDeed Database Deeds Office Property **windeed**
An Online Deeds Office

STELLENBOSCH, 12759, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested	2019/03/27 15:11
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 000SQM
Previous Description	PTN OF 5339-GP709-94
LPI Code	C06700220001275900000

OWNER INFORMATION

Owner 1 of 1

Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
ID No/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	T20471 1985	MED GER KERB WELGELGEM	210 000	2001 0105 2173

DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation or ownership details with the Deeds Office. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA).

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

Erf 13246

Printed: 2019-03-27 12:29


windeed
Safest. Smartest. Simplest.

Deeds Office Property

STELLENBOSCH, 13246, 0 (CAPE TOWN)

GENERAL INFORMATION

Deeds Office	CAPE TOWN
Date Requested	2019-03-27 12:29
Information Source	DEEDS OFFICE
Reference	



PROPERTY INFORMATION

Property Type	ERF
Erf Number	13246
Portion Number	0
Township	STELLENBOSCH
Local Authority	STELLENBOSCH MUN
Registration Division	STELLENBOSCH RD
Province	WESTERN CAPE
Diagram Deed	T4376 2001
Extent	9000.0000SQM
Previous Description	
LPI Code	C06700220001324600000

OWNER INFORMATION

Owner 1 of 1

Company Type	CHURCH
Name	NED GER KERK WELGELEGEN-STELLENBOSCH
Registration Number	
Title Deed	T4376 2001
Registration Date	2001-01-23
Purchase Price (R)	EXCHANGE
Purchase Date	
Share	
Microfilm Reference	2001 0105 2202
Multiple Properties	NO
Multiple Owners	NO

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	SUBDIVISION FROM	REG DIV STELLENBOSCH RD NAME FARM 369 NO 369 PRTN 0		UNKNOWN

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA).

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9.4 Annexure 4 – SG Diagrams
Erven 12758 & 12759



VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

Erf 13246

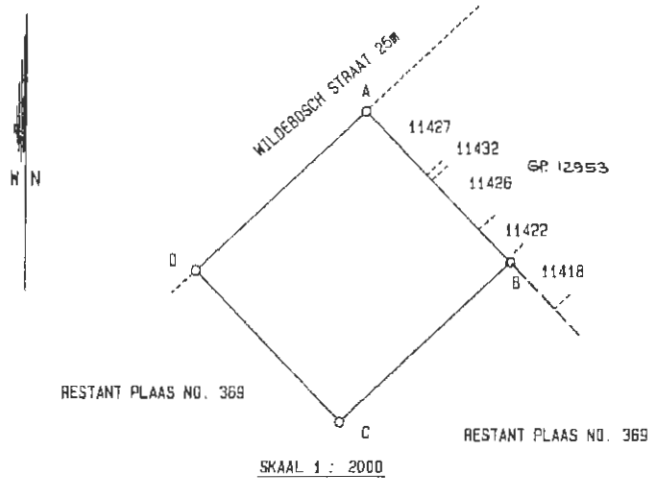
RESTANT PLAAS NO. 369

Friedlaender, Burger & Volkmann Landmeters

SYE Meter	RIGTINGS- HOEKE	KOOORDINATE		L.G. No.
		Y	X	
	Konstante :	0,00	+ 3700000,00	1732/1998
AB	90,02	A + 13118,01	+ 59761,23	Goedgekeur
BC	100,00	B + 13056,02	+ 59826,50	<i>RAT</i>
CD	90,02	C + 13128,57	+ 59885,33	Landmeter-generaal
DA	99,95	D + 13190,52	+ 59830,02	1998 04.22
	400	VERDUN	+ 17185,33	
	404	PARADYS	+ 10120,28	

BESKRYWING VAN BAKENS

A --- Speerstaafekkie 15mm ~~zosterpen~~ ysterpen
 Alle ander bakens is 12mm ysterpenne



Die figuur ABCD
 stel voor 9000 vierkante meter grond, synde

ERF 13246 STELLENBOSCH

gelee in die Stellenbosch Plaaslike Oorgangsraad
 Administratiewe Distrik van
 Opgemeet in November 1997
 deur my

Provinsie Wes Kaap

D P Burger Pr Landmeter PL50080

Hierdie kaart is geheg aan
 No. Gedateer T4376/2001
 t.g.v.

Die oorspronklike kaart is
 No. 593/1884
 Geheg aan Stel F 5-35
 (Plaas 369)

Leer No. Stel.369
 M.S. No. 8731/1998
 Komp. BH-80C/X51(1509)

Registrateur van Aktes

13246

VRYGESTEL VAN DIE BEVALINGS
 VAN WET 74 VAN 1970

VRYGESTEL VAN DIE BEVALINGS
 VAN WET 74 VAN 1970

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9.5 Annexure 5 – Municipal Zoning Information
Erven 12758 & 12759



STELLENBOSCH
STELLENBOSCH • PVIEL • ERANSCHROEK
MUNICIPALITEIT • UMASHALA • MUNICIPALITY

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

STELLENBOSCH MUNICIPALITY • P. O. BOX 100 • STELLENBOSCH 7129 • TEL: 021 808 8656 • FAX: 021 808 8657 • E-MAIL: info@st Stellenbosch.gov.za

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH



STELLENBOSCH
 STELLENBOSCH • PLET • BAKKERSBURG
 MUNISIPALITEIT • GEMEENTE • MUNICIPIO

1 September 2009

Our Ref : 12759
 Contact per : C Alexander
 Contact no : (021) 808 8656

ZONING CERTIFICATE – ERF 12759, STELLENBOSCH

It is hereby certified that the zoning of Erf 12759, 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-entairprise. Accommodation of additional persons

Department: Planning & Development Services
 ZD/ea

JTAKSAAL TOWN HALL • PIETSTRAAT STREET • 7500 • POSTBUS P.O. BOX 11 • STELLENBOSCH • 6119
 TEL: +27 21 408 4111 • FAKS FAX: +27 21 408 4195 • E-POSBUS E-MAIL: MUNISIPALITEIT@STELLENBOSCH.GOV

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

10.2 1.0 SINGLE RESIDENTIAL

10.1



10.2.1 ND:

- (a) One dwelling house.
 (b) A hosthouse of material acceptable to the Council.

10.2.2 SD:

- (a) Additional dwelling unit
 (b) Day-care centre limited to 13 or less children
 (c) Guest house
 (d) Breeding of dogs (excluding a kennel)
 (e) The use of a minor portion of a dwelling house by a permanent resident thereof for any social, religious or occupational purposes, or for a home-enterprise.
 (f) The accommodation of additional persons, whether for reward or otherwise, as described in each case:
 (i) In the case of a dwelling house occupied by a family, not more than four additional persons who are not members of such family; or
 (ii) In the case of a dwelling house occupied by a single person, not more than four additional persons who are not related to such single person; provided that each single person shall be the registered owner, or a direct blood relation of the registered owner, of the dwelling house concerned.

10.2.3 RD:

(a) Building lines

- (i) The Building lines are as follows:

Erf area (m ²)	Building lines	
	Street boundary (m)	Common boundary (m)
250 and smaller	2,0	1,5
251 - 500	3,0	1,5
501 - 750	4,0	2,0
751 - 1 500	4,5	2,5
1 501 and greater	5,0	3,0

- (ii) Notwithstanding section 10.2.3(a)(i) -
 (aa) the street building line in respect of private garages and carports shall be at least 4 m;
 (ab) an eaves projection may exceed the prescribed street or common building line by at most 1 m;
 (ac) the Council may approve the erection of a building or structure which exceeds a common building line provided that such deviation shall comply with the Council's approved "Guidelines for Deviations", and

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

-14-

(dd) the one lateral building line in respect of erven with an area of 250 m² and smaller is 0 metre for the purpose of erecting non-habitable rooms.

(b) Coverage and floor factor:

(i) The maximum coverage and floor factor shall be as follows:

Erf area (m ²)	Coverage (%)	Floor factor
0 - 1500	60 minus (Erf area in m ² x 0,04)	0,9 minus (Erf area in m ² x 0,0033)
1500 and greater	30 %	0,45

(ii) Notwithstanding section 10.2.3(b)(i) the Council may approve the erection of a building or structure which exceeds the prescribed coverage and floor factor, provided that such deviation complies with the Council's approved "Guidelines for Deviations".

(c) **Height:** 2 storeys above the ground level.

(d) Parking:

Parking (when may include garages) shall be provided on the erf to the satisfaction of the Council in the following ratios:

- (i) Erf area 150 m² - 400 m²: 1 parking bay, and
 (ii) Erf area 401 m² and greater: 2 parking bays.

(e) Exemptions:

- (i) in the case of a *bothouse* the following rules of development are applicable:
- (aa) maximum permissible size: 18 m²;
 - (ab) maximum permissible height: 3,4 m;
 - (ac) erection must be within the building lines applicable to the specific erf and shall not be visible from the street;
 - (ad) the cooling or heating apparatus used, may not cause any disturbance and the Council may revoke this permission if it constitutes a nuisance in the neighbourhood; and
 - (ae) utilization may only be for non-commercial purposes.
- (ii) In the case of a *minor portion of a dwelling house being used for social, religious or occupational purposes or for a home-enterprise*, the following rules of development shall apply:
- (aa) The dominant use of the property shall remain residential;
 - (ab) No name or advertising sign shall be erected on the property, except one which complies with the Council's approved "Guidelines for the design and control of signs";
 - (ac) The residential character of any facade of the dwelling house shall not be altered;
 - (ad) The non-residential use shall not create a nuisance to the neighbourhood or be detrimental to the residential character or amenity of the neighbourhood;
 - (ae) Except with the written consent of the Council, not more than two persons besides the resident shall be employed on the property in connection with such use.

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

- 15 -

- (ff) Any material or equipment which is utilized in connection with such use shall be stored to the satisfaction of the Council and out of sight from any street or adjacent property; and
- (gg) Parking for employees or visitors with respect to such use shall be provided on the erf to the satisfaction of the Council.
- (iii) In the case of a dwelling house being used for the accommodation of additional persons as contemplated in section 10.2.3(3) the following rules of development shall apply:
 - (aa) The use shall not create a nuisance to the neighbourhood; and
 - (bb) Parking for all the residents of the dwelling house shall be provided on the erf to the satisfaction of the Council.
- (iv) In the case of the breeding of dogs, the following rules of development shall apply:
 - (aa) The applicant shall be a registered member of a dog breeding union;
 - (ab) Not more than six dogs shall be kept on the erf;
 - (ac) The use shall not create a nuisance to the neighbourhood; and
 - (ad) No name or advertising sign shall be erected on the property, except one which complies with the Council's approved 'Guidelines for the design and control of signs'.
- (v) In the case of an additional dwelling unit, the following development rules shall apply over and above the standard development rules in section 10.2.3:
 - (aa) the height of the additional dwelling unit shall not exceed one storey;
 - (bb) the additional dwelling unit shall conform to the primary dwelling unit as far as the design and use of material are concerned;
 - (cc) one additional parking bay shall be provided on the erf concerned for the exclusive use of the residents of the additional dwelling unit; and
 - (cd) the erf shall not be subdivided cadastrally.

10.3 LU GROUP HOUSING

10.3.1



10.3.1 ND

Group housing as defined in section 1, and in the case of a subdivision in group housing, one dwelling unit on each group housing erf.

10.3.2 SD

- (a) Retirement village
- (b) Day-care centre limited to 25 or less children
- (c) Town housing as defined in section 1, and in the case of a subdivision in town housing, one dwelling unit on each town housing erf.
- (d) The use of a minor portion of a dwelling unit by a permanent resident thereof for any social, religious or recreational purposes, or for a home-enterprise.

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH
--

Erf 13246

Gerhard

From: Louisa Guntz <Louisa.Olyyn@stellenbosch.gov.za>
Sent: 28 March 2019 02:37 PM
To: 'Gerhard'
Subject: RE: [EX] Zonering en Inligting benodig
Attachments: Sharp.Printers@stellenbosch.gov.za_20190328_140124.pdf; ZONING CERTIFICATE APPLICATION FORM.docx

Gerhard

Die sonering van Erf 13246, Stellenbosch is "Landbou" (sien uittreksel uit skema aangeheg).

Daar is egter nie 'n soneringserifikaat op leër nie.

Ek heg 'n aansoekvorm hierby aan indien u aansoek wil doen vir een.

Dankie.

Louisa.



About Stellenbosch Municipality
 Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

www.stellenbosch.gov.za

louisa.olyn@stellenbosch.gov.za

louisa.olyn@stellenbosch.gov.za

[Afrovaluen](#)

From: Gerhard [mailto:gerhard@hcbval.co.za]
Sent: 28 March 2019 09:32 AM
To: Louisa Guntz
Subject: [EX] Zonering en Inligting benodig

Hallo Louisa,

Met verwysing na ons telefoniese gesprek;

Kan jy my asseblief help met 'n Zoning certificate vir erf 13246, Stellenbosch, asook die volgende inligting aangaande erf 13246 Stellenbosch (Sien emails en voorbeelde aangeheg).

Dekking
 Hoogte

1

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

Bulk
Parkering

baie dankie,



Gerhard Goosen
Tel: 022 433 2035
Fax: 086 514 8551
Cell: 083 285 6274

HCB Group

[All views expressed are my own and not necessarily that of my employer.]

If you think you are too small to make a difference, you haven't spent the night with a mosquito –
African Proverb



VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

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- 9.2 I, in a particular use zone which makes provision for more than one land use (whether as a normal development or a special development), an erf is developed or used for a land use for which development rules are prescribed in another use zone, then those development rules shall apply to the land use concerned, unless other development rules are prescribed in the particular use zone.
- 9.3 II, in a particular use zone which makes provision for more than one land use (whether as a normal development or a special development), an erf is developed or used for land uses for which development rules are prescribed in another use zone, whether in a combined building or separate buildings, then those development rules shall apply to the land uses concerned, unless other development rules are prescribed in the particular use zone.
- 9.4 If separate portions of an erf should be zoned for separate land uses, the prescribed rules of development for each such use shall be applied separately to that portion of the erf to which the said use is attached, as if such portion is a separate erf, and no merger of the use or rules of development for the separate uses shall be permitted.

10. SCHEDULE OF ALL LAND USES

10.1 AGRICULTURE

10.1.1

10.1.1 A.D. Agricultural buildings

10.1.2 S.D.

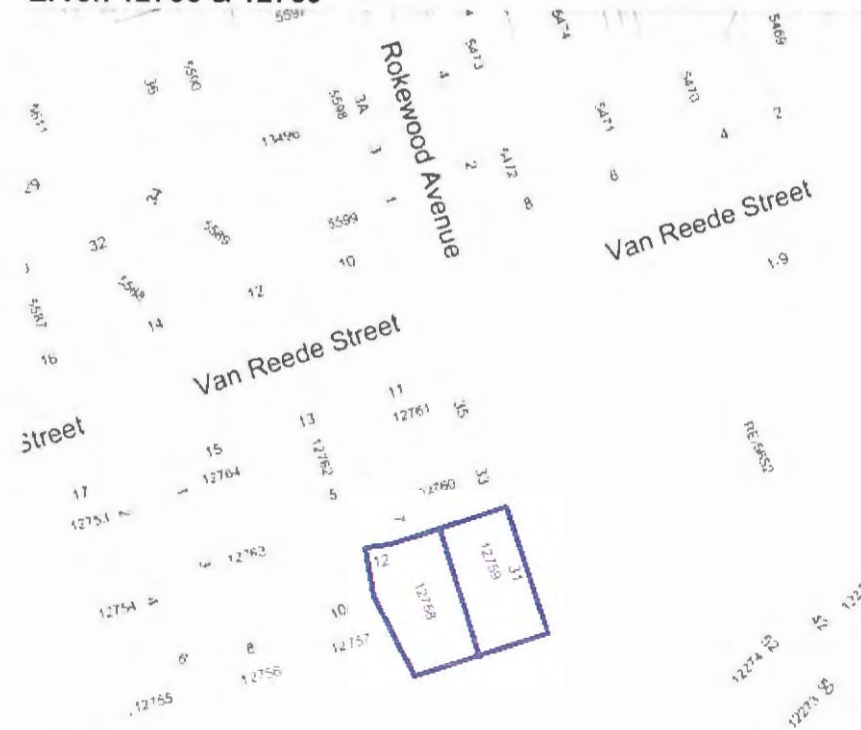
- (a) Additional dwelling unit
- (b) Day care centre
- (c) Guest house
- (d) Farmstore
- (e) The use of a minor portion of a dwelling house by a permanent resident thereof for family, social, religious or occupational purposes, or for a home enterprise
- (f) The accommodation of additional persons, whether for reward or otherwise, as described in each case
- (i) In the case of a dwelling house occupied by a family, not more than four additional persons who are not members of such family; or
- (ii) in the case of a dwelling house occupied by a single person, not more than four additional persons who are not related to such single person, provided that such single person shall be the registered owner, or a direct blood relative of the registered owner, of the dwelling house concerned.

10.1.3 R.D.

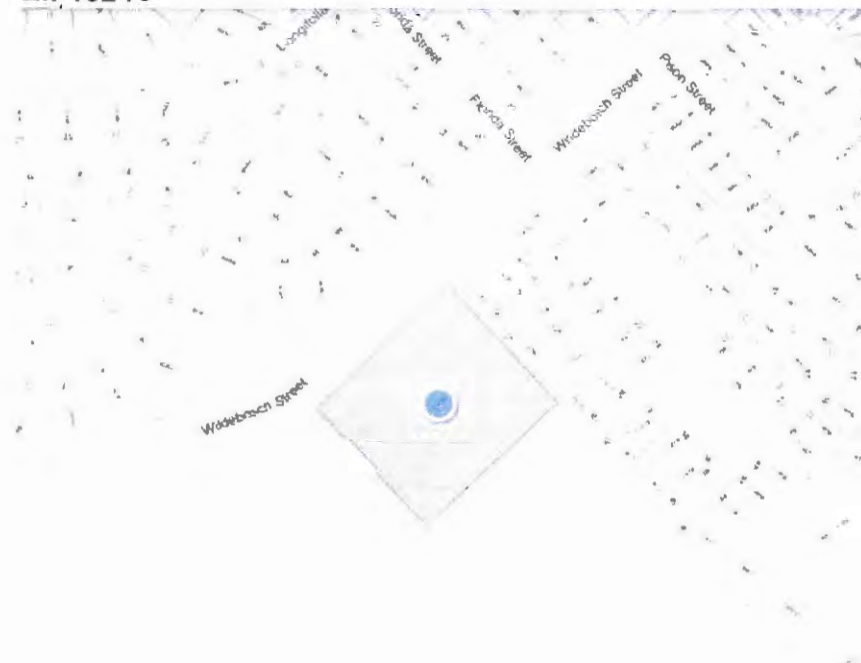
- (a) Building line: 30 m from all boundaries
- (b) Parking with respect to guest house: 0,7 parking bay for every suite or bedroom

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9.6 Annexure 6 – Locality Maps
Erven 12758 & 12759



Erf 13246



VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9.7 Annexure 7 – Aerial Photos
Erven 12758 & 12759



Erf 13246



VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9.8 Annexure 8 – Photos of Subject properties
Erf 12758



Erf 12759



VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

Erf 13246



VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

9.9 **Annexure – Valuation Certificates**
Erven 12758 & 12759

**Head Office**

PO Box 247
14 Church Street
Moorreesburg
7340
Tel - 022 433 2035

Valuation Certificate

Client: Stellenbosch Municipality
Erf Numbers: Erven 12758 & 12759
Suburb: Stellenbosch
Owner: Stellenbosch Municipality
Combined Extent: 1487m²
Date of Valuation: 01 November 2018
Reference Number: HCB/2019/123
Combined Market Value R6,540,000-00 (Land only)

COMMENTS:

- This certificate must be read together with attached Valuation Report
- Instruction not to value improvements

Hendrik Coenraad Botha
Professional Associated Valuer
Registration Number: 5601

Ockert Brits
Professional Valuer
Registration Number: 6876

Company Email
admin@hcb.co.za

VALUATION REPORT OF ERVEN 12758, 12759 & 13246, STELLENBOSCH

Erf 13246



HCB

Property Valuations

Highest Standard Reliability

Head Office

PO Box 247
14 Church Street
Moorreesburg
7310
Tel - 022 433 2035

Valuation Certificate

Client:	Stellenbosch Municipality
Erf Number:	Erf 13246
Suburb:	Stellenbosch
Owner:	Ned Ger Kerk-Weigeleg- Stellenbosch
Extent:	9000m ²
Date of Valuation:	01 November 2018
Reference Number:	HCB/2019/124
Market Value:	R7.200 000-00

COMMENTS:

- This certificate must be read together with attached Valuation Report

Hendrik Coenraad Botha
Professional Associated Valuer
Registration Number: 5601

Ockert Brits
Professional Valuer
Registration Number: 6876

Company Email
admin@hcb.co.za

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)
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7.5.1	REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENIDING 30 JUNE 2019
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Collaborator No:

642474

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

21 May 2019

1. SUBJECT: REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENIDING 30 JUNE 2019

2. PURPOSE

To obtain the necessary approval for the intended amendment of the contract for the replacement of existing pipe systems.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

4. EXECUTIVE SUMMARY

BSM 67/17 was awarded in the 2017/18 financial year as a rate tender for a three (3) year contract period. At the time of the tender award, the total estimated value was capped on R10 million. This estimated amount was far too low for the three year period. The directorate wishes to remove this threshold in order to stay compliant with its expected expenditure on the contract, minimize water losses and provide continued service delivery in light of the recent water scarcity.

5. RECOMMENDATIONS

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the increase of the capped amount;
- (b) that the tender amount (B/SM 67/17) for the construction of civil services be allowed to exceed R10 million until 30 June 2019;
- (c) that Council gives reasonable notice of the intention to amend the contract or agreement in terms of Section 116(3) (b)(i);
- (d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(ii); and
- (e) that a new tender process for the replacement of existing pipe systems employing conventional and specialised trenchless construction technology in the Stellenbosch municipal area be initiated during July 2019.

6. DISCUSSION / CONTENTS

6.1 Background

BSM 67/17 was awarded in the 2017/18 financial year as a rate tender for a three (3) year contract period (**ANNEXURE A**). At the time of the tender award, the total estimated value was capped on R10 million as per BAC resolution. This estimated amount was far too low for the three year period. The directorates wish to remove this threshold in order to stay compliant with its expected expenditure, minimize water losses and ensure continued service delivery in light of the recent water crisis.

6.2 Discussion

BSM 67/17 intention was to replace existing pipe systems, general maintenance and installation of new infrastructure employing conventional and specialized trenchless construction technology in the Stellenbosch Municipal area. This tender is specifically applied to implement the water pipe replacement programme which minimize burst mains repairs, replacement of collapsed sewer mains and planned maintenance of water services.

During year one it was discovered that the R10 million threshold was not sufficient for the implementation of the three year tender and could not cater for all the planned capital projects. The capping of the tender amount result in the capital programme to be halted. The Directorate: Financial Services recommended that a Section 116 process be followed in order to increase the capped amount. This would allow the directorate to bring the total expenditure in line with the projected capital and operational expenditure.

On recommendation from the Directorate: Financial Services, advertisements were placed during February 2019 (**ANNEXURE B**) to invite comments from the community.

It was confirmed by the Directorate: Financial Services that no comments were received hence this Directorate's submission for approval of the recommendations (**ANNEXURE C**).

6.3. Financial Implications

Approved three year budget allows for the expenditure.

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:

n/a

6.7 Risk Implications

If no infrastructure upgrades take place in the next twelve months due to a new tender process that will have to be initiated, it will result in water losses and will also negatively impact on service delivery.

ANNEXURES

Annexure A: BAC Resolution

Annexure B: Advertisements for S116

Annexure C: Proof of No Objections

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>18 March 2019</i>

ANNEXURE A



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MEMORANDUM

Supply Chain Management

TO : BID ADJUDICATION COMMITTEE

RE : REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENDING 30 JUNE 2020

BID NO : B/SM 67/17

1. PURPOSE

To obtain approval in terms of Regulations 29 (1) (a) and (b) (i) of the Municipal Supply Chain Management Regulations and paragraph 2.4 of the Stellenbosch Municipal Supply Chain Management Policy for the appointment of a suitably qualified service provider for the replacement of existing pipe systems employing conventional and specialized trenchless construction technology in the Stellenbosch Municipal Area, for a contract period ending 30 June 2020

2. BACKGROUND

This contract covers the replacement of water, storm water and sewer mains using conventional and trenchless technology. It includes on the spot repair of water of water, storm water and sewerage services, camera inspection work, cleaning of sewer mains before construction and maintenance work, but welding of pipe work as and when required and the installation of connections on existing water and sewer services.

Work will be issued as separate projects and the extent of these will vary. Work issued during the period of the contract will be both the replacement of existing storm water, water and sewer mains with HDPE, UPVC or other material pipes approved by the employer. Work will also include the lining of pipes where the lining material will be approved by the employer.

3. DISCUSSION

The bid was advertised on **01 February 2017** on the municipal website, notice board, Cape Argus and in "Die Burger", based on the **90/10** point system. A compulsory clarification meeting was held on **17 February 2017** at **11 h00**. An addendum was sent out via e-mail regarding the amendments in the document. Closing time and date for bid submissions were **12:00** on **06 March 2017**, which closing date was extended until **15 March 2017**. Extension of validity period until **15 January 2018** was requested from all the bidders.



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4. DOCUMENT COLLECTION

4.1 Document collection and bid submissions are depicted as follows:

NO	BIDDERS	COLLECTED DOCUMENTS	SITE MEETING ATTENDANCE	SUBMITTED BIDS
1	Nejeni Construction & Project Management (Pty) Ltd	YES	✓	✓
2	Trenchless Technologies cc	YES	✓	✓
3	WBHO Construction (Pty) Ltd	YES	✓	✓
4	Martin East (Pty) Ltd	YES	✓	✓
5	Tuboseal Services (Pty) Ltd	YES	✓	✓
6	Vitatype Trading 99 cc	YES	✓	✓
7	Exeo Khokela Civil Engineering Construction (Pty) Ltd	YES	✓	✓
8	Mainline Civil Engineering Contractors cc	YES	✓	✓
9	Four Stones Civil cc	x	✓	x
10	J.K.Structures	x	✓	x
11	Carp Civils cc	x	✓	x
12	Rexus	x	✓	x
13	Archie Construction & Maintenance	x	✓	x
14	WF Constructions	x	✓	x
15	J.J.Dyers Construction	x	✓	x
16	Echo-Bau	x	✓	x
17	SJW Civils	x	✓	x
18	PPS Plant Hire (Pty) Ltd	x	✓	x
19	Macneil Plastics	x	✓	x
20	Nolada 8	x	✓	x
21	JVR Construction	x	✓	x
22	Dreyer Cleaning Solutions	x	✓	x

4.2 On the closing date 8 offers were received and subsequently opened in public.

NO	BIDDERS	VARIOUS RATES	BBBEE STATUS Level	PREFERENCE POINTS (10)
1	Nejeni Construction & Project Management (Pty) Ltd	Rates	2	9
2	Trenchless Technologies cc	Rates	Non-compliant	0
3	WBHO Construction (Pty) Ltd	Rates	4	5
4	Martin East (Pty) Ltd	Rates	2	9
5	Tuboseal Services (Pty) Ltd	Rates	Non-compliant	0
6	Vitatype Trading 99 cc	Rates	3	8
7	Exeo Khokela Civil Engineering Construction (Pty) Ltd	Rates	4	5
8	Mainline Civil Engineering Contractors cc	Rates	Non-compliant	0



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5. SUPPLY CHAIN MANAGEMENT COMPLIANCE CHECK

NO	BIDDERS	MBD2- VALID TAX CLEARANCE CERTIFICATE	MBD4- DECLARATION OF INTEREST	MBD8- PAST SCM PRACTICE	MBD9- INDEPENDENT BID PROPOSAL DETERMINATION	Required CIBB Grading SCALE
1	Nejeni Construction & Project Management (Pty) Ltd	YES	YES	YES	YES	7CE
2	Trenchless Technologies cc	YES	YES	YES	YES	7CE
3	WBHO Construction (Pty) Ltd	YES	YES	YES	YES	9CE
4	Martin East (Pty) Ltd	YES	YES	YES	YES	9CE
5	Tuboseal Services (Pty) Ltd	YES	YES	YES	YES	7CE
6	Vitatype Trading 99 cc	YES	YES	YES	YES	5CE
7	Exeo Khokela Civil Engineering Construction (Pty) Ltd	YES	YES	YES	YES	8CE
8	Mainline Civil Engineering Contractors cc	YES	YES	YES	YES	7CE

6. BID RESPONSIVENESS

6.1 Introduction

The bid technical evaluation and report was prepared by Mr. Adriaan Kurtz (Project Water: Water Services) and Mr. Dries Van Taak (Manager: Water Services), who examined the bids in terms of its compliance with the stipulated technical requirements.

Refer to **Annexure A** for a detailed Technical report that will address any technical enquiries.

6.2 PROPOSALS NOT CONSIDERED FOR FURTHER EVALUATION DUE TO THE FOLLOWING REASONS: (LEGISLATION APPLICABLE AND NON-RESPONSIVENESS)

NO	BIDDERS	REASONS
6	Vitatype Trading 99 cc	Non-compliant. Did not score the minimum of 70 points for functionality. MBD6.2 – Local Content – Annexure C, D and E not completed



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7. EVALUATION

7.1 SPECIFICATION COMMITTEE

The specifications committee consisted of Mr. Adriaan Kurtz (Project Water: Water Services) Ms. Elizabeth Rhoda (Legal Services), Mr Israel Saunders (Manager: Supply Chain Management), Ms Ingrid Thesen (SCM Administrator) and Mr. Rodney Loeks (SCM Practitioner), who were responsible for the development and compilation of the specification.

SCM Regulation 27 (1): "A bid specification committee must **compile** the specifications for the procurement of goods or services by the municipality."

SCM Regulation 27 (2) (g): "Specifications must be **approved** by the accounting officer prior to the publication of the invitation for bids – Relevant power has been delegated to the Head: Supply Chain Management in terms of the approved System of Delegations for SCM."

7.2 BID EVALUATION COMMITTEE

The evaluation committee consisted of Mr. Piet Smit (Manager: Property Management), Mr. Theo Rhode (Senior Accountant: SCM) Mr. Adriaan Kurtz (Project Water: Water Services) and Rodney Loeks (SCM Practitioner), who examined the bids in terms of its compliance with the stipulated bid and submission requirements.

The procedure for the evaluation of responsive tenders is **Method 2 (Financial Offer and Preference)**. The offers were evaluated in terms of Section 2 of the PPPFA of 2000, utilizing the 90/10 points system.

NO	BIDDERS	VARIOUS RATES	BBBEE STATUS LEVEL	PREFERENCE POINTS (10)
1	Nejeni Construction & Project Management (Pty) Ltd	Rates	2	9
2	Trenchless Technologies cc	Rates	Non-compliant	0
3	WBHO Construction (Pty) Ltd	Rates	4	5
4	Martin East (Pty) Ltd	Rates	2	9
5	Tuboseal Services (Pty) Ltd	Rates	Non-compliant	0
7	Exeo Khokela Civil Engineering Construction (Pty) Ltd	Rates	4	5
8	Mainline Civil Engineering Contractors cc	Rates	Non-compliant	0



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Although the committee acknowledge that the local content was not specifically mentioned in the advertisement, it has been in detailed dealt with in the specifications. This committee is aware of certain findings of the Auditor General regarding this issue, however for the sake of service delivery we would like to recommend that the tender be awarded.

Attached Annexure B is the detailed schedule of rates with Preference Points as evaluated and recommended by the BEC.

8. FINANCIAL IMPLICATIONS

- 8.1 The envisaged expenditure will be financed out of different votes from the Water Services and Sanitation Department as depicted in the below table:

Unique Key	Vote number	Project Name – Water	2017/2018	2018/2019	2019/2020
20 170 608 984 247	50102151691	106 Bulk Water Supply Pipe Reservoir: Dwars Rivier(Johannesdal/ Kylemore/Pniel)	R19 000 000.00	R19 000 000.00	
20 170 608 984 148	50102151371	103 Bulk Water supply Pipeline & Reservoir-Jamestown	R1 500 000.00	R1 000 000.00	R19 000 000.00
20 170 608 984 244	50102151681	120 Water Pipe Replacement	R6 000 000.00	R6 000 000.00	R8 000 000.00
20 170 608 984 214	50102151581	Relocation/Upgrading main water supply line	R15 100 000.00		
20 170 608 984 238	50102151661	119 New Developments Bulk Water Supply WC024	R2 000 000.00	R2 000 000.00	R2 000 000.00
20 170 608 984 220	50102151601	105 Bulk Water Supply Klapmuts	R1 000 000.00	R8 000 000.00	

Unique Key	Vote number	Project Name – Sanitation	2017/2018	2018/2019	2019/2020
20 170 608 984 280	50102151801	110 Bulk Water Outfall: Jamestown	R13 500 000.00	R10 000 000.00	
20 170 608 984 316	50102151921	115 Idas Valley Merriman Outfall Sewer	R8 000 000.00	R12 000 000.00	
20 170 608 984 361	50102152071	114 Sewer Pipe Replacement	R1 500 000.00	R1 500 000.00	R1 500 000.00
20 170 608 984 358	50102152061	100 New Development Bulk Sewer Supply WC024	R2 000 000.00	R1 000 000.00	R1 000 000.00



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Unique Key	Vote number	Description	2017/2018	2018/2019	2019/2020
20 170 626 063 734	16515220210000	Materials and Supplies	R33 390.00	R34 726.00	R36 115.00
20 170 608 982 220	16606220210000	Materials and Supplies	R93 900.00	R97 656.00	R101 562.00
20 170 608 982 838	16606201470000	Maintenance	R294 950.00	R12 855 310.00	R13 506 630.00
20 170 626 063 850	16612220210000	Materials	R70 120.00	R72 925.00	R75 842.00
20 170 626 062 074	16612201470000	Maintenance	R330 640.00	R883 302.00	R918 188.00
20 170 608 983 228	16605201470000	Maintenance	R3 289 110.00	R5 233 450.00	R5 365 480.00
20 170 608 982 260	16605201900000	Water	R3 000 000.00	R3 000 000.00	R3 121 200.00
20 170 608 982 261	16605201910000	Sanitation	R800 000.00	R612 000.00	R624 240.00
20 170 626 063 704	16608220210000	Materials	R17 530.00	R18 231.00	R18 960.00
20 170 626 062 077	16608201470000	Maintenance	R18 580.00	R345 670.00	R356 390.00
20 170 626 062 081	16608201470000	Maintenance	R224 630.00	R345 670.00	R356 390.00
20 170 626 062 072	16610201470000	Maintenance	R137 140.00	R739 380.00	R774 910.00
20 170 626 062 076	16610201470000	Maintenance	R177 930.00	R739 380.00	R774 910.00
20 170 626 062 080	16610201470000	Maintenance	R294 280.00	R739 380.00	R774 910.00
20 170 626 062 075	16611201470000	Maintenance	R167 150.00	R442 030.00	R468 540.00
20 170 626 062 079	16611201470000	Maintenance	R81 990.00	R442 030.00	R468 540.00
20 170 608 982 118	16650220180000	Consumables	R63 370.00	R65 905.00	R68 541.00
20 170 608 982 150	16650220190000	Consumables	R560 644.00	R583 070.00	R606 393.00
20 170 608 982 136	16650220210000	Materials	R71 670.00	R483 102.00	R77 518.00
20 170 608 982 151	16650201900000	Water	R2 705 952.00	R2 760 071.00	R2 815 272.00
20 170 608 982 794	16651201470000	Maintenance	R168 080.00	R4 984 647.00	R5 184 033.00
20 170 608 982 817	16651201470000	Maintenance	R466 270.00	R4 984 647.00	R5 184 033.00
20 170 608 982 094	16651201940000	Machinery	R950 277.00	R939 850.00	R969 283.00
20 170 608 982 103	16651201950000	Transport	R950 277.00	R948 350.40	R969 283.00
20 170 608 982 140	16651202030000	Other	R950 277.00	R969 283.00	R988 669.00



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9. RECOMMENDATION TO THE BAC:

9.1 It is recommended that the rates of the responsive bidders as set out in paragraph 7.2 and listed on Annexure B be accepted and approved, subject thereto:

- i. That no allocation of a project be done, before a scope of work and project plan have been compiled for a planned project, which plan must indicate the construction method/s, contractors, material and services to be used during construction.
- ii. Such project plan will be the determining factor in allocating a project or part thereof to a preferred bidder (highest point scorer), depending on the specialized nature and /or size of the project.

9.2 The awarding of this tender is further subject thereto that the total tender value (of the various planned projects) not exceeds the R10m (Inclusive of VAT) threshold over the tender period ending 30 June 2020.

NOTE: They completed their MBD4, MBD6.2, MBD8, MBD9 documents and their Tax Clearance Certificates was verified and found to be compliant. They submitted their municipal accounts. The details of the proposed bidders was also verified to be not listed on either National Treasury's Register for Tender Defaulters or the Database of Restricted Suppliers and the directors were found not to be in the service of the state.

.....
CHAIRPERSON: BID EVALUATION COMMITTEE

2017.11.28
.....
DATE



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RECOMMENDATION APPROVED BY THE STELLENBOSCH MUNICIPAL BID ADJUDICATION COMMITTEE		
Name	Signature	Date
ARISA MTEYA		01/12/2017
Deon Louw		01/12/2017
Jan		01/12/2017
Gerald Egan		01/12/2017
DJG de la Sout		1/12/2017
Comments A.M.C. de Beer		1/12/17.
		1/12/17.
CHAIR PERSON		DATE

ANNEXURE B

BOEDELOORGAWES

4220

AANSOEK OM BOEDELOORGAWES

Aansoek om boedeloorawes. **BRIAN JOSEPH LITTLE**, ID-nr. 770227 5130 08 0, 'n bestuurder geskied te Chamberlainstraat 39, Woodstock, in die Hooggeregshof van SA (Wes-Kaapse Afdeling Kaapstad) op 15 Maart 2019 om 10:00 of so spoedig daarna as wat Advokaat vir die Applikant aangehoor kan word.

Vermoënstaat lê ter insae by Meester van die Hooggeregshof, Kaapstad vir 14 dae vanaf 15 Februarie 2019 asook by Riaan de Kock, eie Laan-nr. 16, Melkbosstrand, 283898 Feb. 15-(4220)V

L.D.R. Nel

BOEDELOORGAWES

Boedel **LOURENS DANIEL RADEMEYER NEL**, werkloos, getroud in gemeenskap van goedere met Elizabeth Maria Nel, ontvangsdame, van Beldonstraat 38, Heiderand, Mosselbaai.

Ingevolge art. 4(1) van die Insolvensiewet nr. 24 van 1936, soos gewysig, geskied kennis hiermee dat aansoek gedoen sal word by die Wes-Kaapse Hooggeregshof (Kaapstad) op 15/03/2019 om 10:00 vir die aanvaarding van die boedeloorawes van bogemelde boedel, en dat 'n vermoënstaat ter insae sal lê in die kantoor van die Meester van die Hooggeregshof in Kaapstad en by die Landdroskantoor, Mosselbaai, vir 'n tydperk van veertien (14) dae vanaf 18/02/2019.

ALERS VAN AARDT BESTER ING., Saxbylaan 1004, Eldoraigne, Centurion. Tel. 012 004 0675, e-pos admin@avsb.co.za, p.a. Smit Kruger Prokureurs, Wellingtonweg 32, Durbanville, Wes-Kaap. 842793 Feb. 15 - (4220)

AANSOEK OM BOEDELOORGAWES

Aansoek om boedeloorawes **JACOBUS MATTHIJS ELS**, ID-nr. 720419 5002 08 5, 'n adjudant offisier, getroud buite gemeenskap van goedere van Kuhnstraat 15, Hosiortaal Heuwel, Worcester, Wes-Kaap in die Hooggeregshof van SA (Wes-Kaapse Afdeling Kaapstad) op 14 Maart 2019 om 10:00 of so spoedig daarna as wat die Advokaat vir die Applikant aangehoor kan word.

Vermoënstaat lê ter insae by die Meester Kaapstad en Landdroshef Worcester vir 14 dae vanaf 15 Februarie 2019 en by Al Adams Attorneys, Hoofweg 226 Claremont, Kaapstad 7708 652679 Feb. 15-(4220)V

BOEDELOORGAWES

Boedel **ARNOLD ARTHUR LEWIS**, toesighouer, geskied, van Veeherd 2, Ruisendaal, Delft.

Ingevolge art. 4(1) van die Insolvensiewet nr. 24 van 1936, soos gewysig, geskied kennis hiermee dat aansoek gedoen sal word by die Wes-Kaapse Hooggeregshof (Kaapstad) op 14 Maart 2019 vir die aanvaarding van die boedeloorawes van bogemelde boedel, en dat 'n vermoënstaat ter insae sal lê in die kantoor van die Meester van die Hooggeregshof in Kaapstad, vir 'n tydperk van veertien (14) dae vanaf 15 Februarie 2019

Gedagteken in Kaapstad op 4 Februarie 2019. Verw.-nr.: S2801/18. 285253 Feb. 15 - (4220)

J. September

BOEDELOORGAWES

Boedel **JEREMY SEPTEMBER**, assistent direkteur, getroud in gemeenskap van goedere met Sharonika Porchia September, toesighouer, van Geelbosstraat 5, Newton, Wellington.

Ingevolge art. 4(1) van die Insolvensiewet nr. 24 van 1936, soos gewysig, geskied kennis hiermee dat aansoek gedoen sal word by die Wes-Kaapse Hooggeregshof (Kaapstad) op 13 Maart 2019 vir die aanvaarding van die boedeloorawes van bogemelde boedel, en dat 'n vermoënstaat ter insae sal lê in die kantoor van die Meester van die Hooggeregshof in Kaapstad, en die landdroskantoor, Wellington, vir 'n tydperk van veertien (14) dae vanaf 15 Februarie 2019

Gedagteken in Kaapstad op 4 Februarie 2019. Verw.-nr.: S2091/18. 285253 Feb. 15 - (4220)

AANSOEK OM BOEDELOORGAWES

Aansoek om boedeloorawes **JOHAN DEETLOF BOTHMA**, ID-nr. 731110 9032 03 8, 'n werksaakkundige & **AMANDA BOTHMA**, ID-nr. 750312 0046 08 5, 'n werksaakdame, getroud binne gemeenskap van goedere, Kruisings Plaas, Riversdal, Wes-Kaap in die Hooggeregshof van SA (Wes-Kaapse Afdeling Kaapstad) op 14 Maart 2019 om 10:00 of so spoedig daarna as wat die Advokaat vir die Applikant aangehoor kan word.

Vermoënstaat lê ter insae by Meester Kaapstad en Landdroshef Riversdal vir 14 dae vanaf 15 Februarie 2019 en by Al Adams Attorneys, Hoofweg 226, Claremont, Kaapstad 7708. 852679 Feb. 15-(4220)V

KENNISGEWINGS



Kennis geskied hiermee dat die volgende tender op Hessequa Munisipaliteit se webwerf by www.hessequa.gov.za en op die munisipale kennisgewingsbords by ons kantore in Riversdal, Heidelberg, Albertinia en Stilbaai geadverteer word:

HES-FIN 03/1819: BESTUUR VAN KORTTERMYN VERSEKERINGSPORTEFEULJE

Voornemende verskaffers kan ook vir Leanne Windvogel by (028) 713 8087 of e-pos: leanne@hessequa.gov.za kontak om 'n elektroniese weergawe van die gedetailleerde advertensie te bekom.

JACOBS MUNISIPALE BESTUURDER



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NOTICE

NOTICE IN TERMS OF SECTION 116(3) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003) FOR THE PROPOSED AMENDMENTS TO THE CONTRACT FOR STELLENBOSCH (WC024) MUNICIPALITY DEVELOPMENT MANAGEMENT SCHEME PROMULGATION

Notice is hereby given in terms of Section 116 (3) (a) and (b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) that it is the intention of the Stellenbosch Municipality to amend the existing contract:

Number: B/SM 67/17

Description: REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENDING 30 JUNE 2020.

Contractors : Nejeni Construction & Project Management (Pty) Ltd
Trenchless Technologies CC
WBHO Construction (Pty) Ltd
Martin & East (Pty) Ltd
Tuboseal Services (Pty) Ltd
Exeo Khokela Civil Engineering Construction (Pty) Ltd
Mainline Civil Engineering Contractors CC

Reasons for the proposed amendment: The contract expenditure over the contract period of three years is estimated to exceed R10M. A threshold of R10M was placed on the contract when the contract was awarded. The municipality now wishes to remove this threshold in order to stay compliant with its expected expenditure on the contract, minimise water losses and provide continued service delivery in light of recent water scarcity.

Notice is hereby further given in terms of Section 21 and 21A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the local community and affected parties are invited to submit comments or representations on the proposed amendment of the contract. Persons who are physical disabled or who cannot read or write but wish to participate in the process, may come during office hours to the Municipal Offices, Plein Street, Stellenbosch where a staff member will assist that person to transcribe that person's comments or representations.

Comments and/or representations must be submitted to the following email address: s116.contracts@stellenbosch.gov.za, with the subject line entitled "B/SM 67/17: REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENDING 30 JUNE 2020.

The closing date and time for the submission of representations and/or comments is no later than 08/03/2019, at 12:00. Any comments or representations received after this time and date will not be considered.

All enquiries regarding this intent can be directed to the following official:

Name & Surname : Mr Shane Roach
Telephone Number : E-mail enquiries only
E-mail address : shane.roach@stellenbosch.gov.za
Physical address : 1st Floor
Ecclesia Building
Plein Street
Stellenbosch
7600

Gerardine Mettler
Municipal Manager

ET BERGRVIER MUNICIPALITY

R 8/3/3 -2019 MK19/2019:

VAN GEBRUIKSREG BY PELIKAAN ORD, ERF 576 IN LAAPLEK

igevra van diensverskaffers vir die voorbereiding van ndoord Erf 576 in Laapleek, soos uiteengesit in die

duidelik gemaak "TENDER 8/3/3-2019 MK19 - 2019"

Pre-qualification applications are hereby invited from experienced Small, Medium and Micro Enterprises (SMME) which must be Black Owned Companies to form part of SUB-CONTRACTOR WORK AS PART OF THE REHABILITATION OF MAIN ROAD 240 BETWEEN VREDENBURG AND PATERNOSTER – An active CIDB contractor grading designation of 3CE - 5CE is a requirement for the sub-contract.

Sub-Contractor Packages of work include:

- 1) PREFABRICATED CULVERTS
- 2) CONCRETE LINED DRAINS
- 3) STONE PITTING AND PROTECTION AGAINST EROSION
- 4) GABIONS
- 5) GAURDRAILS
- 6) LINE MARKING (ROAD MARKINGS)

15/02/2019

p21

CLASSIFIED

Classified Tenders

713 Sale In Execution 713 Sale In Execution

SALE IN EXECUTION - OTTERY
 IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF WYNBERG HELD AT WYNBERG. Case No. 7405/2018. In the matter between DELUETON PARK BODY CORPORATE, Plaintiff and LEON BERTRAM DYERS, Defendant. Be pleased to take notice that a sale in execution will be held on THURSDAY 7 MARCH 2019 AT 12H00 AT 7 ROYAL PARK, PERCY ROAD, OTTERY. ASSETS: 1 x 3 Piece Lounge suite, 1 x Wooden TV Cabinet 3 Piece, 1 x Coffee table, 1 x Dining room table & 6 chairs, 1 x KIC Fridge, 1 x KIC fridge, 1 x KIC Microwave, 1 x Wooden Server, 1 x Filing Cabinet, 2 x Display cabinets, Plus/Minus 100 Display cars. Term: Cash to the Highest Bidder. Signed at Tyger Valley on this the 6th day of February 2019. MOSTERT & BOSMAN, Attorneys for Plaintiff, 3rd Floor, Madison Square, Cnr Carl Cronje & Tygerfontein Boulevard, Tyger Valley (REF: R DIXON/Nadane/2D2806) (11072932)

713 Sale In Execution 713 Sale In Execution

SALE IN EXECUTION - MANDALAY
 IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA (WES-KAAPSE AFDELING, KAAPSTAD) Sake nr 15529/2018. In die saak tussen: Firststrand Bank Beperk (Eiser) en Amanda Gida (Verwerder). Ter uitvoering van 'n vonnis van die bogenoemde agbare hof gedateer 13 Desember 2018, sal die ondervermelde ervoerende eiendoms op DINSDAG 5 MAART 2019 om 12:00 by die baljuurtoer te SIERRA WEG 20, MANDALAY in ekskursie verkoop word aan die hoogste blaar onder reserve, onderhevig aan die hierna vermelde en sodanige verdere voorwaardes as wat deur die beju by die valing uitgelees sal word. Erf 25166 Khayelitsha, in die Stad Kaapstad, Afdeling Kaap, Wes-Kaap Provinsie geleë Phakamanistraat 15, Mandela Park, Khayelitsha; groot 112 vierkante meter, gehou kragtens Transportakte nr TB8939/2011. Beskrywing: Die volgende inligting word versiek, maar nie gewaarborg nie: Woonhuis met 3 slaapkamers, badkamer, toilet, kombuis en sitkamer. Bataalvoorwaardes: Tien persent (10%) van die koopprijs moet onmiddellik na die veiling tesame met die balju se kommissie betaal word. Die balanskoopprijs is betaalbaar teen oordrag en moet verskerk word deur 'n bankwaarborg wat binne 21 dae na die verkoping vir goedkeuring aan Eiser se prokureurs voorgeleë moet word. Verkoopvoorwaardes: Die volledige verkoopvoorwaardes lê ter insae by die kantoor van die balju vir die Hooggeregshof, Khayelitsha (venw. M Ngumza; tel. D21 389 5632). Gedateer te TYGERVALLE hierdie 7de dag van Februarie 2019. FOURIE BASSON & VELDTMAN, Eiser se Prokureurs, Tigerpark 5, Uit Wille van Schoor Rylaan, TYGERVALLE (VERW. J C FOURIE/MHF/776; tel. 021 929 2600). (111071143)

713 Sale In Execution 713 Sale In Execution

SALE IN EXECUTION - KHAYELITSHA
 IN THE HIGH COURT OF SOUTH AFRICA (WESTERN CAPE DIVISION, CAPE TOWN) CASE NO. 16720/2016. In the matter between: THE STANDARD BANK OF SOUTH AFRICA LIMITED, Plaintiff, (Registration No. 1952/000738/06), and MATISÉ FLORENCE YALEZO N.O., Defendant. (In her capacity as executrix of the Estate of Mathukiso Doodan F. O. in EXECUTION OF A JUDGMENT of the High Court of South Africa (Western Cape Division, Cape Town) in the abovementioned suit, a sale subject to without a reserve price will be held on THURSDAY, 28 FEBRUARY 2019 AT 12H00 at the Sheriff's office Khayelitsha, 20 SIERRA WAY, KHAYELITSHA. The conditions of sale will lie for inspection at the offices of the Sheriff for the High Court, Khayelitsha. CERTAIN: Erf 28141 KHAYELITSHA, in the City of Cape Town, Division Cape, Province of the Western Cape, IN EXTENT 240 (two hundred and forty) square metres, HELD BY DEED OF TRANSFER NO 12932/2012, SITUATED AT: 4 GWANGOGA STREET, KHAYELITSHA. THE PROPERTY IS ZONED: GENERAL RESIDENTIAL (NOTHING GUARANTEED). The following information is furnished to the improvements though in this respect nothing is guaranteed: BRICK BUILDING, TILED ROOF, BURGULAR BARS, 3 X BEDROOMS, CEMENT FLOORS, 1 X OPEN PLAN KITCHEN, 1 X LOUNGE, 1 X BATHROOM AND TOILET. TERMS: 1, 10% (TEN PER CENTUM) of the purchase price in cash on the day of sale, immediately internet bank transfer into the Sheriff's trust account, or a bank guaranteed cheque on the day of the sale, the balance payable against registration of transfer, to be secured by a Bank or Building Society or other acceptable guarantee to be furnished within twenty one (21) days from the date of sale. 2. Auctioneer's charges, payable on the day of sale to be calculated as follows: 6% (SIX PER CENTUM) on the proceeds of the sale up to a price of R100 000.00 (ONE HUNDRED THOUSAND RAND) and thereafter 3,5% (THREE AND A HALF PER CENTUM) on R100 001.00 to R400 000.00 and 1,5 percent on the balance thereof, of the proceeds of the sale, subject to a maximum Commission of R400 000.00 (FOUR THOUSAND RAND) in total and a minimum of R3 000.00 (THREE THOUSAND RAND) (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account).

715 Tenders 715 Tenders

NOTICE
NOTICE IN TERMS OF SECTION 116(3) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003) FOR THE PROPOSED AMENDMENTS TO THE CONTRACT FOR STELLENBOSCH (WC024) MUNICIPALITY DEVELOPMENT MANAGEMENT SCHEME PROMULGATION

Notice is hereby given in terms of Section 116 (3) (a) and (b) of the Local Government: Municipal Finance Management Act, 2003 (Act: 56 of 2003) that it is the intention of the Stellenbosch Municipality to amend the existing contract:

Number: B/SM 67/17

Description: REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENDING 30 JUNE 2020.

Contractors: Nejani Construction & Project Management (Pty) Ltd
 Trenchless Technologies CC
 WBHO Construction (Pty) Ltd
 Martin & East (Pty) Ltd
 Tuboseal Services (Pty) Ltd
 Exeo Khokela Civil Engineering Construction (Pty) Ltd
 Mainline Civil Engineering Contractors CC

Reasons for the proposed amendment: The contract expenditure over the contract period of three years is estimated to exceed R10M. A threshold of R10M was placed on the contract when the contract was awarded. The municipality now wishes to remove this threshold in order to stay compliant with its expected expenditure on the contract, minimise water losses and provide continued service delivery in light of recent water scarcity.

Notice is hereby further given in terms of Section 21 and 21A of the Local Government: Municipal Systems Act, 2000 (Act: 32 of 2000) that the local community and affected parties are invited to submit comments or representations on the proposed amendment of the contract. Persons who are physically disabled or who cannot read or write but wish to participate in the process, may come during office hours to the Municipal Offices, Plain Street, Stellenbosch where a staff member will assist that person to transcribe that person's comments or representations.

Comments and/or representations must be submitted to the following email address: s116contracts@stellenbosch.gov.za, with the subject line entitled "B/SM 67/17: REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENDING 30 JUNE 2020.

The closing date and time for the submission of representations and/or comments is no later than 08/03/2019, at 12:00. Any comments or representations received after this time and date will not be considered.

All enquiries regarding this intent can be directed to the following official:
 Name & Surname: Mr Shane Roach
 Telephone Number: E-mail enquiries only
 E-mail address: sshane.roach@stellenbosch.gov.za
 Physical address: 1st Floor, Ecclesia Building, Plain Street, Stellenbosch, 7800
 Geraldine Mettler, Municipal Manager (11074 09)

BERGRIVIER MUNICIPALITY
TENDER 8/3/3 - 2019 MN19/2019: ALIENATION OF USAGE RIGHT AT PELICAN BEACH RESORT, ERF 576 IN LAALPEK

TENDER is hereby requested from service providers for the alienation of usage right at Pelican Beach Resort, Erf 576 in Laalpeik, as set out in the specifications.

Sealed tenders clearly marked "TENDER 8/3/3-2019 MN19 - 2019: ALIENATION OF USAGE RIGHT: ERF 576, LAALPEK" should be placed in a sealed envelope in the tender box at the Municipal Offices, 13 Church Street, Piketberg by not

715 Tenders 715 Tenders

CAPE MUNICIPAL PENSION FUND

Name	Date of Birth	Date of Death
MR MIH BAILEY	17 MAY 1971	20 NOVEMBER 2018
MR P VAN HEERDEN	01 OCTOBER 1955	17 OCTOBER 2018
MRS N KLAAS	18 SEPTEMBER 1981	13 NOVEMBER 2018
MR NJ KLAASE	20 JUNE 1964	15 OCTOBER 2018
MR R SEPTEMBER	27 NOVEMBER 1955	11 NOVEMBER 2018
MR M SCOTT	03 SEPTEMBER 1967	04 DECEMBER 2018
MR GWAWONANI	07 JANUARY 1966	27 NOVEMBER 2018

In terms of Section 37 (c) of the Pension Funds Act (1956) the Board of Trustees of the Cape Municipal Pension Fund request any legal or factual dependants that were financially dependent of the deceased members listed above to contact the Administration of the Fund on Tel: 415 4140 or Fax: 415 4188 if they have not yet done so.

Kindly note that this is not applicable to creditors of the deceased estates.

715 Tenders 715 Tenders

HESSEQUA LOCAL MUNICIPALITY
TENDER NOTICE

Notice is hereby given that the following tender is advertised Municipality's website at www.hessequa.gov.za and/or notice boards at our offices in Riversdale, Heidelberg, Albert

HES-FIN 0311819: MANAGEMENT OF SHOR INSURANCE PORTFOLIO

Prospective suppliers may also contact Leanne Windvogel, t or e-mail: leanne@hessequa.gov.za to obtain the elect detailed advert.

JACOBS - MUNICIPAL MANAGER

715 Tenders 715 Tenders

PRE-QUALIFICATION TENDER N

Pre-qualification applications are hereby invited from experienced Medium and Micro Enterprises (SMME) which must be Companies to form part of SUB-CONTRACTOR WORK THE REHABILITATION OF MAIN ROAD 240 BETWEEN V AND PATERNOSTER - An active CIDB contractor grading of 3CE - 5CE is a requirement for the sub-contract.

Sub-Contractor Packages of work include:

- 1) PREFABRICATED CULVERTS
- 2) CONCRETE LINED DRAINS
- 3) STONE PITTING AND PROTECTION AGAINST EROSION
- 4) GABIONS
- 5) GAURDRAILS
- 6) LINE MARKING (ROAD MARKINGS)

A COMPULSORY information briefing meeting will take place on Tuesday 26th February 2019. Prospective Applicants

TOP Classified advertisement

Classification: Classified advertisement

021

111072932, 111071143, 11074 09

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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7.6.1	PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN
-------	---

Collaborator No: 640919
IDP KPA Ref No: D 435
Meeting Date: 2019-05-21

1. SUBJECT: PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN

2. PURPOSE

To present the Paradyskloof Nature Area Environmental Management Plan for Council approval.

The Paradyskloof Nature Area Environmental Management Plan (EMP) (**ANNEXURE A**) has been prepared to establish a distinct vision and overarching goal for the management of the Paradyskloof Nature Area in context off, and giving effect to, the relevant legislation and associated regulations. Following the Council Resolution of 2018-10-31, referred to in section 6.6 below, this document was advertised for public comment for a period of 60 days between December 2018 and January 2019 (**ANNEXURE B**). Comment received during this period (**ANNEXURE C**) has been considered and various amendments made (**ANNEXURE D**) culminating in the above document herewith presented to Council for approval.

3. DELEGATED AUTHORITY

For decision by the Council of Stellenbosch Municipality (the Municipality).

4. EXECUTIVE SUMMARY

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

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

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

5. RECOMMENDATION

that Council approves the Paradyskloof Nature Area Environmental Management Plan (March 2019) as the document to guide the management of the Paradyskloof Nature Area.

6. DISCUSSION / CONTENTS

6.1. Background

Stellenbosch Municipality is located within an area that forms part of the world-renowned Cape Floral Kingdom, internationally recognised as one of the six Floral Kingdoms of the world. The Cape Floral Kingdom is the smallest, covering a mere 0,06% of the earth's surface, and is the only Floral Kingdom contained in its entirety within a single country. The Cape Floral Kingdom is characterised by its exceptional richness in plant species and its high endemism. The Cape Floral Kingdom is of immense scientific importance, both nationally and internationally. It covers only 4% of South Africa, but contains 45% of all plant species of Southern Africa.

The Municipality owns various tracts of land that can be described as natural or nature areas. Most of these areas are old forestry areas, such as the Paradyskloof NA, situated within or on the foothills of the local mountain ranges. Some of these areas house some municipal infrastructure but, with the phasing out of forestry, are mostly vacant, being rehabilitated back to its natural state.

Some of the threats or challenges facing the Municipality in managing these areas include:

Access control: Uncontrolled access poses various threats, mainly in terms of security (crime prevention), managing the risk of fire and vandalism.

Misuse and misunderstanding: The use of the relevant areas were primarily focused around the *instrumental* value of the site, which implies that the site has essentially been considered a mere resource utilised for forestry, infrastructure and recreational activities. These land-uses have caused degradation of the visual integrity and ecology of the various sites.

Fire: Given the nature of the ecology of the area within which the Municipality is located, the presence of biomass (especially in the old forestry area), challenges with access control most of these areas pose a risk of fire.

Infestation of alien vegetation: The infestation of alien plant species is a significant threat to the ecology and visual quality of the nature areas of Stellenbosch Municipality. The alien vegetation (which is a legacy of former forestry-related land uses) has resulted in a modified floral composition which is conducive to high-intensity fires.

The core value of these areas are the ecosystem goods and -services it provides to the area and its surroundings. It is therefore important that these areas be managed in a manner that address the challenges listed above, to maximize the value of these areas as resource and to ensure sustainability.

6.2 Discussion

The Paradyskloof NA EMP (**ANNEXURE A**) has been prepared to establish as distinct vision and overarching goal for the management of the Paradyskloof NA in context off, and giving effect to, the relevant legislation and associated regulations.

The EMP consists of management strategies and guidelines for the management of the area under the following themes:

- Administration
- Environmental Protection
- Land Use Management
- Environmental Auditing

6.3. Financial Implications

The Paradyskloof NA EMP requires that an annual budget be compiled for the area in order to ensure that the management directives are performed.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions

The 21st Council Meeting (2018-10-31): Item 7.7.1, resolved (nem con):

- (a) that the Paradyskloof Nature Area Environmental Management Plan be duly advertised for the purpose of a public participation process until the end of January 2019; and
- (b) that the inputs received during the above public participation process be worked into a final draft Paradyskloof Nature Area Environmental Management Plan to be presented to Council for approval.

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management

This Item was circulated to all directorates on 17 September 2018 for comment by 25 September 2018. These are listed below.

6.8.1 Director: Infrastructure Services

Provision must be made for a possible transport link (public road with cycle and pedestrian facility) in the vicinity of the north western boundary near the Welgevallen suburb, or, alternatively, amend the extents of north western boundary near the Welgevallen suburb to allow for a reserve for a public road.

Point 4.3.3 (d) that states that the clearing of new roads for recreational purposes are not permitted. Allowance should be made whereby a process can be followed for the purposes of constructing a new recreational road – should the need arise.

The section in the EMP referred to above speaks to the construction or clearance of roads or tracks for recreational in areas being rehabilitated or in areas consisting of natural or fynbos areas. Should the need arise for road development in the area it can be considered in a responsible manner that causes minimum impact to the area.

6.8.2 Director: Planning and Economic Development

No comment received.

6.8.3 Director: Community and Protection Services

No comment received.

6.8.4 Director: Corporate Services

No comment received.

6.8.5 Chief Financial Officer

No comment received.

6.8.6 Municipal Manager

No comment received.

ANNEXURES

Annexure A: Paradyskloof Nature Area Environmental Management Plan (March 2019)

Annexure B: Eikestad News advertisement (November 2018) / Proof of document delivery at Stellenbosch- and Jamestown Library

Annexure C: Comment received

Annexure D: Comment and response report

FOR FURTHER DETAILS CONTACT:

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

ANNEXURE A

PARADYSKLOOF NATURE AREA

ENVIRONMENTAL MANAGEMENT PLAN

March 2019



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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1 INTRODUCTION

1.1 PURPOSE

The purpose of this Environmental Management Plan (EMP) is to establish a distinct vision and overarching goal for the management of the Paradyskloof Natura Area (from hereon referred to as the Paradyskloof NA or simply the NA) in context of the relevant legislation and associated regulations. Accordingly, the primary aims of this EMP include the following:

- a) Facilitating the rehabilitation and long-term conservation of the Paradyskloof NA.
- b) Promotion of a conservation ethos in the minds of the people of the area and the general public with the objective to create a shared responsibility to maintain the health, diversity and productivity of the area in a spirit of stewardship and caring.
- c) Implementation of management practices that will benefit current and future generations.
- d) Provision of sustainable outdoor recreational opportunities in the area.
- e) Ensuring that future growth and development proposals for Stellenbosch are compatible with the vision, goals and objectives for the area and associated ecological systems.

1.2 VISION

In order to balance the conservation requirements of the Paradyskloof NA with the aspirations of all stakeholders and the place-specific environmental, social and economic constraints, the following vision is set for the area:

To manage and protect the Paradyskloof Nature Area as a sustainable and safe area which is recognised and valued for its environmental integrity and community-supporting functions.

1.3 OVERARCHING GOAL

The over-arching goal of the Paradyskloof NA is to contribute towards environmental sustainability and the conservation of biodiversity as a prerequisite for the latter. This EMP builds on the recognition that for biodiversity conservation to succeed, the maintenance of environmental integrity (as defined by ecological, economic and social criteria) must be one of the primary determinants of land-use planning and management.

Sustainability, under present circumstances, cannot be achieved without any form of management intervention and such intervention has to be financed to a significant extent. Accordingly, sustainable development projects or use within the area should ideally contribute towards the required financing of management activities in a spirit of partnership.

The CSIR (2002) states that sustainable development should *improve the state of any given situation*. Sustainable development requires a long-term, integrated, systems approach pertaining to economic, environmental and social issues. Fostering a strong sense of community and building partnerships and consensus among key stakeholders are important elements of sustainable development (CSIR, 2002). The International Union for the Conservation of Nature (IUCN) defined sustainable development as *'development that meets the needs of the present generations without compromising the ability of future generations to meet their own needs'*.

The International Institute for Sustainable Development (IISD) (1995) states that sustainable development occurs at the intersection of three global imperatives, namely *human well-being*, *environmental integrity* and *economic efficiency*. The interactive model of sustainability illustrates that sustainable development occurs where the three imperatives interact within an ‘interactive zone’ (Figure 1). Development outside this ‘interactive zone’ will not be sustainable. Mebratu (1998).¹ The EMP builds on the following understanding of the three global imperatives:



Figure 1: The interactive model of sustainability (Adapted from Mebratu, 1998).

1.3.1 Human Well-Being

Human well-being refers to both *material* and *spiritual* well-being. Material well-being refers to the absence of poverty. Spiritual well-being *inter alia* refers to the absence of inequality and being in a position to obtain new powers, emotionally, intellectually and physically and to be able to play a meaningful role in promoting and achieving sustainable development. It is recognised that the Paradyskloof NA has a significant impact on the well-being of the people of Stellenbosch and surroundings in terms of a number of important aspects.

1.3.2 Environmental Integrity

Environmental integrity refers to the relative ‘*wholeness*’ of the environment. ‘Environment’ is defined as the aggregate of all external conditions and influences affecting the life of an organism. Environmental integrity is determined by the *value* of the environment or place (natural or human-made), with specific reference to its intrinsic, systemic, and/or instrumental value. The EMP builds on the recognition that the human-made environment is located within and ‘contained’ by the natural environment. The manner in which human settlements are developed, therefore, has an immense impact on the quality and integrity of the environment as a totality. It is therefore imperative that the human-made environment be planned, designed and developed in a manner that will ensure the maintenance of the values referred to above (i.e. intrinsic, systemic, and/or instrumental value). From a natural environmental perspective, ecological integrity is a key factor in the sustainable development equation. Ecological integrity *inter alia* requires that biodiversity is protected and essential ecological processes and services (e.g. water yield and quality, soil conservation, decomposition, etc.) are maintained. *Environmental health* is the key to sustainable development. The primary threat to environmental health is fragmentation of community-supporting ecosystems. Fragmentation generally leads to a cycle of environmental degradation, which subsequently influences the well-being of the dependent communities.

1.3.3 Economic Efficiency

Economic efficiency is understood as *the optimisation of benefit at the lowest cost*. It includes the innovative and efficient use of available resources. The Paradyskloof NA is an important public

¹ Mebratu, D. 1998: Sustainability and sustainable development: Historical and conceptual overview. *Environmental Impact Assessment and Review*, 18:493-520.

resource that has to be managed for the benefit of all concerned and in terms of best-practice management strategies in order to ensure efficiency.

1.4 GUIDING PRINCIPLES

It is important that the following principles guide future management of the Paradyskloof NA:

- i. Precautionary principle: The precautionary principle refers to actions on issues considered to be uncertain. The principle is used by policy makers to justify discretionary decisions in situations where there is the possibility of harm from making a certain decision when extensive scientific knowledge on the matter is lacking. Precaution may be defined as *caution in advance* or *caution practised in the context of uncertainty*. The precautionary principle is an expression of a need by decision-makers to anticipate harm before it occurs.
- ii. Causal principle: This principle indicates means that default responsibility for rectification or mitigation of any particular impact rests with the entity which directly caused such impact. While the more well-known polluter pays principle is a subcategory of this, the causal principle applies not just to pollution but more generally to all impacts.
- iii. Integration principle: The Integration principle refers not only to the cooperation between different social bodies, but also to the integration of different physical, biological and social realities and issues pertaining to a particular geographic area.
- iv. Cooperation principle: Government as well as the private sector, non-governmental organisations and science all need to be involved to ensure sustainability. Successful long-term environmental management requires that all role players to act cooperatively to achieve a common goal.

2 PLANNING CONTEXT

Stellenbosch Municipality (hereafter also referred to as the Municipality) has directed that the bioregional planning approach advocated by the Provincial Government of the Western Cape through its Bioregional Planning Policy and comprehensively described in the *Manual for application of Bioregional Planning in the Western Cape* (PGWC, 2003) be adopted in municipal planning projects.

The Municipality recognises that one of the critical determinants of the success of an EMP planned in term of the bioregional planning approach is the extent to which all spheres of government co-operate and co-ordinate their activities as it relates to the subject area. This EMP therefore gives effect to the requirement that the planning and management of land units should be undertaken within the context of distinct levels, namely the *national level*, *provincial level* and the *local level* (see Figure 2). Effective integrated planning at these levels requires innovative forms of institutional integration and co-operation. Dialogue amongst all stakeholders, participatory planning and institutional flexibility are, therefore, essential to plan and manage effectively.

The Paradyskloof NA EMP responds to the relevant legislation, policy and regulations, the most important of which are summarised below.

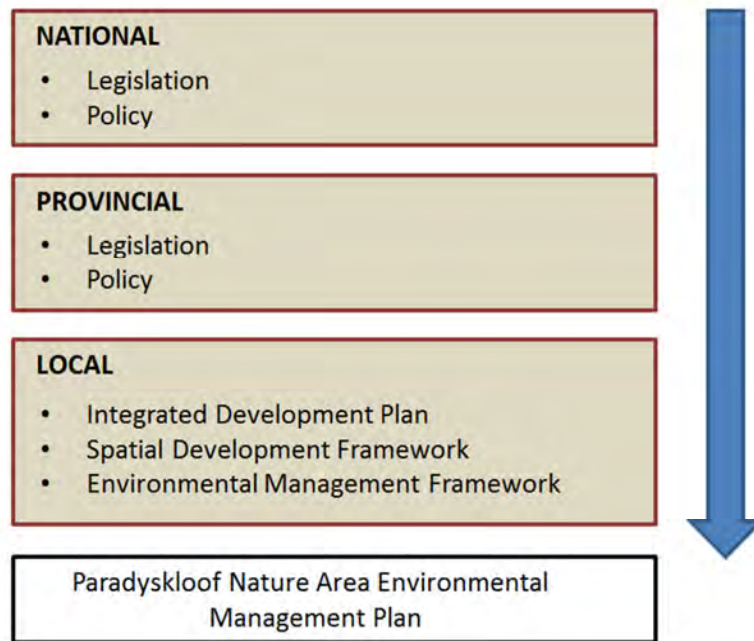


Figure 2: Planning levels applicable to the Paradyskloof NA EMP.

2.1 NATIONAL

2.1.1 South African Constitution

The South African Constitution, Act 108 of 1996, places an obligation on all to ensure that sustainable development is promoted and that the integrity of the environment is respected. In Section 24(b)(iii) of the Bill of Rights chapter of the Constitution, it is stated that ‘everyone has the right to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that secure ecologically sustainable development and use of natural resources, whilst promoting justifiable economic and social development’.

2.1.2 National Environmental Management Act

Section 28 of the National Environmental Management Act, 107 of 1998 (NEMA), creates a general duty of care on every person to *take reasonable measures to prevent significant pollution or degradation of the environment from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment*. The Act provides for the preparation of environmental management plans by the relevant departments involved in the management of the environment.

2.1.3 National Environmental Management: Biodiversity Act

The National Environmental Management: Biodiversity Act, 10 of 2004 (NEMBA), has the following objectives:

- a) To provide for the management and conservation of South Africa's biodiversity within the framework of NEMA.
- b) To provide for the protection of species and ecosystems that warrant national protection.
- c) To provide for the sustainable use of indigenous biological resources.
- d) To provide for the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources.

2.1.4 National Environmental Management: Protected Areas Act

The National Environmental Management: Protected Areas Act, 57 of 2003, provides for the protection and conservation of ecologically viable areas, for the management of those area, for intergovernmental co-operation and public consultation in matters concerning protected areas, and for matters in connection therewith.

2.1.5 National Water Act

The purpose of the National Water Act, 36 of 1998, is to ensure that South Africa's water resources are protected, used, developed, conserved and controlled in a manner that takes into account, amongst others, basic human needs, equitable access thereto, the promotion of efficient, sustainable and beneficial use of water, facilitation of social and economic development, and protection of aquatic and associated ecosystems.

2.1.6 National Veld and Forest Fire Act

Veld fires in South Africa are dealt with under the National Veld and Forest Fire Act, 101 of 1998. The purpose of the National Veld and Forest Fire Act is *to prevent and combat veld, forest and mountain fires throughout the Republic*. The Act places the duty on land owners to make provision for the management of veld fires on their own land. Failure to do so may result in penalties being enforced and claims lodged against a landowner if the above Act's requirements were not met. In terms of the National Veld and Forest Fire Act the following responsibilities apply to landowners:

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

2.1.7 National Heritage Resources Act

South Africa' heritage are dealt with under the National Heritage Resources Act, 25 of 1999, which aims to *promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy so that it may be bequeathed to future generations.*

2.1.8 Conservation of Agricultural Resources Act

The purpose of the Conservation of Agricultural Resources Act, 43 of 1980 (CARA), is to provide control over the utilization of the natural agricultural resources in order to promote the conservation of soil, water sources and the vegetation and the combating of weeds and invader plants.

2.1.9 Spatial Planning and Land Use Management Act

The Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), includes the following stipulations:

Land use planning principles and objectives

Section 59 (4): To promote environmental integration in land use planning, a competent authority must—

- a) *strive towards ecologically, socially and economically sustainable development, taking into account —*
 - (i) *the economic potential of the relevant area or region;*
 - (ii) *biodiversity;*
 - (iii) *social needs;*
 - (iv) *cultural heritage resources;*
 - (v) *agricultural resources*
- b) *ensure that development heeds the natural processes that control the relevant area;*
- c) *strive to achieve development that is harmonised with the ecological characteristics of the environment;*
- d) *promote the conservation and management of biodiversity;*
- e) *discourage development in unsuitable environments such as —*
 - (i) *areas with a high water table;*
 - (ii) *swamps;*
 - (iii) *flood plains;*
 - (iv) *steep slopes;*
 - (v) *areas sensitive to drift-sands and sea-level rise;*
 - (vi) *areas with high biodiversity importance;*
 - (vii) *areas with important cultural and scenic landscapes –*
- f) *minimise the fragmentation of natural habitat in ecological corridors and areas with high biodiversity importance;*
- g) *facilitate soil conservation and the control of pollution;*
- h) *address the land use implications of —*
 - (i) *the provision and conservation of energy;*
 - (ii) *the management of the demand for energy;*
 - (iii) *climate change mitigation and climate change adaptation strategies;*
- i) *protect the cultural heritage and tourism resources of the Municipality.*

2.2 PROVINCIAL

2.2.1 Constitution of the Western Cape Province

The EMP supports and gives effect to the Constitution of the Western Cape, Act 1 of 1998. In terms of Chapter 10 of the Constitution this province has to adopt and implement strategies to actively promote and maintain the welfare of the people and the environment of the Western Cape, including policies aimed at achieving inter alia the following:

- a) Safety and security.
- b) The protection or advancement of persons, or categories of persons, disadvantaged.
- c) The promotion of a market-orientated economy.
- d) The development of rural communities and the promotion of the welfare of rural workers.
- e) The protection of the environment of the Western Cape, including its unique fauna and flora, for the benefit of present and future generations.
- f) The protection and conservation of the natural historical, cultural historical, archaeological and architectural heritage of the Western Cape for the benefit of present and future generations.

2.2.2 Land Use Planning Act

The SPLUMA and the Western Cape Land Use Planning Act, 3 of 2014 (LUPA), require that spatial planning and development be guided by normative principles and that policy and plans should explicitly indicate how they would meet the requirements of such principles. These principles are:

- a) Justice: Fair allocation of public resources to ensure that the needs of the poor are addressed.
- b) Sustainability: Sustainable patterns of consumption and production should be supported, and ways of living promoted that do not damage the natural environment.
- c) Resilience: Vulnerability to environmental degradation, resource scarcity and climatic shocks must be reduced. Ecological systems should be protected and replenished. The resilience of all other forms of capital, including social, monetary and infrastructural capital should be enhanced to the extent possible.
- d) Efficiency
- e) Good governance: Good governance is the key to long-term sustainability.

2.2.3 Western Cape Provincial Spatial Development Framework

The Western Cape Provincial Spatial Development Framework (generally referred to as the PSDF) is aligned with the National Spatial Development Perspective (NSDP) and other national policy frameworks, and endorses the vision of the Western Cape Provincial Government to create 'A Home for All'. The PSDF is purported to support the development growth path paved by the iKapa Elihlumayo Strategy and the other lead strategies.

2.2.4 Provincial Bioregional Planning Policy

As stated above, the PGWC is advocating a bioregional planning approach as described in the *Manual for application of Bioregional Planning in the Western Cape* (PGWC, 2003). The Stellenbosch Municipality has adopted the said approach for the planning, development and management of its area of jurisdiction.

2.3 LOCAL

2.3.1 Stellenbosch Integrated Development Plan

The Stellenbosch Integrated Development Plan (IDP) includes a needs-analysis, which puts forward a number of needs for each particular area within the municipality.

2.3.2 Stellenbosch Spatial Development Framework

The primary goal of the Stellenbosch Spatial Development Framework (SDF) is to give practical effect to the mission statement of the people of the local municipal area, as expressed in the SDF of the Stellenbosch Municipality, namely: *'The spatial development framework of the Stellenbosch Municipality should be measured by the 'triple bottom line' of economic efficiency, environmental sustainability and social justice with an emphasis on the issues facing the rural and urban poor.'*

2.3.3 Stellenbosch Environmental Management Framework

The Stellenbosch Environmental Management Framework (SEMF) is Stellenbosch Municipality's strategic environmental management policy that responds to and complies with the relevant statutes and directives. As such, the SEMF serves as a:

- a) Spatial and strategic supplement to the SSDF.
- b) Policy for ensuring environmental sustainability and for the aligning/integrating land-use activities in accordance with defined sustainability objectives.
- c) Strategy towards enhancing the well-being of the people and the environment of the Municipality by providing for:
 - (i) A uniform, effective and comprehensive system of environmental planning and management throughout the Municipality.
 - (ii) Environmental and sustainability principles, norms and standards.
 - (iii) Sustainable and efficient use of land and other forms of environmental capital.
 - (iv) Providing for cooperative governance and intergovernmental relations within the sphere of the Municipality and between the latter and all other institutional spheres and the private sector.
- d) A compilation of and alignment directive for the strategies and plans of the various sectoral departments and directorates of the Municipality.

2.3.4 Stellenbosch Municipality: By-Law Relating To Plantations, Parks, Gardens, Recreational Facilities And Nature Reserves (P.N. 373/1988)

According to the above by-law *no person shall in or on premises, buildings, land, plantations, a commonage, enclosures, nature reserves, parks, gardens, open erven and spaces, picnic areas, nurseries, trees, sport and recreation facilities which are vested in or under control of the Council –*

- (a) *disfigure or deface any post, railing, fence, seat, barrier, gate, notice board, plate, house, building, shed, urinal, closet, flag, mark or other article or thing by pasting thereon or affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon in any way whatsoever,*
- (b) *remove, destroy, damage or deface any notice or sign,*

- (c) *make a fire or commit any acts whereby a fire may be caused, except in places where fireplaces are provided;*
- (d) *saw, cut, gather, remove dig up, burn, pick or break any timber, tree, shrub, brushwood, fencing, pole, lawn, plants, fruits, flower or equipment, or climb therein or thereon or damage it in any way;*
- (e) *remove or disturb any soil or water at a place other than that specially provided by Council;*
- (f) *erect or cause to be erected any post, rail, fencing, tent, screen, stand, swing, building or construction of whatever nature without the written permission of the Council;*
- (g) *park, drive, ride pull or propel any type of vehicle except a manually operated wheelchair or perambulator when used for the conveyance of an invalid or a child;*
- (h) *leave any refuse, building waste, rubbish, paper, materials or any object except in containers provided for that purpose;*
- (i) *injure, kill, hunt, capture, or disturb any animal or bird, or damage or destroy the nest or eggs of any bird or interfere with the animal life in any other way;*
- (j) *break, damage, hurt, destroy, disfigure or remove any flora, fauna or nest of fauna or objects of historical or scientific interest or any property in the nature reserve;*
- (k) *introduce any flora, fauna, weapon, trap, net, explosive or poison into the nature reserve, or be in possession thereof in the nature reserve;*
- (l) *fire a fire-arm or an air-gun, discharge any firework, catapult or sling or throw a stone or other missile;*
- (m) *in any other way cause a nuisance, obstruction, disturbance or annoyance to the public, to brawl, fight, swear or use obscene, indecent or improper language, gamble, beg, behave in an indecent or offensive manner or drink intoxicating liquor;*
- (n) *sell or offer for sale or hire, or hawk or exhibit any article or distribute any pamphlet, book, handbill, or other matter;*
- (o) *present any public entertainment;*
- (p) *play a musical instrument, and*
- (q) *deliver or say any speech, public address or prayer of whatever nature or sing any song or hold or participate in any public meeting or function unless he has previously obtained the written permission of the Council to do so;*
- (r) *enter upon any ablution or sanitary conveniences indicated as having been provided for persons of the opposite sex;*
- (s) *enter or leave other than by an entrance or exist provided for that purpose, or*
- (t) *refuse to leave when requested to do so by an authorised officer of the Council or a member of the South African Police;*
- (u) *wash any article or animal under a tap, in a pond, fountain or in an ornamental pond or otherwise pollute water, or*
- (v) *swim in a dam or wash any clothes or other things or pollute the water therein in any other manner, and*
- (r) *perform any act whatsoever which may injure persons, damage or destroy any property.*

3 PROPERTY DESCRIPTION

3.1 LOCATION

The Paradyskloof NA is located within Stellenbosch Municipality (refer to Figure 3) on the south-eastern edge of the town of Stellenbosch. It is bordered by University of Stellenbosch owned farm land and nature areas to the north, Stellenbosch Mountain to the east and privately owned farm land to the south.

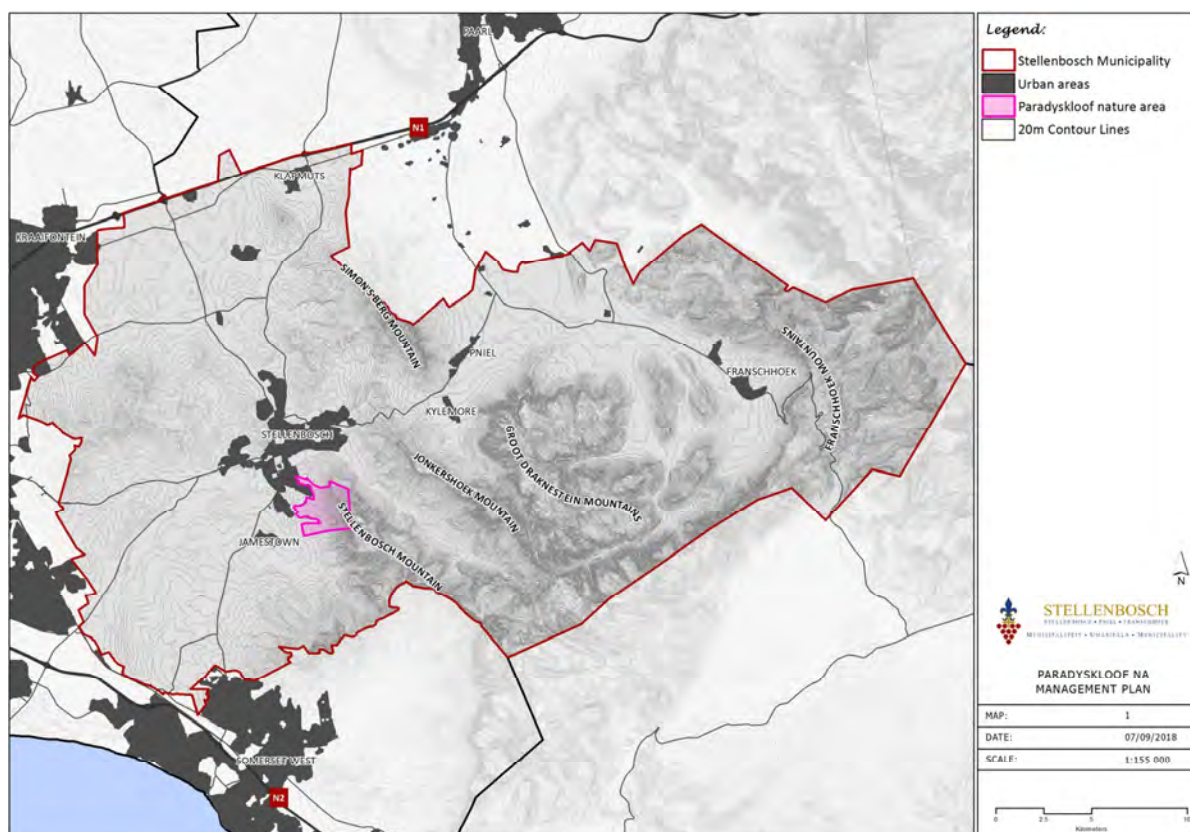


Figure 3: Paradyskloof nature area in context of Stellenbosch Municipality

To the west the area is bordered by the Paradyskloof- and Brandwacht neighbourhoods of Stellenbosch town and land used for farming purposes (Figure 4). The area consist of Portion 2 of Farm 368 and portions of Farms 369 and 366 with a total area of approximately 550 ha. The relevant property is municipal owned land and zoned for agricultural purposes.

The eastern, mountainous, half of the area has always been kept in a natural state with the western half largely used for forestry. Most of the timber have, however, been harvest with an approximately 40 ha portion still planted with pine trees.

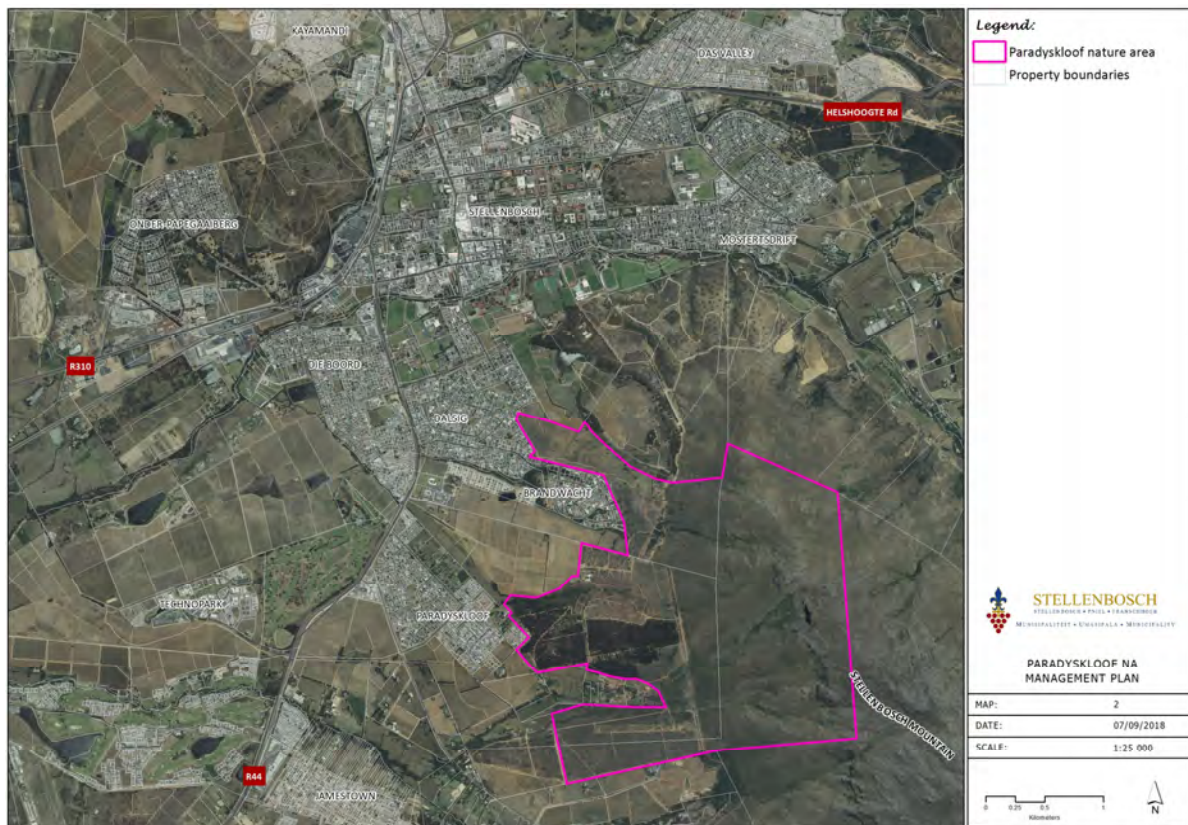


Figure 4: Paradyskloof NA in context of Stellenbosch town

3.2 LANDSCAPE PERSPECTIVE

The Municipality forms part of the Cape Winelands Biosphere Reserve (CWBR) which was approved by United Nations Educational, Scientific and Cultural Organization (UNESCO) and included in the World Network of Biosphere Reserve during 2007. The Paradyskloof NA forms part of a system of nature-and/or protected areas that collectively form the core and buffer areas of the CWBR. This system is based upon the principle that a system of protected areas is a key element of any strategy to maintain biodiversity and ecosystem functions on a larger regional scale. It is imperative that such a system be designed and managed to represent and protect the diversity of ecological processes, communities, species and gene pools (Global Biodiversity Strategy, 1992).

Various protected areas in the proximity of the Paradyskloof NA include the Papegaaiberg Nature Reserve, Jan Marais Nature Reserve, Jonkershoek Conservancy, Bottelary Hills Renosterveld Conservancy, Hottentots-Holland Nature Reserve, Koopmanskloof Private Nature Reserve and Simonsberg Nature Reserve (Figure 5).

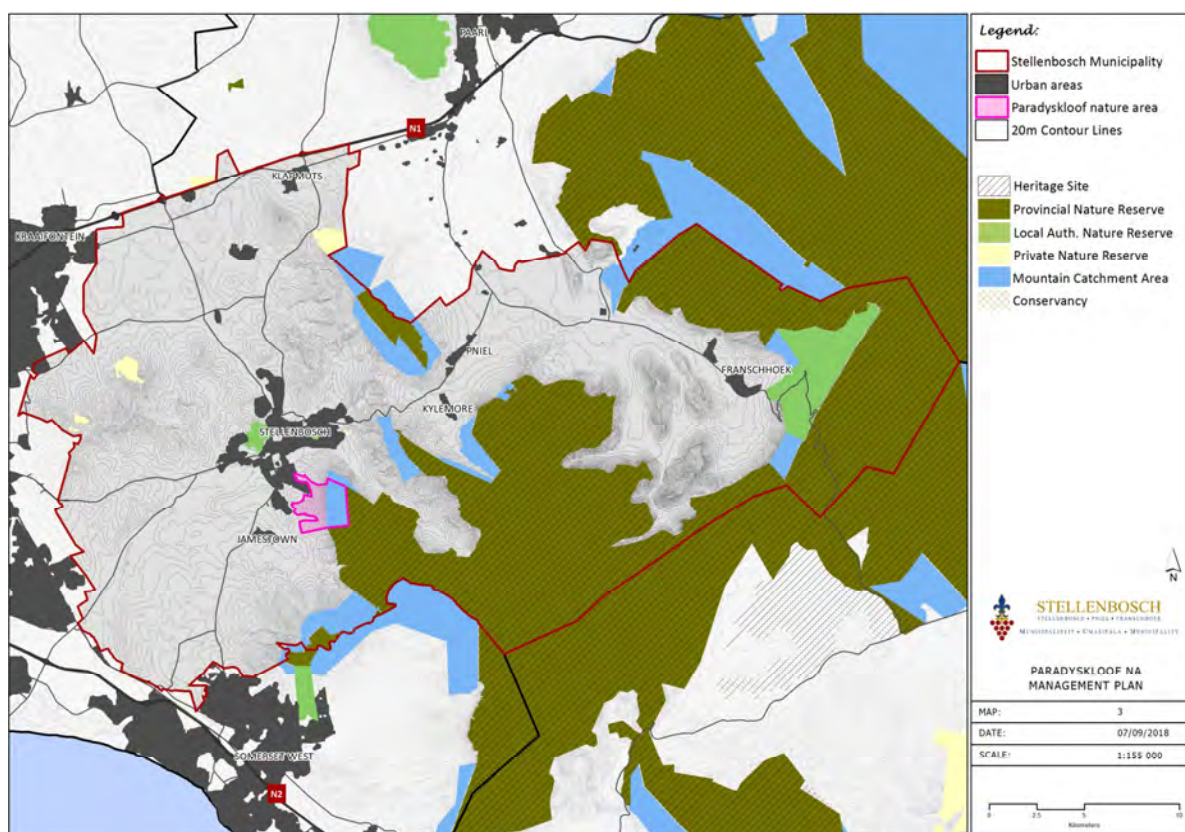


Figure 5: Paradyskloof NA in context of surrounding protected areas

3.3 BIOPHYSICAL CHARACTERISTICS

3.3.1 Climate

Stellenbosch has a typically Mediterranean climate. Summers are dry and warm to hot. Daytime temperatures range from 24°C to 35°C, with some February and March days rising to over 40°C. A south easterly wind often blows in summer bringing cooler air from the nearby coast. Winter is typically wet, windy and cold with daytime temperatures range from 10°C to 20°C. Rains are brought with north westerly winds. Stellenbosch normally receives about 673mm of rain per year. Snow is usually seen a couple of times in winter on the surrounding mountains. Spring and autumn daytime temperatures hover in the 20°C's.

3.3.2 Topography

The Paradyskloof NA slopes upward from its lowest point closest to Brandwacht, at 160 meters above seal level, to the east rising to approximately 1050 m at its highest point. The north-south firebreak, dividing the property in half, is located at 350 m above sea level. Apart from the steep slope the area is characterised by three valleys draining from Stellenbosch Mountain towards the Eerste- and Blaauwklippen Rivers respectively.

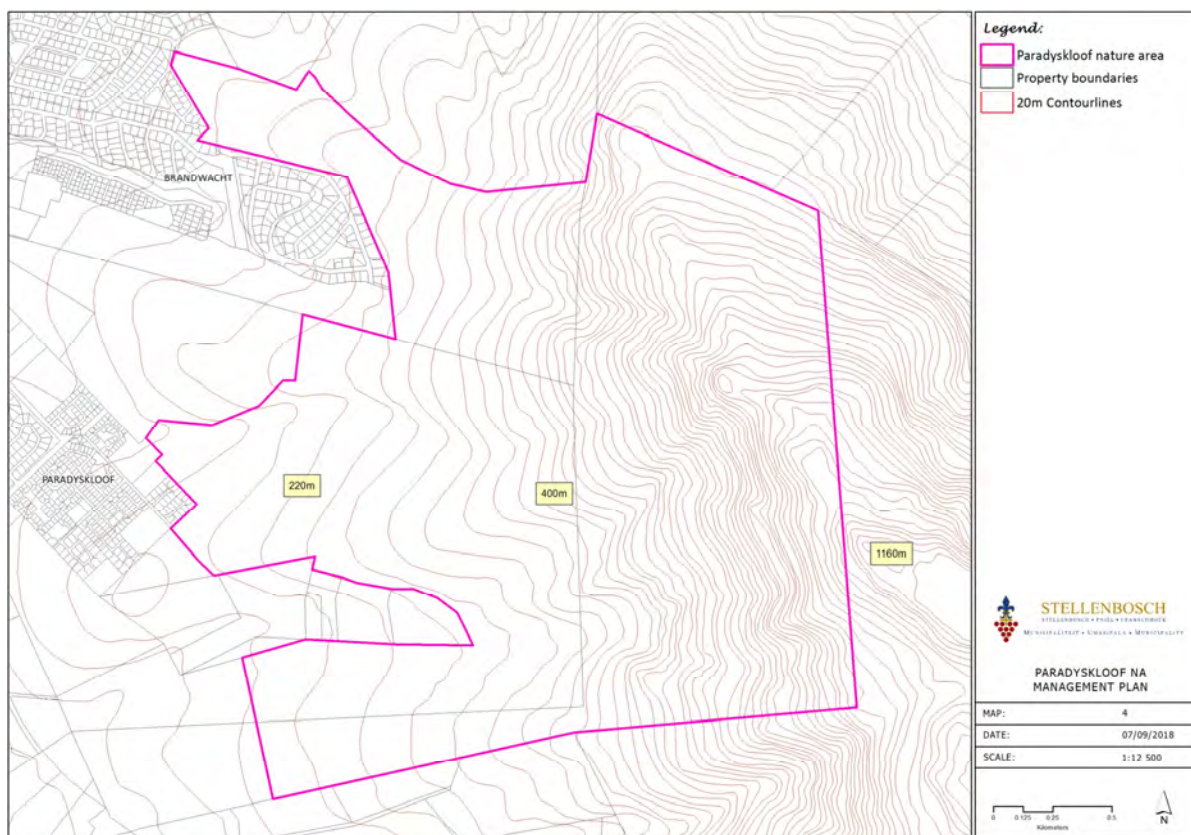


Figure 6: Paradyskloof NA topography

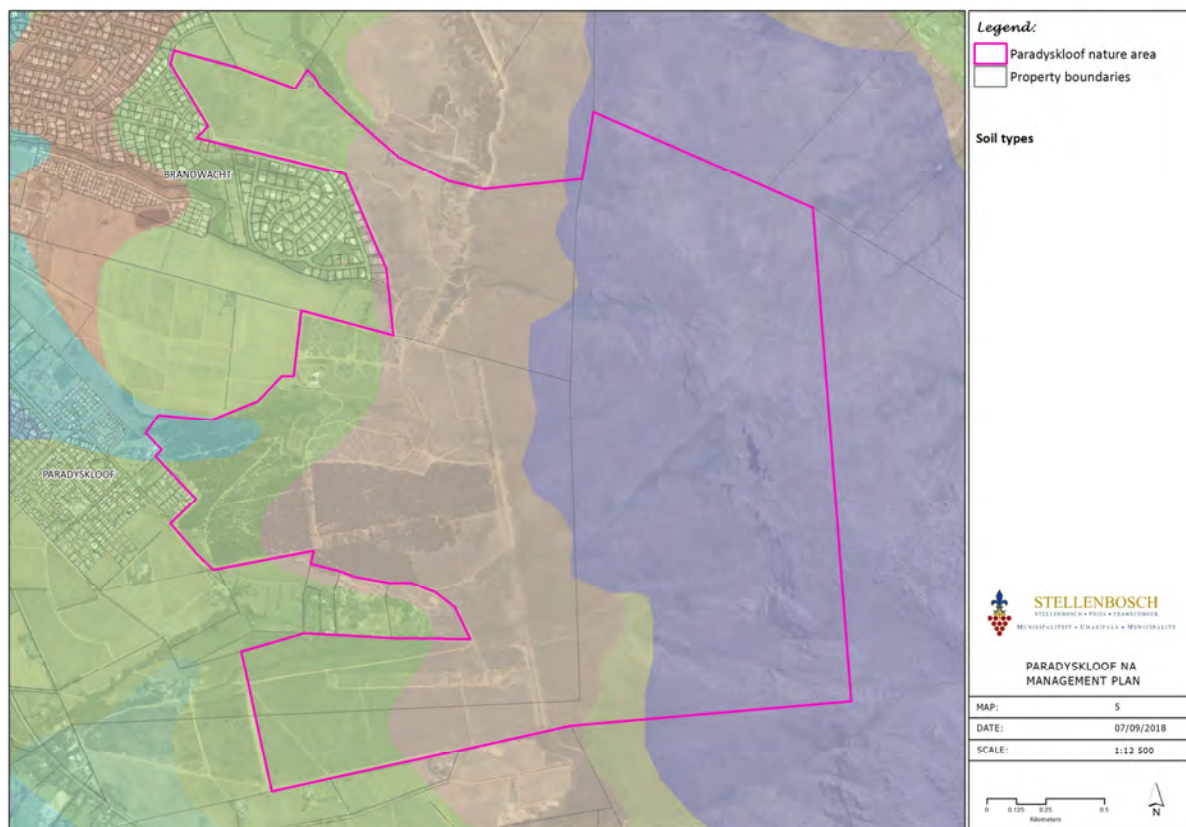


Figure 7: Paradyskloof NA soil

3.3.3 Soil

The higher lying areas of Paradyskloof NA is dominated with rock with little to no soil. The lower lying, or western portion of the Paradyskloof NA consist of red and yellow freely drained mesotrophic to eutrophic soils.

3.3.4 Hydrology

The Paradyskloof NA borders the Hottentots-Holland mountain catchment area and forms part of quaternary catchment² No. G22H (refer to Figure 8). The catchment functions of the NA may seem insignificant, however, it performs an important function as part of an integrated group of ecosystems that collectively determine the health of the entire catchment. A primary threat to environmental health is fragmentation of the community-supporting ecosystems. Fragmentation generally leads to a cycle of environmental degradation which consequently influences the well-being of the dependent communities.

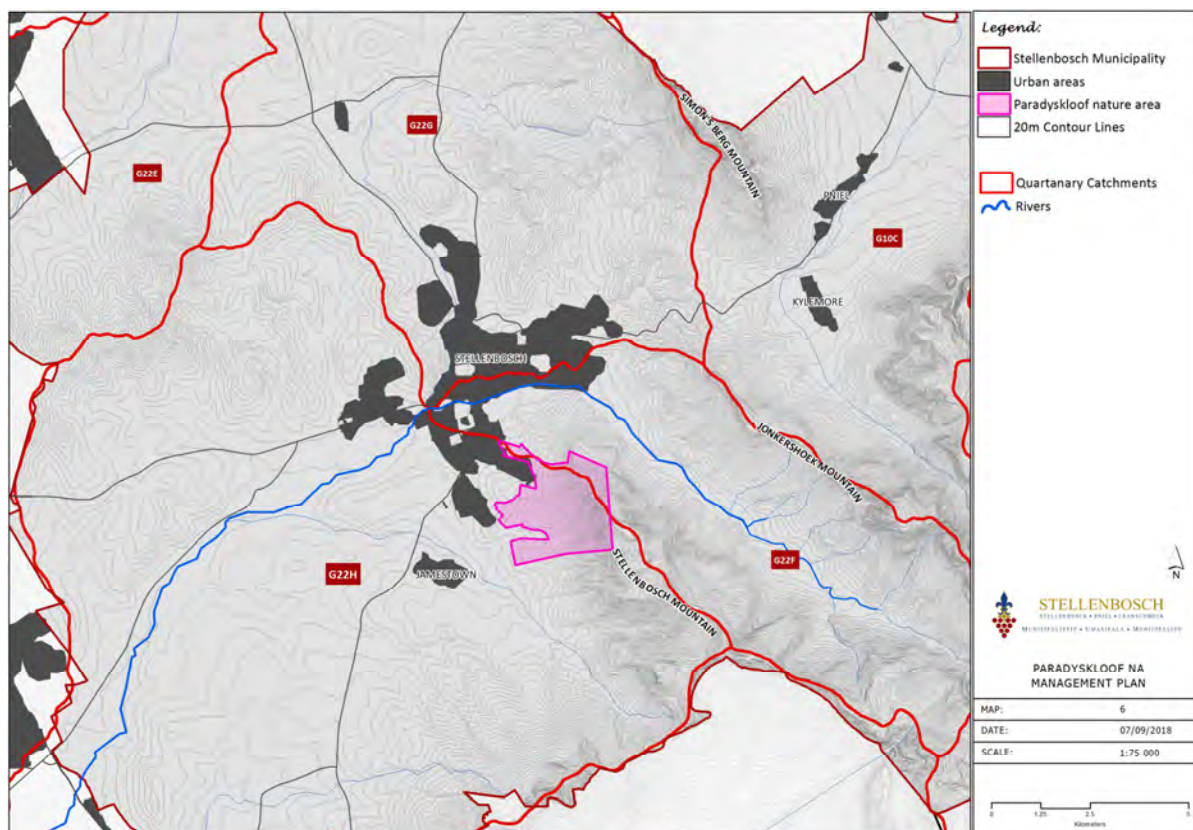


Figure 8: Paradyskloof NA in catchment area context.

Ecosystems and/or catchments are mutually dependent on every natural component for their existence. The loss, or degradation, of one component thus affects all others, potentially leading to the collapse of the total system on which communities may depend for their livelihood. Hence the

² Catchment (or catchment area) is defined as the entire land area from which water flows into a river; catchments can be divided into smaller 'sub-catchments' which are usually the area which drains a tributary to the main river or a part of the main river.

importance of conserving every natural part, or life form, of a system that forms part of the natural water cycle³. Government policy, which forms the basis of the National Water Act, 1998 (Act 36 of 1998), states that *'since many land-uses have a significant effect on the water cycle, the regulation of land-use should, where appropriate, be used as an instrument to manage water resources'*.

3.3.5 Fauna

The Paradyskloof NA, especially the higher lying area, is home to leopards, caracals, klipspringers, baboons, honey badgers, mongoos and numerous smaller animals like micem shrews and rats. Birdlife includes kingfishers, black eagles, spotted eagle owls, sugarbirds, orange-breasted sunbird and protea seedeaters⁴. On warm days rock agama lizards can be seen basking in the sun. Berg adder, puff adder, boomslang and Cape cobra are fairly common.

3.3.6 Flora

The area forms part of the world-renowned Cape Floral Kingdom internationally recognised as one of the six Floral Kingdoms of the world. The Cape Floral Kingdom is the smallest, covering a mere 0,06% of the earth's surface, and is the only Floral Kingdom contained in its entirety within a single country. The Cape Floral Kingdom is characterised by its exceptional richness in plant species and its high endemism. More than 8 700 species are known to occur, with more than 68% being endemic⁵. The Cape Floral Kingdom is of immense scientific importance, both nationally and internationally. It covers only 4% of South Africa, but contains 45% of all plant species of Southern Africa. Approximately 75% of all plants in the South African Red Data Book are found in the Cape Floral Kingdom. Many Fynbos species are extremely localised in their distribution, with sets of such localised species organised into 'centres of endemism' (Low and Rebelo, 1996).

The vegetation type of Paradyskloof NA is Cape Wineland Shale Fynbos and is a vulnerable terrestrial ecosystem. Cape Wineland Shale Fynbos soil is naturally poor in nutrients, moist and is slightly acidic. The biodiversity of the Cape Wineland Shale Fynbos is incredibly high. The Cape Wineland Shale Fynbos comprises of a diversity of protea, erica, geophyte and daisy species as well as some endemic species. The vegetation type is of conservation significance because of its high vulnerability state due to its location on lower slopes, which are mostly used for agricultural and urban development. Of the 54% remaining natural areas only 25% are formally protected.

The information provided by the South African National Biodiversity Institute (SANBI) and the Cape Action for People and the Environment (C.A.P.E.) with regard to the irreplaceability⁶ of habitats indicates that the middle to higher lying area above Paradyskloof and Brandwacht is of immense conservation importance (Figure 9). This is mainly due to the fact that the area is, or used to be, the habitat of the now almost extinct West Coast Renosterveld. The objective is to rehabilitate and

³ The water (hydrological) cycle describes the natural process of moving water out of the oceans, into the atmosphere, and back to the land and oceans.

⁴ <http://www.capenature.co.za/wp-content/uploads/2015/10/Jonkershoek-Map-Brochure1.pdf>

⁵ Confined, or exclusive, to a particular specified area.

⁶ The potential contribution of a site to a preservation or representation goal. It is a fundamental way of measuring the conservation value of any site. An irreplaceable site will appear in every analysis of alternative combinations of sites. In other words, it is one which must be included in a conservation area because significant options for preservation are lost if the site is excluded.

conserve as much as possible of this area. More recent data, however, that was released as part of the Western Cape Biodiversity Spatial Plan (2017), shows that a large portion of the area is regarded a Critical Biodiversity Areas (CBAs) (Figure 10). The various categories indicated on Figure 10 are defined in Table 1 below.

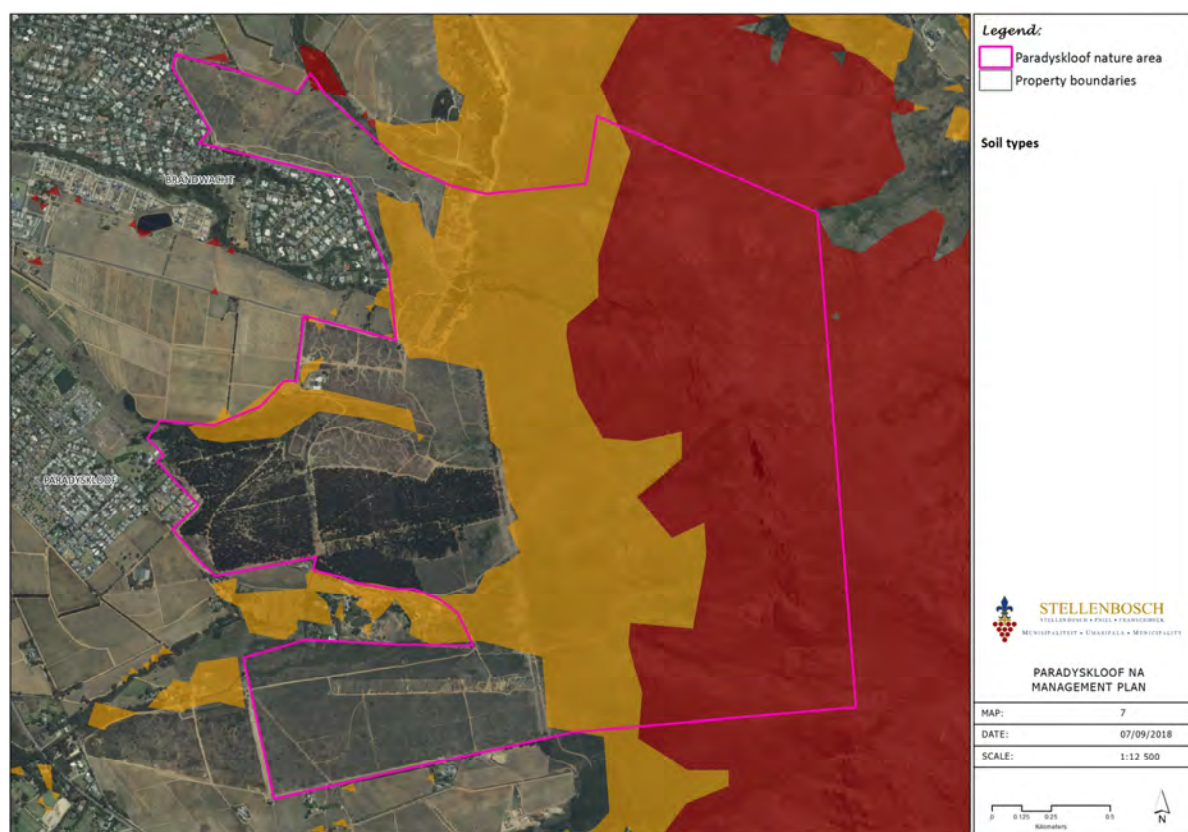


Figure 9: Irreplaceability of habitats in the Paradyskloof NA (Source: CAPE).

Table 1: Western Cape Biodiversity Spatial Plan map categories

MAP CATEGORY	DEFINITION
Protected Area	Areas that are proclaimed as protected areas under national or provincial legislation.
CBA 1	Areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.
CBA 2	Areas in a degraded or secondary condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.
ESA 1 ⁷	Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs, and are often vital for delivering ecosystem services.
ESA 2	Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs, and are often vital for delivering ecosystem services.
Other Natural Area	Areas that have not been identified as a priority in the current systematic biodiversity plan, but retain most of their natural character and perform a range of biodiversity and ecological infrastructure functions. Although they have not been prioritised for biodiversity, they are still an important part of the natural ecosystem.

⁷ Ecological Support Area



Figure 10: Critical Biodiversity Areas (Source: SANBI)

3.4 INFRASTRUCTURE

A number of municipal infrastructure is located within the Paradyskloof NA including water treatment works, reservoir and recently drilled boreholes. Being an old forestry area the western portion of the area has kilometers of existing service roads. The Paradyskloof NA also has a “clubhouse” that was recently refurbished by the Municipality (Figure 11).

3.5 USE

The Paradyskloof NA is utilised in various ways, including:

- a) **Forestry:** Most of the western portion of the Paradyskloof NA was at some point used for forestry. Whilst most of the trees in the area have been harvested over time the area still consist of an approximately 40 ha area of mature pine.
- b) **Outdoor recreation:** As mentioned above, the Paradyskloof NA’s western section has numerous existing service roads. These roads, and a system of tracks and trails, are used for recreational purposes. These uses include
 - Cycling (mountain-biking)
 - Hiking
 - Walking of dogs
 - Running

- Horseriding
- c) Research
- d) Municipal infrastructure and service delivery: As described in Chapter 3.4 above, the Paradyskloof NA includes various area which form part of active municipal infrastructure that are used and maintained on a daily basis.
- e) Events: The Paradyskloof NA is the subject of numerous event applications, mainly associated with mountain-biking or trail-running as well as the use of the clubhouse.
- f) Filming: Stellenbosch Municipality from time-to-time received applications for filming or photoshoots within its nature areas.

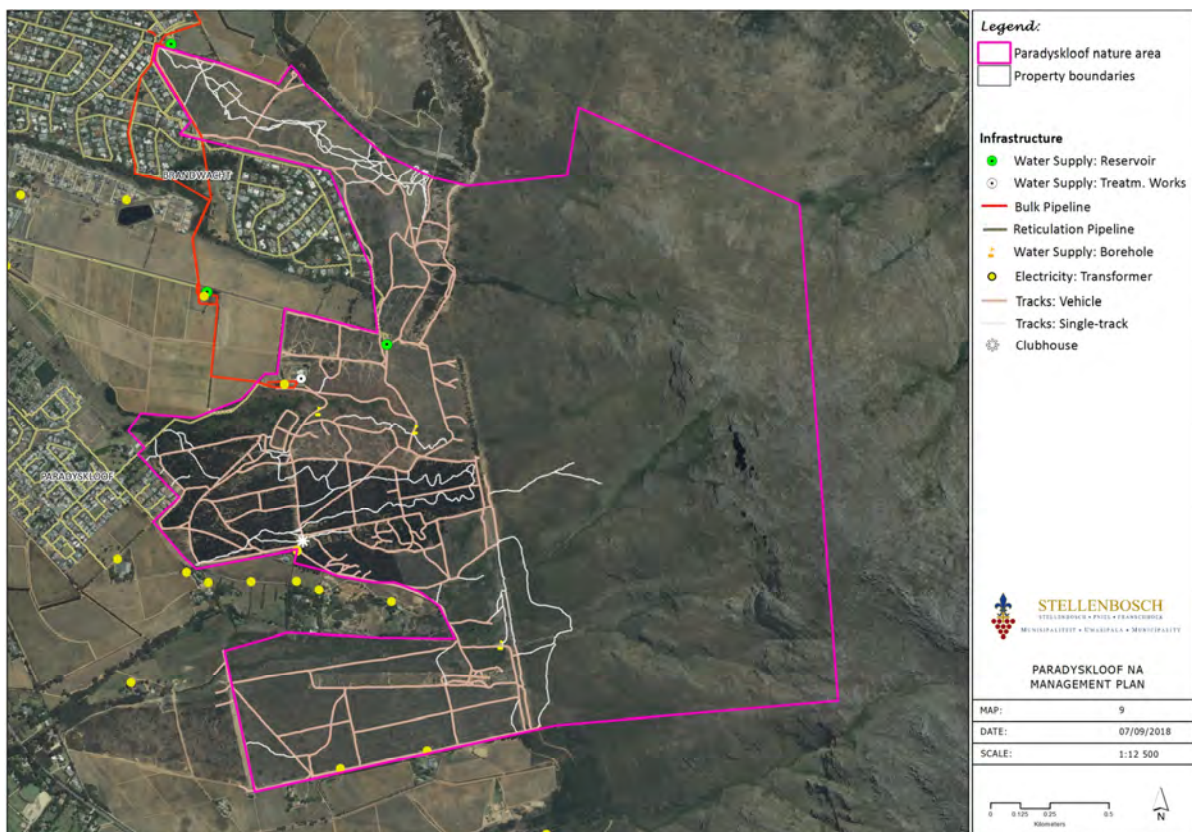


Figure 11: Existing infrastructure within the Paradyskloof NA

3.6 THREATS

The eastern portion of the Paradyskloof NA is in a natural state whilst the western part has been impacted upon by historic land-uses, with particular reference to the forestry activities that have been largely phased out over the recent past. These activities resulted in:

- (i) Habitat fragmentation and degradation.
- (ii) General loss of biodiversity in affected areas.
- (iii) Soil erosion.

Further threats to be addressed or mitigated include the following:

- a) Access control: Uncontrolled access poses various threats to the area, mainly in terms of security (crime prevention), managing the risk of fire and vandalism.
- b) Misuse and misunderstanding: The use of the area was primarily focused around the *instrumental* value of the site, which implies that the site has essentially been considered a mere resource utilised for forestry, infrastructure and recreational activities. These land-uses have caused degradation of the visual integrity and ecology of the site.
- c) Fire: Given the nature of the ecology of the area, the presence of the forest, biomass, limited control of access and various other factors that increase the risk of an ignition the Paradyskloof NA is a risk to fire.
- d) Infestation of alien vegetation: The infestation of alien plant species is a significant threat to the ecology and visual quality of Paradyskloof NA. The alien vegetation (which is a legacy of former forestry-related land uses) has resulted in a modified floral composition which is conducive to high-intensity fires. In turn, these are immensely disruptive to the ecology of fynbos and ecosystem processes.

4 MANAGEMENT DIRECTIVES

This section comprises the management strategies and guidelines in terms of which the Paradyskloof NA is to be managed in order to achieve the objectives documented above. The management strategies and guidelines are addressed under the following themes:

- Administration
- Environmental Protection
- Land Use Management
- Environmental Auditing

4.1 ADMINISTRATION

The long-term sustainability of the area largely depends on its effective administration. Of key importance in this regard is that the principle of economic efficiency be given effect through the general administration of the area and that its positive role and functions in respect of the promotion of environmental integrity and human well-being be understood and supported at all levels. Institutional commitment to achieving effective administration of the NA through, *inter alia*, the allocation of adequate budgets is of paramount importance.

Stellenbosch Municipality, through the Department: Community Services and its Nature Conservation section, is responsible for the management of the Paradyskloof NA. In terms of the principle of *inclusivity* the management of the NA is an ongoing inclusive process that gives meaningful consideration to the changing and dynamic interests, needs and values of the people of Stellenbosch and those that have an interest in ensuring a sustainable future for the area. In this regard, it is important that the following be achieved:

- a) Continued participation, representation and involvement of all stakeholders promoting broad-based policy learning and capacity development.
- c) Developing and utilising the skills and capacities of the people living in the area in the management of the NA.
- d) Encouraging on-going involvement of local people in the programs identified for the management of the NA.

Accordingly, the Municipality is to facilitate the establishment of a Friends of Paradyskloof NA that complies with and has the capacity to give effect to the above requirements. Whilst Stellenbosch Municipality is responsible for the general maintenance of the area and the implementation of this EMP it will rely on the Friends of the Paradyskloof NA for specific management activities as required (Figure 12) or where the Municipal is limited through capacity constraints. The Municipality and representatives of the Friends of the Paradyskloof NA in turn will serve on the Stellenbosch Protected Areas Forum, attended by the Department of Environment and Development Planning, Cape Nature, Stellenbosch University and representatives from other protected areas throughout the municipal area. The Stellenbosch Protected Areas Forum is technical / scientific in nature and meets on matters concerning the management and conservation of protected areas in the Municipality.

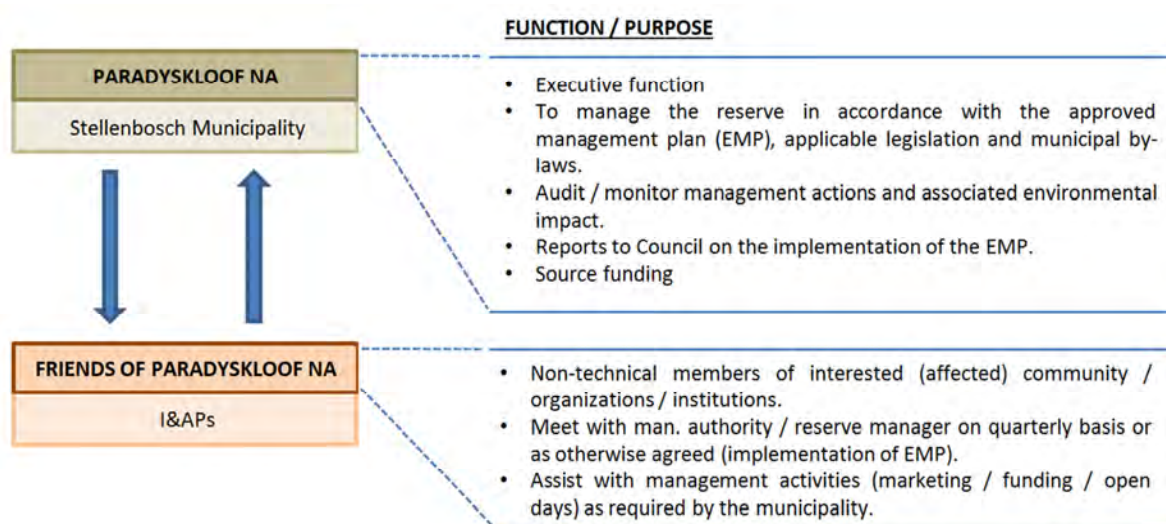


Figure 12: Paradyskloof NA management structure

Table 2: Guidelines for inception phase management

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
1	Compile an annual budget for Paradyskloof NA.	Annual at the beginning of the new financial year
2	Explicitly provide for the required funding for the Paradyskloof NA in the Stellenbosch Integrated Development Plan.	Ongoing
3	Solicit funds from potential donors.	Ongoing
4	Facilitate the establishment of a Friends of Paradyskloof NA group.	On the approval of the EMP and endorsement of the "Friends of..." concept by Council.

4.2 ENVIRONMENTAL PROTECTION

Natural resources are defined as *any materials, services and conditions that are necessary for the survival of living organisms, and have the potential to enhance quality of life. They are, in a sense, inherited by people, and are therefore part of the earth's (the natural) and people's (the cultural) heritage. Living resource conservation is specifically concerned with plants, animals and micro-organisms, and with those non-living elements of the environment on which they depend. Living resources have two important properties, the combination of which distinguishes them from non-living resources - they are renewable if conserved, and they are destructible if not* (Perry, 1954).

The intention and focus of environmental protection on the Paradyskloof NA is to facilitate the removal or mitigation of threats to the ecological of the NA, to restore the biodiversity and ecological integrity of the area to the extent that it can function as a self-sustaining system.

4.2.1 Alien Clearing

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

Stellenbosch Municipality has prepared and adopted the Stellenbosch Municipality Invasive Alien Management Plan (April, 2017). In terms of this plan the Paradyskloof NA has *high indigenous biodiversity that is under threat by invasive alien plants*. The northern section of the site contains *Acacia saligna*, *Acacia mearnsii* and *Eucalyptus globulus*. In the central area (towards the neighbourhood of Paradyskloof) most of the natural vegetation originally has been transformed into pine plantations. This is attributed to the plantation history of the area, consequently filling the seed bank with pine seeds over the plantation period. New seedlings sprout from the seed bank when vacant space becomes available after harvesting or clearing activities. There is a high occurrence of seedlings within the site, which is contributed to the disturbance caused by clearing efforts that occurred in the area. Within the disturbed area opportunistic recruitment of other invasive species, such as *Acacia saligna* and *Acacia mearnsii* is able to establish. Though their infestation is less severe than that of *Pinus pinea*, it is important to take into account the fast spreading nature of the species (via wind or human dispersal from already established populations) may lead to high infestation in the area if left unmanaged. The area is infested with *Pinus pinea*, *Eucalyptus globulus*, *Acacia implexa*, *Acacia melanoxylon*, *Acacia mearnsii*, *Acacia saligna* and *Acacia pygnantha*, of which *Acacia saligna* and *Acacia mearnsii* infestation is the most severe, collectively covering up to 25% of the central area of Paradyskloof NA (Figure 13).

In terms of the above Invasive Alien Plant Management Plan past clearing efforts have taken place within the Paradyskloof NA though the lack of follow up strategies has enabled the establishment of seedlings within the cleared areas. Initial clearing methods must be followed-up and monitored to ensure successful clearing of invasive alien plants. Accordingly:

- Clearing efforts should initiate at the top of the infested area, in terms of slope, and continue downwards. This will reduce erosion effect as well as minimize the re-establishment process of invasive alien plants within the cleared areas from overhead populations.
- Strategic placement of large tree trunks should reduce soil erosion on slopes after invasive alien clearing.
- Because the northern section of the Paradyskloof NA is less infested clearing strategies should start there, on the upper slopes, and continue downwards.
- Removal strategies for clearing invasive alien species in the area should be a combination of mechanical and chemical methods. All species should be removed mechanically by uprooting young plants and tree felling of larger trees (via axe or chainsaw), followed by the application of chemical herbicides to the cut surface to prevent resprouting. Each species has its own corresponding herbicide requirements to prevent resprouting activities and should be applied soon after tree felling. The use of herbicides may have negative effects on the health of soil composition and the natural ecosystem and should thus be used with caution and in reasonable/prescribed amounts.
- Continuous follow-up and removal of new seedlings after the initial clearing efforts are essential in order to clear the property of invasive alien plants. Follow ups and monitoring should occur annually and remaining or re-established invasive species should be removed when located.

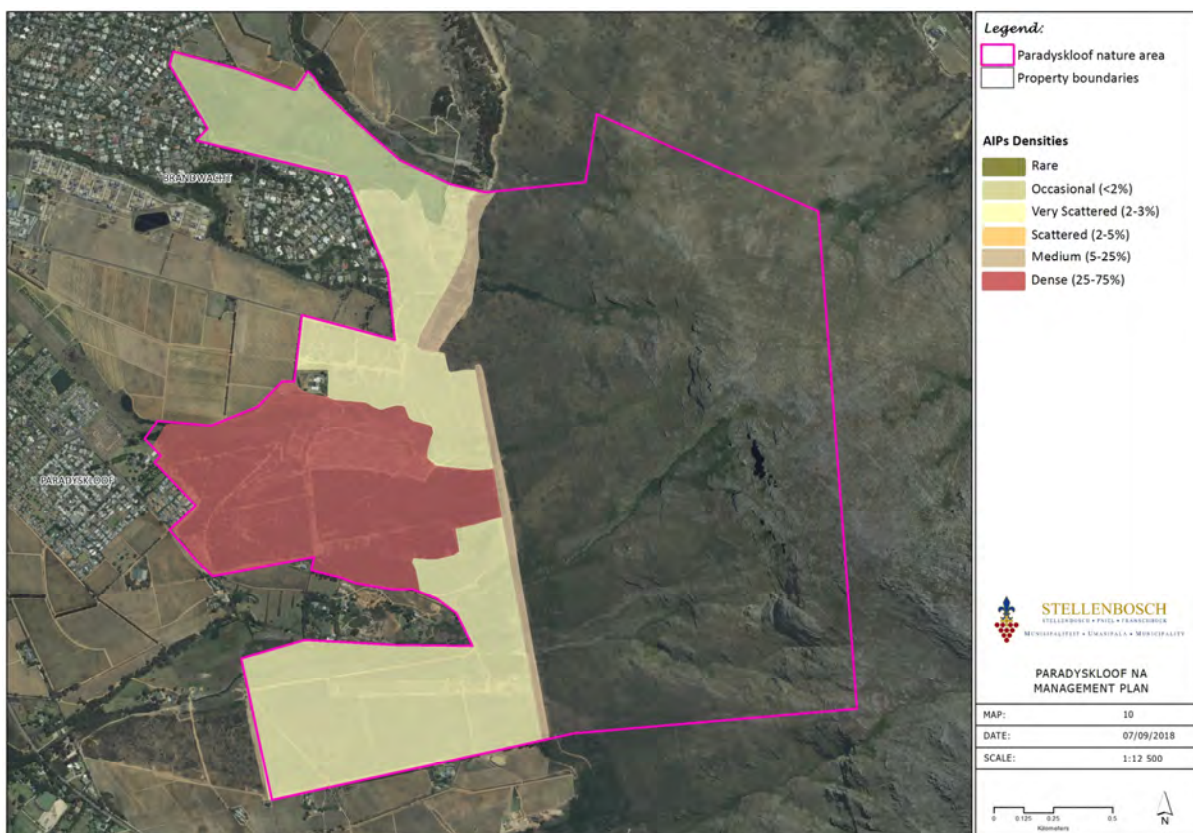


Figure 13: Paradyskloof NA AIPs densities

Table 3: Guidelines for alien clearing

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
5	Implement the Stellenbosch Alien Invasive Plan (IAP) Management Plan (2017).	Annual between the months of September and May
6	Map the areas that have been cleared of alien plants, indicating the date of operations, species removed and the current status of the portion of the site.	Annual as clearing is undertaken
7	Conduct an audit on the implementation of the IAP Management Plan.	Annually, by end of June

4.2.2 Flora

'Natural vegetation is the visual expression of the environment, it is a product of the action of environmental factors over time and hence can be a valuable indicator of potential productivity of ecosystems' (Bayer, 1970).

Table 4: Guidelines for flora conservation

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
8	Institute research to verify existing botany reports and assessments pertaining to the vegetation types that occur in the Paradyskloof NA.	Once the vegetation has recovered to the extent that a reliable information can be gathered and conclusions can be drawn
9	Ground-truth and update the CBA status of all parts of the nature area in cooperation with Cape Nature and SANBI.	On availability of Cape Nature and SANBI.
10	Institute scheduled research and monitoring to determine the recurrence of species.	Annually
11	Prevent the non-sustainable harvesting of plants used as traditional medicines dedicated training and education of local people, law enforcement and monitoring.	Annually. Efficiency of strategies to be audited

The introduction of non-endemic species to the Paradyskloof NA is forbidden. The fringes of the area, especially along the edge of the urban area and household gardens, must be monitored in this regard.

4.2.3 Fauna

Biodiversity conservation essentially means conserving all the elements ('parts') of the natural environment. The mix of species in an ecosystem enables that system both to *provide* a flow of ecosystem services under given environmental conditions, and to *maintain* that flow if environmental conditions change.

The loss of biodiversity, therefore, limits the resilience of the affected ecosystem, which in turn, may have direct negative economic implications. Therefore, in order to promote biodiversity conservation in the NA it is imperative that the conservation of the faunal component receives appropriate attention.

Table 5: Guidelines for fauna conservation

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
12	Continually monitor and record occurrence of wildlife.	On-going
13	Prevent all forms of unnatural predation through on-going education and law enforcement.	On-going

4.2.4 Soil

Former and current land-uses resulted in loss of topsoil in places within the NA. Appropriate measures must be taken to protect areas susceptible to erosion by installing all the necessary temporary and permanent drainage works as soon as possible. Steep slopes and other areas prone to erosion must be maintained or restored according to the following guidelines:

- a) Warning signage displaying NO ENTRY, must be installed on all roads, trails or walkways that are permanently or temporarily closed. Physical barriers, using local natural material, may be constructed where NO ENTRY signs are not respected to prevent users from accessing such roads, trails or walkways.
- b) Existing erosion areas must be back-filled (using on-site material), compacted and restored to a proper condition.
- c) Roads, trails or walkways, permanently closed for use, must be:
 - i) ploughed,
 - ii) the top soil scarified (to make sure that no downhill trenches or drainage lines are created),
 - iii) water diversion walls created by hand at a distance of 10 metres apart (depending on the slope) leading 5 metres into the natural vegetation,
 - iv) and revegetated by either soughing or transplanting appropriate material.
- d) Areas, where the above measures are not sufficient, must be logged, parallel to the contour in order to prevent further soil erosion. Logs must be laid in lines 15 metres apart, depending on the slope (the steeper the slope the closer the barriers must be laid to each other). Logs must be secured by means of steel pegs hammered through a drilled hole on each end of the log (logs longer than 2 metre must be secured by an additional steel peg through the middle of the log). Where logs are laid across a road, the log must be laid up to a minimum of 1 meter past the edge of the road.
- e) Roads (to stay in use) must be graded to have a slight gradient to the inside (up-hill) (refer to Figure 14). A drainage ditch must be created on the inside of the road. Gravel humps must be created at an angle across roads to drain water from the road surface into to the drainage ditch. At selected locations (depending on the slope) furrows must be created across the roads surface to discharge the water collected in the drainage ditch. The guiding principle behind the creation of a drainage ditch and discharge furrows is to not allow water to reach a speed at which it will create erosion. After a rain event all roads must be inspected to determine if any maintenance is required.
- f) Erosion sites on bicycle tracks and walking trails must be logged following the contours and spaced vertically 0.8-1.2 m apart, depending on the steepness of the slope.
- g) Logs must be untreated pine (or gum) poles of not less than 150 mm with a taper of not more than 75 mm over its length.

- h) Cut and fill slopes will be shaped and trimmed to approximate the natural condition and contours as closely as possible and be undulating. Levels, incongruous to the surrounding landscape, will be reshaped using a grader and other earthmoving equipment.

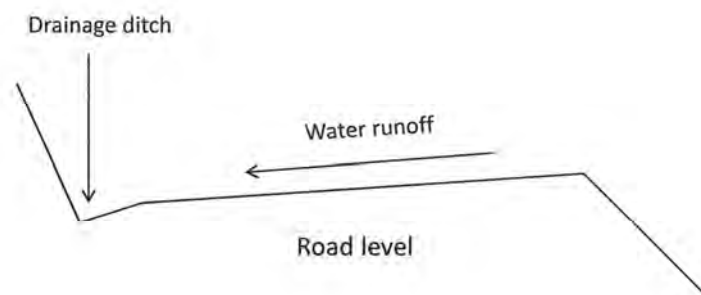


Figure 14: Road surface slope with a drainage ditch

Table 6: Guidelines for the conservation of soils

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
14	Restore erosion sites in accordance with the guidelines above.	On-going Quarterly photographic monitoring at fixed points Annual auditing
15	Inspect drainage ditches on all roads after exceptional rain event to determine whether maintenance is required.	On-going
16	Implement preventative measures on potential erosion sites. All roads and tracks, used or closed, are considered potential erosion sites.	On-going Quarterly photographic monitoring at fixed points Annual auditing
17	Prevent overuse of routes and sites susceptible to erosion through appropriate signage.	Monthly site inspection

4.2.5 Water

The role and potential impact of Paradyskloof NA seems negligible when considered against the scale of the catchment as a whole. The area is, however, vital components of the catchment and should be managed accordingly.

Table 7: Guidelines for managing Paradyskloof NA as part of the Eerste River catchment

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
18	Remove all forms of pollution.	On-going
19	Manage invasive alien plants in terms of the Stellenbosch IAP Management Plan (2017).	On-going

4.2.6 Fire

The Paradyskloof NA is susceptible to fire due to activities on the property as well as land uses on adjoining properties. Any fire management regime must therefore provide innovative measures to combat the occurrence and spread of wild fires. The overarching fire management goals as it pertains to the Paradyskloof NA are to:

- a) Protect people and property.
- b) Protect natural and cultural resources from undesirable effects of fire.
- c) Suppress unwanted fire.
- d) Allow fire to assume its natural role in the ecosystem.
- e) Manage fire cooperatively with neighbouring land owners and other stakeholders.

The fire management regime of the NA is premised upon the following risk management strategies:

Table 8: Fire management strategies

Management Strategies	Guidelines
a) Avoiding the risk	Prohibiting high-risk human activities in close proximity to the NA.
b) Reducing the hazard	Prescribed burning, preparation of firebreaks or manual clearing of fire hazards as well as regular inspections.
c) Reducing ignitions	Education and awareness programs, fire bans, reduction in activities during high-risk season or periods, efficient ignition investigation.
d) Reducing consequences	Contingency plans, community education programs for self-protection (lives and property), and building restrictions and standards for areas prone to veld fires.
e) Implementing an innovative artificial burning regime	Such regime and associated practices are to reduce the risk of wild fires spreading and causing extensive ecological and financial damage. Such artificial regime implies the creation of a mosaic of veld ages that will enhance the capacity of the area to and maintain its ecological functioning.

This EMP builds on the recognition that the threat of fires to the Paradyskloof NA and the relevant reasons for such threat are unique. Due to surrounding land uses and human behaviour wild fires will probably not be prevented through any measures taken. The solution lies in a combination of options (a), (b) and (c) above.

It is important to understand the basics of fire before preparation can be made for efficient control thereof. It is essential to note that three environmental components are required for a fire to occur. These are oxygen, heat and fuel (refer to Figure 15). Whilst the atmosphere contains 21% oxygen, only 16% oxygen needs to be in the air for a fire to start. Fuel is any living or dead material that will burn. If ignition occurs in the situation or environment where all three elements are present combustion will result and a fire will continue to burn until one of the three elements are removed. It is difficult to exclude oxygen from fires. Heat is considered a constant. However, a reduction in fuel will reduce the total energy output (refer to Figure 16). Fuel or more specifically the amount of fuel is the aspect that can be influenced most. It therefore becomes the most critical factor in the prevention and control of fire.

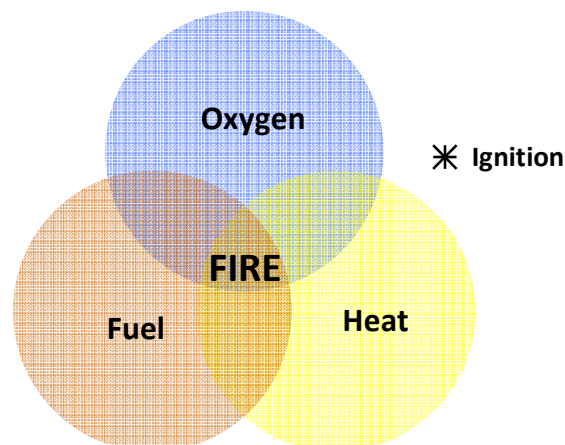


Figure 15: Basic elements of fire

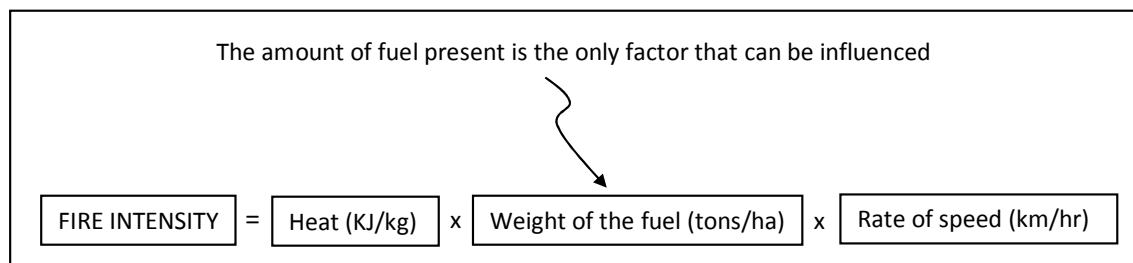


Figure 16: The factors determining the intensity of fire

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

4.2.6.1 Alien Clearing

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

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

Invasive alien plants can significantly alter the composition, structure and functionality of ecosystems and increase the fuel load for fires. They degrade the productive potential of the land, intensify the damage caused by veld fires and flooding, increase soil erosion, and impact on the health of rivers and estuaries.

4.2.6.2 Firebreaks

Fire breaks are cleared paths which will prevent the spread of fire by removing the fuel from the fire path. Section 12 of the National Veld and Forest Fire Act *stipulates that every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her boundary between his or her land and any adjoining land.* In terms of Section 13 of the Act above a landowner is obliged to prepare and maintain a firebreak, with due regard to the weather, climate, terrain and vegetation. The firebreak must:

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

In terms of Section 16 of the National Veld and Forest Fire Act the right or duty to prepare and maintain a firebreak prevails over any other prohibition in any other law on the cutting, disturbance, damage, destruction or removal of any plant or tree, except the owner must where possible, transplant any plant which is protected in terms of any law or where it is safe and feasible, position the firebreak so as to avoid such plant or tree.

A fire break is a means of access for personnel and equipment, to serve as a control line and to serve as a line from where a fire can be attacked from, for example by setting a backburn. The firebreaks are to be linked to access roads, thereby reducing the areas requiring preparation and increasing accessibility to the various sites. Locations where firebreaks are required vary. Individual circumstances will determine what type, width and length will be applicable. When constructing firebreaks it is important that all vegetation cover is removed and that only rocks and soil (minerals) are exposed. A fire can travel very slowly through the grass roots or decayed vegetation and great care must be taken to ensure that minimal earth is exposed throughout the length and width of the break. The following factors must be taken into account with the construction of firebreaks.

- Access: The placement of firebreaks on a slope must be determined by access to the break.
- Slope: Slope is the steepness of the land and has the greatest influence on fire behaviour. The steepness of the slope affects both the rate and direction of the fire spread. Fires usually move faster uphill than downhill and the steeper the slope, the faster the fire will move. This is because:
 - on the uphill side, the flames are closer to the fuel;
 - the fuels become drier and ignite more quickly than if on the level ground;
 - wind currents are normally uphill and this tends to push heat flames into new fuels;
 - convected heat rises along the slope causes a draft which further increases the rate of spread; and
 - burning embers and chunks of fuel may roll downhill into unburned fuels, increasing spread and starting new fires.
- Aspect: Aspect is the direction the land faces - north, south, east or west. The aspect of a slope influences a fire's behaviour in several ways:
 - southern aspects receive more direct heat from the sun, drying both the soil and the vegetation;
 - fuels are usually drier and less dense on southern slopes than fuels on northern slopes;
 - heating by the sun also causes earlier and stronger slope winds; and

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

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

- Manual: Preparing a firebreak manually involves the utilisation of a team of workers working in a planned manner using manual tools.
- Burning: After deciding where the belt is to go, an adequate tracer is cut around the entire belt, and then the belt itself is burnt. This is the most common form of preparing a firebreak.
- Ploughing/brushcutting: Ploughing/brushcutting with a tractor is a common method of constructing breaks where the vegetation is low or has been previously removed. The positive thing with brushcutting is that the roots are not destroyed and this will assist in reducing erosion on these breaks. Bushcut material should be removed two months after cutting, and mulched at a organic dump.
- Application of herbicide: With this method herbicide is used to kill off all the plant growth in the firebreak.

Firebreaks currently being maintaind in and around Paradyskloof NA exist along the edge of Brandwacht- and Paradyskloof neighbourhoods, towards the north of the area as well as a firebreak between the old forestry section and the eastern mountain slopes (Figure 17).

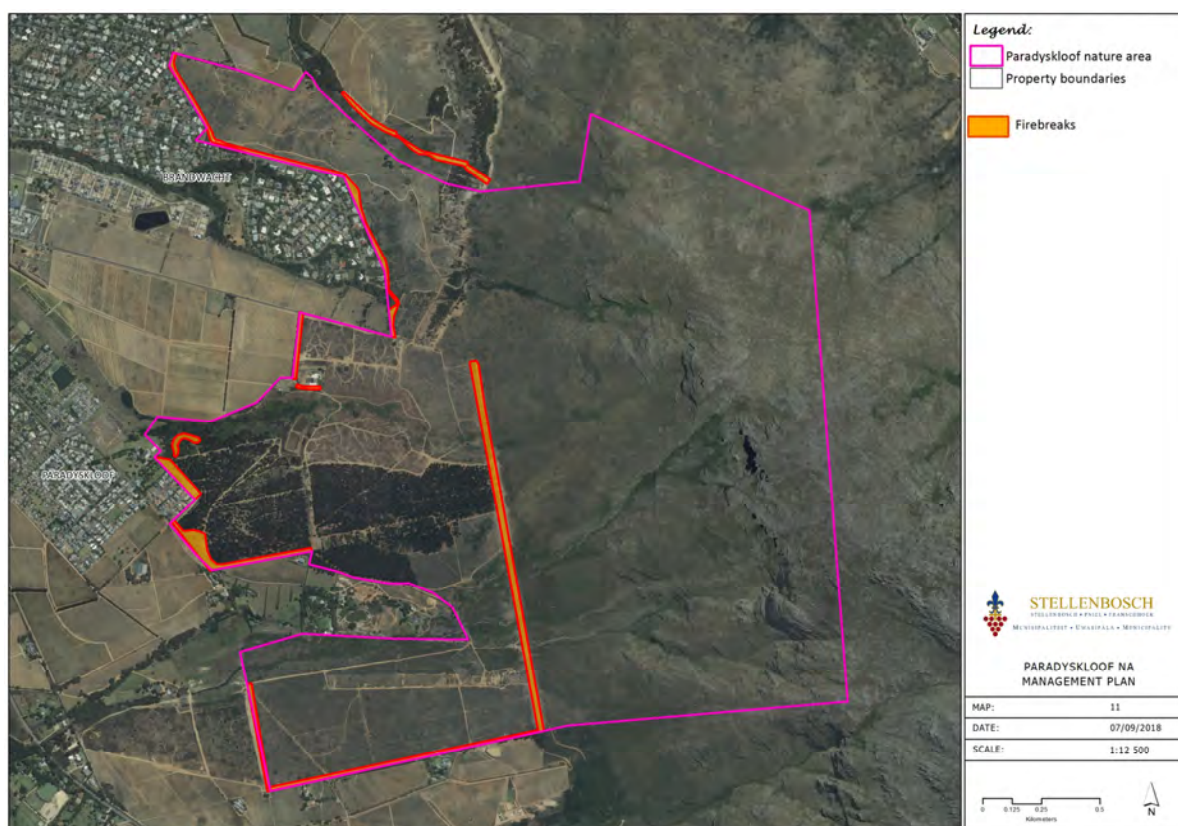


Figure 17: Firebreaks in and around Paradyskloof NA

Table 9: Guidelines for management of fire within the Paradyskloof NA

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
20	Maintain the existing firebreaks.	Annually Completed by end October
21	Conduct inspection of the area along with a representative of the local fire protection association to identify the need for additional firebreaks.	Immediately
22	Prepare firebreaks as required.	Completed by end October
23	Prepare and maintain a register of veld fires including the extent and date.	Compliance audited annually

4.3 LAND USE MANAGEMENT

4.3.1 Management / Use Areas

Chapter 3.5 above lists the main uses of the Paradyskloof NA. Because the area has such a spectrum of uses and comprises an area with variable degrees of degradation, ecological importance and topographical characteristics, a uniform set of management principles and rules for utilisation of the area is not feasible. The area must be retained as a public resource, used for recreational purposes on a daily basis whilst the environmental integrity of the area is protected at the same time.

The management and use of the Paradyskloof NA is therefore predribed by way of defining the areas within which the various activities or use is allowed within. Table 10 below describes the various areas depicted by Figure 18. The various areas and uses are informed by existing infrastructure and use as well as the information contained in the Western Cape Biodiversity Spatial Plan.

Table 10: Paradyskloof NA Management / Use Areas

Area	DEFINITION
Conservation 1	Areas proclaimed as protected areas under national or provincial legislation. User activities with minimal impact allowed in these areas.
Use	<ul style="list-style-type: none"> • Research • Hiking • Trail-running
Conservation 2	Areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. User activities with minimal impact allowed in these areas.
Use	<ul style="list-style-type: none"> • Research • Hiking • Dog-walking • Trail-running • Mountain-biking on defined routes
Rehabilitation	Areas in a degraded condition to be rehabilitated.
Use	<ul style="list-style-type: none"> • Research • Hiking • Dog-walking • Trail-running • Mountain-biking on defined routes • Approved events
Recreation	Infrastructure for recreational use.
Use	<ul style="list-style-type: none"> • Hiking • Dog-walking • Trail-running • Mountain-biking • Approved events • Film-shoots
Utility	Areas that contains municipal infrastructure.
Forestry	Existing pine forest to be maintained as such and potentially harvested harvested.

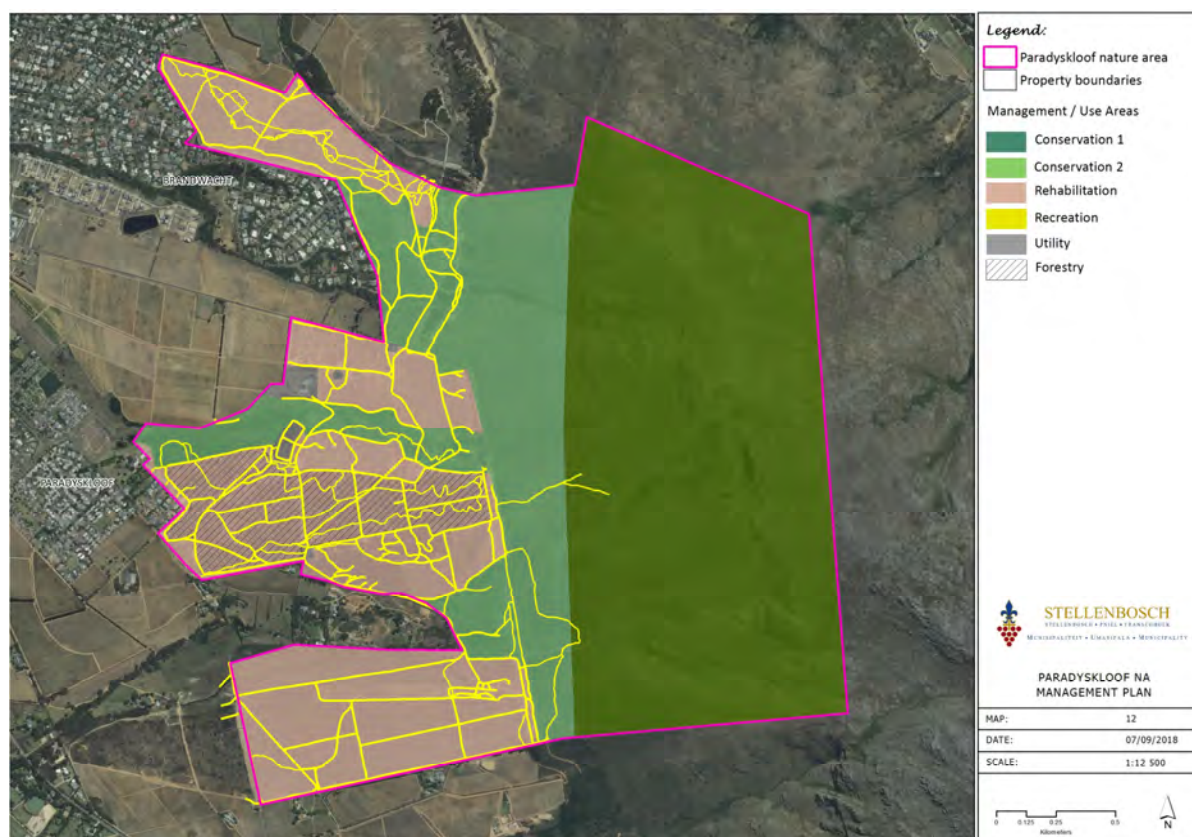


Figure 18: Paradyskloof NA Management / Use Areas

Table 11: Guidelines for management of the Paradyskloof NA Management / Use Areas

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
24	Investigate formally declaring the Paradyskloof NA as a nature reserve.	Immediately after EMP approval
25	Communicate the applicable use areas and associated appropriate activities through signage at the NA entrances and on-site.	Immediately after EMP approval
26	Conserve and protect Conservation 1 and 2 areas.	Audited
27	Inspect Recreation Areas to assess the impact of use and degradation.	Annually
28	Implement necessary rehabilitation works where required.	Ongoing
29	Investigate the possible utilisation / harvesting of the existing pine plantation or part thereof.	Immediately after EMP approval

4.3.2 Clubhouse

Stellenbosch Municipality has recently refurbished the clubhouse situated within the Paradyskloof NA (shown on Figure 11 above). The facility is intended to be used for municipal meetings and functions and to serve as an educational centre. The facility may be used for alternative uses following an application process. Managed correctly this facility can add immense value to the Paradyskloof NA by way of drawing visitors to the area and providing income that can contribute to the management of the area.

Various risks or challenges associated with the facility include the following:

- i) Use of the facility may become a source of nuisance for users of the area or neighbouring landowners if permitted uses is not defined and managed.
- ii) Use of the facility may become a source of pollution.
- iii) The facility and use thereof presents a fire risk.
- iv) The facility runs the risk of becoming delapidated or a financial burden if not managed correctly or used to its full potential.

The following set of rules must be implemented in order to adress the above risks / challenges:

- a) An official application for use of the clubhouse must be submitted to the Department: Community Services at least ten (10) working days before the proposed event.
- b) Use of the clubhouse must be approved by the Department: Community Services at least five (5) working days before the proposed event.
- c) Conditions set by the Department: Community Services must at all times be complied with.
- d) The applicant, deemed as the private person or the representative of the organisation which is applying to host the event at the clubhouse, is responsible for enforcing all the conditions set for the event and general laws, by-laws and rules applying to the surrounding nature area.
- e) The applicant assumes liability for any loss or damage occasioned during the event, with respect to both the event participants and municipal property.
- f) Fire is only allowed in designated areas and if approved by the Department: Community Services.
- g) Access for public users of the clubhouse may only by gained from the designated access gate.
- h) A maximum of 10 vehicles are allowed to enter the premises to attend a event held at the clubhouse. If the amount of guests attending an event require more than the allowed 10 vehicle access arrangement must be made for the additional guest to be transported from the access gate up to the clubhouse.
- i) Apart from access and unless the required permission is gained an event's activities is restricted to the clubhouse precinct.

Table 12: Guidelines for management and use of the Paradyskloof NA clubhouse

REF –NR	ACTIONS/IMPLEMENTATION	TIME FRAME
30	Maintain the clubhouse in good order.	Immediately Ongoing
31	Maintain a 15 meter cleared area around the clubhouse to act as a firebreak. This area is to be kept clear of any form of biomass.	Immediately Ongoing
32	Investigate / explore alternative uses for the clubhouse.	Immediately after EMP approval
33	Conduct inspection of the clubhouse following each event / function.	Ongoing
34	Consider each event or function in terms of the applicable event / function criteria.	Ongoing
35	Investigate the feasibility of entering into a lease agreement with a private entity or organisation to occupy a portion of the facility.	Immediately

4.3.3 Recreational Use

A primary function of the Paradyskloof NA is to enhance the well-being of the people of Stellenbosch and those visiting the area. Accordingly, the NA has an important role, namely to provide the foundation for recreational and tourism opportunities which are environmentally compatible. Chapter 3.5 above lists the range of outdoor- or recreational activities Paradyskloof NA is utilised for.

Rules applicable to the recreational use of the area are:

- a) Entry and use is at a person's own risk. Stellenbosch Municipality and/or its employees shall not be liable for any damage, loss, theft, injury, accident or death suffered by any person, howsoever caused.
- b) No lighting of fires (except in the event that approval has been granted by the Department: Community Services as part of an event).
- c) No smoking.
- d) Only approved / designated roads, trails or tracks may be used. The construction or clearing of new roads, trails or tracks are prohibited.
- e) Public vehicle / motorised access to the area is prohibited unless authorised.
- f) Visitors to comply to all signage including access signage and route markers.
- g) Any user of the area utilising the area for cycling, hiking or any other permitted activity must be equipped with the necessary safety gear and equipment.
- h) All users must utilize the area in a manner that considers the enjoyment and safety of other users.
- i) Various routes (roads, tracks or trails) may exclude particular activities such as cycling. In such cases where a route is temporarily closed for rehabilitation or maintenance, or permanently excludes a particular use, appropriate signage will be installed to communicate such information which must be adhered to as in (f) above.

Table 13: Guidelines for management of recreational use of the Paradyskloof NA

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
36	Audit all roads, trails and tracks and update maps accordingly. Decide on the appropriate use (or decommissioning / rehabilitation) thereof and install appropriate signage.	Immediately after EMP approval
37	Maintain existing roads, trails and tracks to be fit for recreational use.	Ongoing
38	Inspect roads, trails and tracks to be fit for recreational use.	Monthly during summer or after heavy rain events. Weekly during summer.
39	Repair damaged roads, trails and tracks.	Ongoing
40	Close routes that require maintenance or rehabilitation and are not deemed to be safe for recreational use by installing appropriate signage and access barriers.	Ongoing
41	Inspect and maintain signage and route markers throughout the area.	Monthly

4.3.4 Access Control

Chapter 3.6 above lists access control, or the lack thereof, as one of the main threats to the management of the area influencing secondary threats such as the security of the area, vandalism and fire. Existing access control is inadequate and must be addressed. Access control requires that the perimeter of the area is secure and access regulated.

Table 14: Guidelines for management access control

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
42	Audit existing accesspoints to the NA.	Immediately and ongoing
43	Audit existing access control infrastructure.	Immediately
44	Audit existing locks and ownership of keys.	Ongoing
45	Keep a register of key-holders.	Ongoing
46	Investigate the financial aspects of manned access control at the Paradyskloof main gate.	Immediately
47	Investigate the financial aspects fencing the area.	Immediately
48	Deploy additional staff with direct communication with law enforcement to monitor the area.	Immediately and ongoing
49	Liaise with municipal law enforcement, private security, local Whatsapp or email groups and the municipal courts to improve reporting and conviction of offences.	Immediately and ongoing

4.3.5 Municipal Infrastructure

As described in Chapter 3.4 above the Paradyskloof NA houses various municipal infrastructure. It is important that the Municipality are able to access, maintain and effect required improvements to these infrastructure. Although the importance of these works can not be underestimated it must be planned and executed in a manner that has the least possible impact on the area.

Table 15: Guidelines for management of municipal infrastructure

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
50	Maintain all infrastructure in good working order.	Ongoing
51	Development proposals or plans for maintenance work within the Paradyskloof NA to be circulated to the Department: Community Services for input.	Ongoing

4.3.6 Events

As mentioned in Chapter 4.3.3 (Recreation) above the Paradyskloof NA is an important resource used for spiritual, scientific, educational, recreational and tourism opportunities. Stellenbosch Municipality receives various applications for events in Paradyskloof NA for consideration. It is the Municipality's responsibility to ensure that such events are compatible with the area of Paradyskloof NA, that such an event does not present a threat or impact to the area that can not be avoided or mitigated and that the area can ultimately benefit from such an event.

In order to give effect to the potential of the Paradyskloof NA in this regard events must be used as a way to create a strong element of ecological and cultural awareness with event organisers and participants in order to ensure environmental sustainability. The following applies to events in Paradyskloof NA:

- (i) Events are to be held in a manner that has the least possible negative environmental impact.
- (ii) Event applications must be submitted timeously for consideration, preferably 90 day prior to such an event.
- (iii) Potential effects of an event must be considered by the municipality and an approval granted only if the potential impact of such an event is considered to be acceptable or is of such a nature that the likely impacts can be avoided and/or mitigated.
- (iv) The applicant applying for an event license is to provide a scope of the proposed event activities, an assessment of the likely environmental impacts of such activities, recommended mitigation measures to be implemented and the degree to which the proposed mitigation measures are expected to address the identified environmental impacts.
- (v) An application for an event in a nature area is to be circulated to the relevant municipal department tasked with the management of such an area for consideration, comment and the provision of conditions before a decision for the granting/refusal of an event license is made.
- (vi) An applicant may be liable for an application fee, the criteria of which have been approved by the Council of Stellenbosch Municipality.
- (vii) An event license granted is only valid upon acceptance of the set conditions for the hosting of the particular event and payment made of the application fee by the event organizer.
- (viii) Unless specified otherwise, the event organizer assumes responsibility for the event's compliance to conditions imposed during the granting of an event permit.
- (ix) The event organizer is responsible for any rehabilitation to a nature area damaged or degraded during an event. The scope of such rehabilitation work will be the restoration of an area to the state prior the hosting of the relevant event.
- (x) In the event that rehabilitation work is required the municipality may direct an event organizer to investigate, evaluate and assess the impact of specific activities and report thereon and to complete rehabilitation measures before a specified reasonable date.

Table 16: Guidelines for events in the Paradyskloof NA

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
52	Consider all events in the area in terms of the above criteria.	Ongoing
53	Development a set of application fees for submission to Council.	Immediately after EMP approval

4.3.7 Development

It is imperative that the integrity of the Paradyskloof NA be protected through appropriate planning and management intervention. Accordingly any physical development in the Paradyskloof NA is to be planned and implemented to have the least possible impact and to have any such impact mitigated.

Table 17: Guidelines for development

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
54	Development proposals within the Paradyskloof NA to be circulated to the	Ongoing

	Department: Community Services for comment.	
55	Investigate the inclusion of other (adjoining) land into the Paradyskloof NA.	Ongoing

4.4 ENVIRONMENTAL AUDITING

This EMP builds upon the notion that uncertainty (or lack of knowledge) about the status and function of ecosystems can be addressed in an *adaptive management strategy* - an approach that relies on continual assessment and adjustment. Although repeated revision of management decisions is at the core of adaptive management, this does not threaten resource security, rather it provides for sustainability of resource use. Threats to resource security can be minimised if management objectives are set clearly. In addition, adaptive management will reduce the sort of pressure that stymies action because initial choices are not viewed as final. The dimension of continual improvement is embodied in adaptive management. Continual improvement is defined as the process of enhancing management actions to achieve improvements in overall performance (i.e. remaining dynamic). It is achieved by continually evaluating environmental performance against set environmental policies, objectives and targets with the purpose of identifying opportunities for improvement. Accordingly, the Paradyskloof NA EMP is a dynamic document which is subject to updating and amendment in accordance with the results of monitoring and auditing and the outcomes of on-going scientific research.

4.4.1 Auditing Strategies

Table 18: Auditing actions

REF -NR	ACTIONS/IMPLEMENTATION	TIME FRAME
56	Audit all documented impacts of management actions on the environment.	Annually in October
57	Implement procedures for handling incidents of non-conformance with the EMP.	Annually in October
58	Manage environmental records, including the results of audits and reviews.	Immediately after EMP approval
59	Submit audit report to the Municipality.	Annually in October

4.4.2 Auditing Procedures

The environment audit to be undertaken is a methodical examination of the site's environmental information to verify whether, and to what extent, the management actions have complied with set performance criteria. The review of the EMP on a five-year basis is based upon the results of the environmental audits the objective being to ensure its continuing appropriateness and effectiveness.

The environmental audit consists of three stages, namely *pre-audit*, *on-site audit* and *post-audit*. Pre-audit includes the administrative issues associated with planning the audit, selecting the institution to conduct the audit, and preparing the audit protocol. The main purpose of the pre-audit stage will be to develop an audit plan, based on the most recent information and the results of the previous year's audit. The audit plan must also address where the audit is to be conducted, what the scope and objectives of the audit are, how the audit will be conducted (keeping in mind that the results of the audit must be comparable to previous year's audit results), and when the audit is to be conducted.

The on-site audit involves the recording of required information. The audit team gathers information by observation, conducting photographic studies, taking measurements, and conducting tests as was determined during the pre-audit stage. During the on-site audit stage the strength and weaknesses of the methods of information gathering must be evaluated in order to determine whether the process of auditing is effective in achieving its goal. In keeping with the adaptive management approach, the auditing process must also be looking for continual improvement. All the information obtained is recorded and a comprehensive record of the audit and the state of affairs produced.

The audit report is completed during the post-audit stage. Such report will reflect previous results, current results, and recommended improvement goals. The audit report will also indicate failures or deficiencies and recommendations for corrective actions.

4.4.3 Environmental Indicators

Table 19: Environmental Indicators for the auditing process (*Environmental Indicators for National State of the Environment Reporting* [DEAT, 2002]).

ENVIRONMENTAL MANAGEMENT	
Environmental Management	EM01 – Multilateral environmental agreements EM02 – Budgetary allocation to natural resource management EM03 – Budgetary allocation to environmental education EM04 – Budgetary allocation to environmental research EM08 – Voluntary use of environmental accounting and reporting EM10 – Environmental reporting by the Municipality
BIODIVERSITY & NATURAL HERITAGE	
Species Diversity	BD01 – Threatened and extinct species per taxonomic group BD02 – Endemic species per taxonomic group BD03 – Alien (non-indigenous) species per taxonomic group BD04 – Population trends of selected species BD05 – Distribution and abundance of selected alien species
Habitat Change	BD06 – Extent of conserved area BD08 – Disturbance regimes: fire frequency
Resource Value	BD11 – Contribution to job creation: eradication of alien species
LAND USE	
Land Use	LU01 – Land cover LU02 – Land productivity vs potential
Land Condition	LU03 – Soil loss LU04 – Land degradation

5 VALIDITY

The Paradyskloof NA EMP is based upon and aims to give effect to a long-term vision for the area which is not subject to *ad hoc* or short-term amendment. However, in terms of the principle of continual improvement the EMP is subject to revision in accordance with the results of on-going monitoring and auditing to be undertaken as described in Chapter 4.4. It will be valid, in its current form, for a period of 5 years from the date approved by Council of Stellenbosch Municipality after which comprehensive revision has to be considered.

Within this period addition or amendments to the EMP can be considered as approved by the established Friends of the Paradyskloof NA. These additions or amendments will be added to the document as addendums before being included in the document on revision. Examples of such addendums may includedocuments such as:

- a) Updated maps,
- b) Founding documentation on the proposed “Friends of the Paradyskloof NA”,
- c) Updated rules on access, use of the NA or Clubhouse, etc.

6 CONCLUSION

The Paradyskloof NA EMP is a mechanism intended to facilitate the achievement of the vision set for the area. The EMP and its associated processes of community participation, education and performance auditing presents an opportunity for all concerned to participate in the long-term management of the area for the benefit of the current and future generations. The implementation of the EMP presents the first step in such process. This document should therefore not be seen as a final product, but rather as a step towards the implementation of integrated bioregional planning as *‘an organised process that enables people to work together, think carefully about the potential and problems of their region, set goals and objectives, define activities, implement projects, take actions agreed upon by the communities, evaluate progress and refine their approach’*.

ANNEXURE B



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Receipt of documentation:

Draft Paradyskloof Nature Area Environmental Management Plan

(September 2018)

1 x copy

for public comment until 31 January 2019, are herewith acknowledged on behalf of Stellenbosch Library.

B. Mangele
.....

NAME *BULELWA MANGELE*
.....

DATE *20 NOVEMBER 2018*
.....



STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Receipt of documentation:

Draft Paradyskloof Nature Area Environmental Management Plan

(September 2018)

1 x copy

for public comment until 31 January 2019, are herewith acknowledged on behalf of Jamestown Library.

NAME..... Mrs. M. C. Joffe

DATE..... 2018/11/20



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DRAFT PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN

Notice is herewith given of the draft Paradyskloof Nature Area Environmental Management Plan for comment.

The document is available on the municipal website (<https://www.stellenbosch.gov.za>). Copies are available at the Municipal Advice Centre in Stellenbosch (municipal offices, Plein Street, Stellenbosch) as well as Plein Street and Jamestown library.

Comment on the document must be submitted in writing to Schalk van der Merwe, PO Box 17, Stellenbosch, 7599, faxed to 021 887 7446 or mailed to schalk.vandermerwe@stellenbosch.gov.za. The closing date for receipt of comment is 31 January 2019.

KONSEP OMGEWINGSBESTUURSPLAN VIR PARADYSKLOOF NATUURAREA

Kennis geskied hiermee van die beskikbaarheid van die konsep Omgewingsbestuursplan vir Paradyskloof Natuurarea vir kommentaar.

Die dokument is beskikbaar op die munisipale webtuiste (<https://www.stellenbosch.gov.za>). Afskrifte is beskikbaar by die munisipale Advieskantoor te Stellenbosch (munisipale kantore, Pleinstraat, Stellenbosch) asook Pleinstraat- en Jamestown biblioteek.

Skriftelike kommentaar op die dokument kan gerig word aan Schalk van der Merwe, Posbus 17, Stellenbosch, 7599, gefaks word na 021 887 7446 of per e-pos gestuur word aan schalk.vandermerwe@stellenbosch.gov.za. Die sluitingsdatum vir die ontvang van kommentaar is 31 Januarie 2019.

ETREKSTAD NIEUWS 15 NOVEMBER 2018

ANNEXURE C

e-mail 13/11/2018

Dankie Rikus

'n Deeglike dokument.

Ek merk egter dat daar nêrens in die dokument verwys word na of spesifiek omgegaan word met een van die grootste bedreigings vir die area nie:

1. Die mens(e) wat dan nie optree in ooreenstemming met dit wat die dokument ten doel stel nie. Meer spesifiek die leegleërs, haweloses, bergies, bosslapers en ook houtkappers wat vrye toegang het en op 'n daaglikse basis, m.a.w. permanent hier woon. Die area in Figuur 10: Critical Biodiversity Area 2 spesifiek is waar die meeste aktiwiteite plaasvind. Vure word van tyd tot tyd gemaak wat die situasie vererger.
2. Verder, as bogenoemde element nie dringend, ernstig en deurlopend aangespreek word nie kan dit baie maklik lei tot groter getalle mense wat hulle intrek neem. Ons het onlangs ervaar hoe vinnig dit kan plaasvind en dat daar dan weinig tot geen beheer is nie. Daarom die belangrikheid om, binne die bestaande raamwerk / riglyne en wette (ingesluit by-laws), hierdie kritiese probleem te adresseer.

Hiermee dan bevestiging van ons versoek gedateer 29 Oktober 2018 om daadwerklik op te tree om hierdie onwelkome element te hanteer:

- Tekens en borde (signage) by alle ingange moet spoedig moontlik hersien en opgedateer word sodat elke gebruiker bewus is van wat mag en nie mag plaasvind nie (oornag / kampeer / tent opslaan / huis bou in die gebied word nie spesifiek op enige bord verbied nie en daarom is elkeen vry om permanent hier in te trek soos tans die geval is)
- Met die in plek, 'n aksieplan tussen Wetstoepassing en ander beskikbare magte bv. SAP / Buurtweg / Sekuriteits-maatskappye / inwoners om daadwerklik op te tree en die onwettige elemente te hanteer.

Ons sien uit na 'n Bos wat volgens die visie bestuur en beskerm word om as 'n funksionele en veilige area voort te bestaan vir die groter gemeenskap.





PARADYSKLOOF ROAD/WEG, PARAYSKLOOF, STELLENBOSCH 7600
 TEL 021 880 1393 FAX/FAKS 0862451721 EMAIL/EPOS: villas@adept.co.za

Comment on Consultative Draft Paradyskloof Nature Area: Environmental Management Plan

On 14 August the Trustees of Paradyskloof Villas, Erf 1296, Paradyskloof Road, Paradyskloof, decided the following:

Decision:

1. The Stellenbosch Municipality was congratulated on their initiative to compile an Environmental Management Plan for the Paradyskloof Nature Area.
2. Appreciation was expressed to the Department Community Services, and its Nature Conversation section, for the well thought through document and plan.
3. The proposed plan is fully supported by the trustees.
4. The Paradyskloof Villas Home-owner Association welcome the formation of the "Friends of Paradyskloof NA". One of the Trustees (Mr JE Delpont) was nominated to serve as a I&AP on the Environmental Management Plan and will represent the Trustees.
5. The Trustees are of the opinion that paragraph 4.2.5 on Water, is inadequate and needs substantial improvement. One of Paradyskloof Villas main features is a dam which receives water from one of the streams originating in the Paradyskloof NA. The trustees have experienced various problems and challenges in the past and would like to participate in improving the mentioned section by including water as the most important management issues towards achieving the vision and purpose of the NA.
6. The Trustees are of opinion that Safety and Security is not adequately addressed. As you can imagine, the security of the Paradyskloof Villas (as a retirement village) is very important especially on the streamside (or east) of the village. What measures will be taken regarding prohibiting unwanted or unauthorised persons using the NA as a springboard or hiding place for various criminal activities against the NA's neighbours? Will it be fenced? Due to the cost involved it is probably too expensive. What are the other alternatives?

Signed

23/01/2019

.....
 Dr D Louw (chairman)
 Paradyskloof Villas Body Corporation

FRIENDS OF STELLENBOSCH MOUNTAIN



Chairperson: VM Steyn

084-250-9768

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Public Benefit Organisation No. 930049434

Comments and suggestions regarding the Draft Paradyskloof Nature Area Environmental Management Plan

31 January 2019

1 Introduction and context

- 1.1 Friends of Stellenbosch Mountain (FSM) have been actively involved in the Paradyskloof Nature Area (PNA) since inception in 2008, and individual members have been involved since 1997. FSM therefore represents an “institutional memory” over a time interval spanning several generations of officials and councillors. Such memory is particularly important in the context of the stated Stellenbosch IDP and SEMF goals of sustainability, which typically reckons in timespans of fifty years or more.
- 1.2 The scope of knowledge and actions residing in FSM is extensive and interdisciplinary, ranging from its main activity, the physical eradication of alien invasive plant species, to law enforcement, security, town and sectoral planning, advocacy and close cooperation and coordination with the relevant officials and councillors. The partnership between FSM and the Municipality represents an example of synergy between the public and private sectors.
- 1.3 The last twenty years have witnessed a significantly improved understanding of the cardinal importance of nature areas and natural processes as basis for human civilisation and of the dire need to halt the rapid degradation and destruction of these areas. This understanding is reflected in national and provincial legislation, starting with NEMA (1998); this legislation is of course mandatory for local government also. It is therefore high time that local government implements compliant and visionary plans and actions, not just in Paradyskloof, but throughout the municipal area. The Draft Paradyskloof Environmental Management Plan (EMP) is a good start and will hopefully serve as a blueprint for further nature area plans to follow.
- 1.4 These same twenty years have seen many and large changes in the PNA, some to the good, some not. During this entire period, FSM has been calling for a proper management framework for the PNA because it was all too apparent that the policy vacuum was detrimental both to the ecosystems and to the officials tasked with managing the area. A number of draft environmental management plans and suggestions were submitted over the years, including one by an Honours student of the Department of Conservation Ecology in 2013 and a draft Recreational Environmental Management Plan in 2016.

- 1.5 **FSM therefore enthusiastically welcomes the compilation of the current draft Environmental Management Plan** for Paradyskloof (EMP) and pledges to give full support to the Municipality and to cooperate with all other role players which share the common goals and principles of sustainability and rule of law.
- 1.6 While the remaining text below may often be critical of the present draft EMP, this is so only because the many areas of agreement which FSM has with the EMP are not highlighted in detail. We emphasise therefore that we support the draft and its implementation as a whole.
- 1.7 Section numbers referred to below relate to those of the draft EMP of September 2018.

2 Principles and long-term goals

- 2.1 Principles and core values are critical to good management because they provide a constant goal and direction over decades. Individual issues and actions change all the time, but the principles, values and goals do not. Because they are so important, we comment on individual words and sentences in this section.
- 2.2 We suggest that individual sections and subsections throughout the EMP refer explicitly to these principles in justifying their need or urgency. This is similar to the municipal-wide practice of putting actions into the municipal goals such as *safest valley* etc. and should be followed both in the Paradyskloof EMP and in all subsequent sectoral EMPs.
- 2.3 Currently, the **Section 1.2 (Vision)** reads: *To manage and protect the Paradyskloof NA as a functional and safe area that is recognised for its ecological and community-supporting functions.* While functionality is important, the emphasis on function and functionality can be misinterpreted in its narrow sense. In Section 1.3, the central principle is rightly stated as that of sustainability rather than functionality. We therefore suggest that the vision be slightly reworded as

*To manage and protect the Paradyskloof Nature Area as a **sustainable** and safe area which is recognised **and valued** for its **environmental integrity** and community-supporting functions.*

- 2.4 Re **Section 1.3 (Overarching Goal)**: The first paragraph in this section states that the overarching goal is to *contribute to environmental sustainability and the conservation of biodiversity as a prerequisite to the latter.* This is exactly right. We therefore suggest that the section title be changed to **1.3 The Central Principle: Sustainability**. This would also widen the scope from a *goal* to a *principle*.
- 2.5 Because of its central importance for everything that follows, the first paragraph starting with *The over-arching goal . . .* should be cast in bold face.
- 2.6 **Subsidiary principles**: Still missing from this section is a brief summary of subsidiary principles emanating from and supporting the main principle of sustainability. Four subsidiary principles, namely the Precautionary Principle, the Causal Principle, the Integration Principle and the Cooperation Principle have formed the central pillars of environmental law in Europe since the 1970s and are universally recognised as necessary preconditions for sustainability. **These principles should be explicitly set out in Section 1.3.** We provide more detail below.
- 2.7 The **Causal Principle** states that *the default responsibility for rectification or mitigation of any particular impact rests with the entity which caused such impact.* It was first formulated

by Plato more than 2300 years ago in his *Nomoi* treatise. Where the causal entity is willing and able to handle such rectification itself, there should be proper oversight to ensure that this is done in accordance with the overarching Principle of Sustainability. Where, on the other hand, the causal entity is unable or unwilling to handle the matter directly, it should be required to pay others to do so.

If, for example, the Municipality decides to widen a fire break and thereby impacts on biodiversity within that firebreak, the responsibility for transfer and/or *in situ* care of threatened plant species rests by default with the same Municipality.

While the more well-known *Polluter Pays Principle* is a subcategory of this, the Causal Principle applies not just to pollution but more generally to all impacts.

- 2.8 The **Precautionary Principle** states that *in any situation of uncertainty or ambiguity, the more cautious or conservative alternative action should be followed*. This is particularly important because the implications over long time intervals of particular actions are often unclear. For example, if it is unclear what rate of erosion results from a particular land use, standards and norms should be set and implemented which assume the fastest rate and implement corresponding measures.
- 2.9 The **Integration Principle** refers not only to the cooperation between different social bodies, but also to the integration of different physical, biological and social realities and issues pertaining to a particular geographic area. The Principle of Integration is, of course, central to local government in the form of the Integrated Development Plan. The present sections on Human Well-Being, Environmental Integrity and Economic Efficiency would be included under the heading of the Principle of Integration, along with a paragraph on the integration of different realities and issues.
- 2.10 The fourth subsidiary principle is the **Cooperation Principle**. It states that government as well as the private sector, nongovernmental organisations and science all need to be involved to ensure sustainability. Translated into the local EMP situation, the Cooperation Principle would state that successful long-term environmental management requires that norms and mechanisms should be developed which encourage (or even require) all role players to act cooperatively to achieve a common goal.
- 2.11 Finally, it should be stated explicitly that management decisions will be guided first and foremost by **scientific knowledge and insight** in, for example, the fields of ecology and fire management.

3 Timeframes and Planning Context

- 3.1 Before diving into legislation, the implications of the above principles should first be set out in a new Section 2 (so that Planning Context becomes Section 3 etc). This new Section 2 pertains to **timeframes**. Sustainability as a goal depends on a timeframe of decades, and this should be made explicitly as part of the goal. In the implementation, however, there are three other timeframes which should be spelt out explicitly also. There are therefore four timeframes:
- The fifty-year long-term timeframe of sustainability and its principles, which sets the agenda for the EMP and short-term goals and actions,
 - an envisaged five-year timeframe of the current EMP before it undergoes a major re-assessment and revision, and

- the short-term changes and actions which reflect the continual changes in the situation and conditions on the ground.
- The fourth timeframe relates to the phasing-in period of the EMP.

3.2 As set out in more detail in Section 8 below, the present version of the EMP is incomplete because it lacks important detail such as detailed route maps, which motivated the above fourth timeframe. The EMP should at this point set out that the present draft is to be promulgated on the understanding that a number of Schedules will be successively added within the fourth phasing-in timeframe which provide those important details which are currently still missing. Examples of such schedules include

- a set of maps, including recreational routes, rehabilitation maps, alien management plans
- the founding document for the Panama Forum (currently referred to as the *Friends of Paradyskloof NA* see section 5 below),
- a separate plan for the clubhouse,
- regulations and operating procedures pertaining to finances, security etc

3.3 If as suggested the timeframes are set out properly in a new Section 1.3.3, this replaces Section 5 (**Validity**) which thereby becomes unnecessary.

4 Legislative environment

4.1 Re **Section 2: Planning Context**: the discussion of national, provincial and local government legislation and policy is very important.

4.2 The **Cape Winelands Biosphere Reserve SDP of 2009** is missing from the list of applicable law. It and its implications for the EMP should be discussed. It is important in that it provides the detailed spatial planning categories needed in the EMP.

4.3 **Land Use Goal**: While the scope of the EMP focuses on management of the area, good management would be a waste of time and resources if the area can be re-purposed in part for some other land use. In particular, the critically endangered ecosystems of low-lying areas must receive strong legal protection. This entire section of relevant legislation would also be largely irrelevant were it not to have concrete results in the form of higher legal protection in some form of nature reserve.

For these reasons, we suggest that a new Section 2.4 would be appropriate linking the listed legislation to the specific Land Use Goal for the Paradyskloof Nature Area, and containing text to the effect that:

- (a) Sustainability implies a corresponding change of land use status on the Stellenbosch Municipal Spatial Development Framework and any sectoral plan.
- (b) It also implies a change in zoning from the current *Agricultural* to the more appropriate *Nature and Environment* zoning, including split zoning where appropriate and/or a possible URCO zoning in the interim.
- (c) The Municipality should work towards further legal status in the form of a conservancy or protected area in terms of the NEMA suite of laws.
- (d) See also Section 6 and Item 6.4 below.

5 Governance

5.1 Re **Section 4.1 (Administration)**: We agree with the first two paragraphs. The listed goals (participation, capacity building and involvement) are important. Explicit reference should, however, be made to the principle of sustainability (by making reference to Sections 1.3 and 2.3.2) as the guiding principle for administration. In other words, we need a statement at the end of the second paragraph that administration will be governed not only by the three considerations of participation, capacity building and involvement, but also and primarily by the principles of Section 1.3.

5.2 Finance

Section 1.3 of the EMP aptly observes that *Sustainability, under present circumstances, cannot be achieved without any form of management intervention and that such investment has to be financed to a significant extent. Accordingly, sustainable development projects or use within the area should ideally contribute towards the required financing of management activities in a spirit of partnership.* Sustainability and the resulting subsidiary Principles have immediate and concrete implications for both the general policy and specific actions. We suggest that Section 4.1 (Administration) of the EMP be augmented by text such as the following.

- (a) The Municipality cannot expect the nature areas to “pay for themselves”, but will have to allocate financial and human resources to its management. The budget allocated to the Department of Conservation will have to be increased to address the rising workload and challenges.
- (b) While the pine plantations did yield some income over the years, that income will likely dry up; see Section 10.
- (c) On the other hand, the number of recreational users has grown exponentially, as have the number of so-called *events*.
- (d) The *Causal Principle* immediately implies that visitors and users should be required to pay for access, and that the amount should be proportional to the (short-term and long-term) physical impact and to the raised threats.
- (e) Proper management will require substantially increased human resources and revenue. The large registration fees already being paid by participants and general practice show that there is both a willingness and capacity to pay for access. **Access fees for casual visitors and event fees should therefore be written into the Governance section of the EMP** both as a matter of the underlying principles and a practical necessity.
- (f) An appropriate Action Item should be added to Table 2.
- (g) The Council meeting of 30 Jan 2019 approved the introduction of a cashless revenue collection system in Jonkershoek. There is no reason why a similar system could not be used also in Paradyskloof.
- (h) Other details on finances will be addressed in Section 11 and elsewhere in these comments.

5.3 There is no reference to Table 2 in the main text. Section 4.1 should therefore contain a short paragraph explaining that, in the *ACTIONS/IMPLEMENTATIONS* tables in this and in subsequent sections, the relevant actions and implementation measures will be listed in a system of continuously-numbered actions.

5.4 The paragraph on **Friends and Protected Areas Forum** should be separated into two and expanded as follows. First, the Stellenbosch-wide Protected Areas Forum should be included in Figure 12 and its role in relation to individual nature areas discussed more fully. Following

that, the second paragraph pertaining to a new body involving local volunteer organisations needs to be expanded considerably as follows.

- 5.5 The name *Friends of Paradyskloof NA* would probably often be confused with the WESSA system of Friends groups and of course FSM itself. We would suggest that the new body be named something else, for example the *Paradyskloof Nature Area Management Forum* or PaNAMa Forum in short.
- 5.6 There should be a statement saying that the **founding document** (such as a constitution) **of the Panama Forum** will be workshopped during the phase-in timeframe and then added as a Schedule to the EMP. Some basic detail should already be included here. Some examples for text to be included are:
- (a) Any participating organisation should have a member-approved constitution and office bearers, hold annual general meetings, and communicate annually in writing to the Panama Forum the details of its governing board members and which person(s) are to be delegated for communication between the Panama Forum and its organisation.
 - (b) The Panama Forum is to fulfil important functions in *communication*. On the one hand, participating volunteer organisations would provide an *eyes and ears* function and act as a conduit for input from the general public into the management of the area, while on the other hand the Municipality would use the Panama Forum to communicate issues to the public.
 - (c) The Forum should also facilitate *synergies and conflict resolution* both between participating organisations and between the Municipality as land owner and neighbouring land owners.
 - (d) *Participation by member organisations at regular meetings* should therefore be mandatory. Implementation by organisations of decisions taken by the Panama Forum should likewise be mandatory.
 - (e) *Important external role players*: Because the PNA abuts the Hottentotsholland Nature Reserve, it would be wise to include CapeNature into the mailing list and, should they so wish, have a representative attend management meetings. Stellenbosch University could be consulted as and when issues on the northern side of the PNA arise.
- 5.7 The EMP should further introduce a system of **accredited organisations** or **AO's** for short, and, where appropriate, accredited individuals.
- (a) Preferably only Accredited Organisations should take part in the Panama Forum. Other organisations such as Cape Nature, Volunteer Wildfire Services, the nearest Neighbourhood Watch, the local Boy Scout troop etc. would, however, also be usefully accredited. Statutory organisations such as the Winelands Fire Service are of course automatically accredited.
 - (b) The criterion for accrediting an organisation should be the usefulness of such organisation in aiding the Municipality in the physical management of the nature areas. Donors would not qualify for accreditation because accreditation is not about sponsorship but about management.
 - (c) No organisation should be accredited which does not have a written formal founding document and an annual general meeting at which representatives are elected.
 - (d) An organisation only becomes accredited once a *Memorandum of Understanding* (MOU) between the Municipality and that organisation has been signed, setting out the mutual roles and responsibilities as well as matters of liability.

- (e) As set out in the respective MOU, an Accredited Organisation would have certain *responsibilities and privileges*. Responsibilities could include various tasks in management; privileges could include free access to the area (see Item 11.2 access control), one or more copies of keys to the gate(s), one or more appropriate licence disk for authorised motorised vehicles.
- (f) A template for a typical MOU should be included as a Schedule to the EMP once this has been workshopped and approved by the Municipality.

5.8 The Municipal Department of Conservation would, on a case by case basis, grant **Volunteer Ranger** status to individuals which are accredited directly or indirectly through an Accredited Organisation. Volunteer Ranger status would be implemented through a system of ad hoc plastic identity cards with portrait photos which such Rangers would carry with them on site. Rights and responsibilities of Volunteer Rangers would also have to be spelt out.

6 Expansions and reductions of the Nature Area

- 6.1 The current EMP is correctly delimited to the municipally-owned cadastral units of Farms 366, 369 and 368/2. This may not be the final extent of the Paradyskloof Nature Area; there are threats of reduction and opportunities of expansion.
- 6.2 Various suggestions for possible reductions of the PNA have been mooted by various parties over the years. Motives included (i) simple ignorance of the importance of nature areas, (ii) silo thinking considering for example only roads, agriculture or forestry without the integrated context, (iii) private self-enrichment by means of urban housing developments and conference centres (iii) mendacious so-called “resort” and “Special Development Area” proposals which endeavour to disguise development in the cloak of sustainability.
- 6.3 While some parts of the PNA may indeed retain agricultural or forestry land uses, there should be a clear and unambiguous statement in the EMP that urban development and expansion of the urban edge are incompatible with its vision and principles. Within this context, **Section 4.3.6 (Development)** (incorrectly shown as 4.3.4 in the EMP) is inadequate. On the one hand, it correctly states that *it is imperative that the integrity of the Paradyskloof NA be protected* but then contradicts itself in the next sentence by stating that *any physical development is to be planned and implemented to have the least possible impact*. We suggest that Section 4.3.6 (Development) be removed entirely and that instead a sentence be added in Section 4.3 (Land Use Management) which briefly states that *protection of the integrity of the Paradyskloof NA is imperative*, that the aim is to align the legal status (as set out above in the new section suggested by Item 4.3 above, and that *any physical development would have to pass muster of the Principle of Sustainability and its subsidiary principles* as set out above.
- 6.4 **Expansion of the PNA.** We suggest that the EMP include a paragraph pertaining to possible expansion of the PNA, even if immediate action on this is not feasible.
- (a) The PNA comprises both mountain and lowlands ecosystems. While the mountainous areas are more spectacular and well conserved, the low-lying parts of the PNA require special protection and expansion because they house the endangered *renosterveld* biomes which are classified as Critical Biodiversity Areas (CBAs). As set out in the Stellenbosch Environmental Management Framework (SEMF), *the objective is to rehabilitate and conserve as much as possible of this (CBA) area*. The SEMF has as explicit objective *C4.1.2 Facilitate SPC A status [Core Conservation Area status] for all Critical Biodiversity Areas (CBAs) through innovative public- private partnerships*.

- (b) In this context, it is imperative to incorporate into the Paradyskloof NA adjacent low-lying areas which contain renosterveld, even if only in part and even if they are degraded. There are at least two areas which should be incorporated as soon as possible as they are highly threatened: Portions 369W and 369F of Farm 369, which both contain listed CBAs. While these portions are both leased out by the Municipality under a 50-year lease, the lessee has violated the terms of the lease contract multiple times as well as being convicted by the provincial Department of Environmental Affairs and Development Planning for illegally ploughing parts of the said CBAs. The 50-year lease can and should therefore be revoked and the portions incorporated into the PNA at least in part.
- (c) The status of Portion 369/6 of Farm 369 is unclear, but it should also be incorporated if appropriate.
- (d) Over the long term, it may well be feasible to expand the PNA northwards to incorporate land currently owned and managed by Stellenbosch University.

7 Land Use and recreational use

7.1 We agree with the general sentiments of the first paragraph of **Section 4.3.1. (Management / Use Areas)**, but we see important deficiencies which should be corrected. The problem is that Section 4.3.1 and the accompanying Figure 18 conflate four separate issues (or, translated into GIS, four separate layers) into one. The four layers are:

- [A] Present Land Use as the current reality,
- [B] Future Land Use as a vision,
- [C] Use Zones pertaining to recreational use, and
- [D] Legal Status.

While there are of course overlaps between the four layers, there are also differences, and these should be made clear. Each of the layers should be treated separately both in a figure and an explanatory table. We call them Figures 18A, 18B, 18C and 18D with a corresponding explanatory Table or Tables where necessary, which would replace the current Table 10. Table 11 (Actions/Implementations) however would remain essentially unchanged.

7.2 **[D] Legal Status:** In principle, a Legal Status map and figure would be necessary, but for the moment can be omitted. It may have to be included later once the zoning has been modified (for example into a URCO zoning), or if, for example, the area below the clubhouse is given a different zoning status or if only part of the PNA is declared a protected area. Note that the status of the upper Farm 366 as a declared Mountain Catchment Area is already captured as a Bioregional Spatial Planning Category under [B] *Future Land Use* below.

7.3 **[A] Present Land Use:** This is merely a record of the actual land use occurring at the moment. Figure 18A and Table 18A would comprise categories such as *mountain fynbos, wetland, renosterveld, pine plantation, roads and tracks, municipal infrastructure, degraded land etc.* Figure 18A would, for example, mark the lower Schuilplaats River as “heavily infested CBA” rather than as a future Conservation 2 zone.

Due to important issues regarding road, track and trail types and usage as set out in Section 8 below, the caption of Figure 18A and the accompanying Table 18A and main text should emphasise that the land uses shown (plantation, roads, tracks and trails etc) merely reflect the current realities and not the future. The caption should remark that these roads and tracks merely reflect current reality and not future purpose. This is important to prevent confusion with the approved road and track network discussed in Section 8 below.

The text accompanying Figure 18A should also refer to Figure 11 (current infrastructure) as a layer of the present land use.

- 7.4 [B] **Future Land Use:** Figure 18B and Table 18B, by contrast, would show the same Nature Area as a *spatial vision*, ie a map in which land uses are shown as goals rather than realities. Categories here would be the bioregional spatial planning Core and Buffer subcategories (see e.g. Section 12.1.1 of the Cape Winelands Biosphere SDP and Figure 18). We summarise the relevant categories in the Table below and suggest that these categories be included as Table 18B and used in Figure 18B in the revised EMP.

The text accompanying Figure 18B would of course refer back to the declared CBAs as well as indicate specific areas identified for *rehabilitation* color-coded as a B.d category. It would also, for example, explicitly mark the lower Schuilplaats River basin as B.c.ii even though at present the lower river is heavily invaded.

Figure 18B would also serve as the *blueprint* and *guide* for the detailed User Zone maps to be compiled for later incorporation into the EMP as Schedules (see Item 7.5 and Section 8 below).

Spatial planning category	Description
A	Core
A.a	Wilderness Areas
A.b	Other Statutory Conservation Areas
B	Buffer
B.a	Public Conservation Areas
B.a.i	Public Conservation Areas: Local Authority Nature Reserves
B.a.ii	Public Conservation Areas: Mountain Catchment Areas
B.a.iii	Public Conservation Areas: Conservancies
B.b	Private Conservation Areas (not applicable in the EMP)
B.c	Ecological corridors and areas
B.c.i	Perennial River Corridor 35m buffer
B.c.ii	Non-Perennial River Corridor 35m buffer
B.c.iii	Continuous tracts of natural vegetation
B.d	Rehabilitation Areas

7.5 [C] Use Zones

- (a) Use Zones refer mainly to recreational use. They are used in the Table Mountain National Park Conservation Development Framework (CDF) and worldwide to good effect. According to the CDF, the aim is *to balance conservation with tourism and recreation activities*. They also help prevent conflict between different recreational uses. Of course they are informed by the other layers.
- (b) The current Section 4.3.1 correctly observes that the area as a wide spectrum of resources, many of which overlap spatially. Of the five Use Zones (*Remote Wilderness, Remote, Quiet, Low Intensity and High Intensity*) listed in the CDF, currently only *Remote Wilderness, Remote, Quiet* and *Low Intensity* would be appropriate. The *High Intensity* Use Zone refers to visitor's centres, built-up picnic spots etc. is not appropriate. (See also comments in Section 9 on the Clubhouse below).
- (c) We suggest the following subdivision into Use Zones:
 - i. Upper part of Farm 366 (the Mountain Catchment Area): *Remote Wilderness*

- ii. Areas of Farm 369 above the historical eucalyptus firebreak and below the Mountain Catchment Area: *Remote*. This Use Zone definition reflects the current practice and decisions already taken, in terms of which the footpaths upwards of the firebreak are reserved for pedestrians (i.e. Walking, Hiking, Running).
 - iii. Wetlands and riverine zones (corresponding to categories B.c.i and B.c.ii): *Quiet*. Where necessary, the 35 metre river embankment definition should be expanded.
 - iv. Areas with a high density of mountain bike tracks, including the current pine plantation and lower parts of Farm 368/2: *Low Intensity*
 - v. Area immediately surrounding the clubhouse and access road to it: *Low Intensity*
 - vi. Unwooded area near the Paradyskloof main gate: *Quiet*. The reason for this is that it contains Red Data species.
 - vii. All other areas, including renosterveld: *Quiet*
- (d) Appendix A displays a page taken from the Table Mountain CDF which provides a guide for the definition and application of the Use Zones. A simplified table of Use Zones is shown below; it reflects existing usage in the PNA. The asterisks indicate *activity on designated routes only*. Designated routes are discussed in Section 8 below.

Summary of of proposed Use Zones for recreational activities, reflecting current usage

Use Zone	Walking Hiking	Running	Dog Walking	Horse Riding	Mountain Biking	Picnics, Children Parties
<i>Remote Wilderness</i>	✓	✓*				
<i>Remote</i>	✓	✓*				
<i>Quiet</i>	✓	✓	✓*	✓*	✓*	
<i>Low Intensity</i>	✓	✓	✓*	✓*	✓*	✓*

8 Roads, tracks, trails, footpaths

- 8.1 The current EMP addresses roads, tracks, trails and footpaths only indirectly, e.g. in Sections 4.2.4 (Soil) and 4.3.3 (Recreational Use). Because the PNA is envisaged as a conservation area but fulfilling an important function of recreation, proper management of roads and trails is important. Omitting a detailed framework for this would create endless confusion and conflict. We sketch below a detailed proposal for inclusion into the EMP.. One or more new sections should be devoted to these in the context of recreational used.
- 8.2 The first step towards doing so is to create an accurate picture both of the existing roads and trails and to classify them in terms of current and future use. As stated, the Google Earth layer shown in Figures 10, 11 and 18 is inadequate because (i) it does not classify these tracks, (ii) they are hard to ground-truth especially in the pine plantation, (iii) the present snapshot contains a number of illegal trails, logging paths etc which should be identified and closed.
- 8.3 **Road, track and trail types:** There are two attributes to consider, namely the **type and purpose** of an existing road and trail, and the **future status** of each. We suggest that the following scheme be included in the EMP and implemented in the phase-in timeframe by means of a Schedule of maps.
- (a) The suggested classification types are: Type T (paved road), Type D (unpaved road, jeep track), Type B (Bicycle or mountain bike track), subdivided into downhill and general tracks (BD and BG), Type P (pedestrian track, including runners and hikers) and Type O (other road-related structures such as jumping ramps, parking areas etc.)

- (b) The **status** of each road/trail/track can be Status A (approved for use as set out further below), Status R (to be closed for rehabilitation) and Status N (illegal or non-approved track).
- (c) Each road and track should be mapped and typed, segment by segment, so as to facilitate the compilation of maps reflecting the present status and allow for future changes. This has become quite feasible with GIS, and FSM already has a near-complete set of ground-truthed track segments on file.
- (d) The EMP should then include a set of **default rules** as follows. Unless explicitly indicated otherwise on the maps:
 - i. Types T and D roads may be used by approved motorised vehicles (see Section 11 re motorised vehicles), as well as by cyclists and pedestrians. Motorised vehicles have right of way, i.e. cyclists and pedestrians are obliged to yield;
 - ii. a Type BD track (downhill bike track) is reserved for cyclists;
 - iii. a Type BG track (general bike track) may be used by cyclists and pedestrians, with pedestrians having the right of way;
 - iv. Cyclists must yield to motorised traffic where B-trails cross roads (Types T or D);
 - v. Type P segments are reserved for pedestrians only (including prams, trail runners);
 - vi. a track marked N on the maps is by definition to be closed and no use is permitted at all. This includes all segments which have been identified for rehabilitation, after which they can either be re-opened for use or closed permanently;
 - vii. any track which does not appear on the approved route maps is by definition of Type N and will be closed; and
 - viii. permissions for Type O structures are explicitly spelt out individually in an addendum to the maps.

8.4 Implications for the EMP: The type classification and segment-by-segment purpose determination of roads and trails will clearly not be completed in time for promulgation of the EMP. We therefore suggest that the EMP merely lays down the above rules and include text outlined below. The process would be similar to the one followed in compiling the Table Mountain Environmental Management Plan.

- (a) The text in **Section 3.4 (Infrastructure)** should include wording to the effect that the roads and trails shown in **Figures 10 and 11** merely reflect current realities without predetermining their purpose, and a reference to a later section where such determinations are discussed should be inserted here.
- (b) During the phase-in time period, a **route master map** will first be ground-truthed and checked against historical Google Earth photos to determine illegal recent additions to the network.
- (c) The road and track segments would be colour-coded corresponding to their approved types (T,D,BD,BG,P,N).
- (d) The complete set of track segments and their types will be workshopped in the new Panama Forum and then submitted for comment to various role players (CapeNature, Municipal Departments, Ward Committee etc)
- (e) The route master map would then be included into the EMP as a **Schedule**.
- (f) The master route map would subsequently form the basis for all **specialised maps** such as a mountain bike network map, tourist information maps, display boards at the PNA entrances etc. Naturally no new maps and display boards should be put up before these new maps are finalised.

- (g) The EMP would do well to follow Section 4.4 of the Table Mountain EMP and include a subsection or schedule on the *Procedure to open new mountain bike routes*.
- (h) Besides being set out in the main text in detail, these items would be added in summary form to the ACTIONS/IMPLEMENTATIONS Table 13.

9 The clubhouse

- 9.1 The so-called *clubhouse* was renovated at a cost of nearly R600,000 in 2017 using municipal funds. This was done despite the fact that there was no clear idea of the purpose of a renovated building and without regard for the context and surrounding areas. The clubhouse exemplifies what goes wrong if no proper planning is in place and highlights the importance of the present EMP.
- 9.2 The clubhouse is now an unavoidable fact of life, and no doubt the Municipality feels the need to obtain some revenue from this bad investment. *However, under no circumstances should the need for revenue from a bad investment drive the overall land use decisions. The Paradyskloof Nature Area is a nature area, and that is and remains its primary purpose.*
- 9.3 We support the idea that different possible uses for the clubhouse should be investigated (Table 12). All decisions regarding the clubhouse must be reached on the basis that the integrity of the surrounding nature areas be maintained, in accordance with the stated Principles.
- 9.4 **Access and separate Use Zone:** Evidently, usage of the clubhouse has very different characteristics than the management of the surrounding nature area. Use of the same main gate both for clubhouse users and nature area management has, for example, proven very problematic because clubhouse users generally come at night or over weekends when there is no supervision. Furthermore, clubhouse users thereby gain motorised access to the full 400 hectares of nature area, which according to the rules motorised vehicles are prohibited.

We therefore believe that it would be beneficial to declare a separate Use Zone for the clubhouse and perhaps even extend this zone to encompass a part of the area between it and the main entrance on Paradyskloof Road while excluding high-biodiversity areas which still occur there. Separating the clubhouse Use Zone from the surrounding one would provide the basis for separate management measures such as a separate entrance gate and fencing off of the clubhouse area from the main nature area.

The EMP should include a paragraph sketching the intention to separate the clubhouse and its access into a separate Use Zone. See also comments on the Rules below.

- 9.5 We comment briefly on the **rules proposed in Section 4.3.2**. It must firstly be clarified that there are two sets of rules, namely (i) a set of rules issued to rental users and (ii) governance rules which set down general parameters for usage of the clubhouse.
- 9.6 **Rules for rental** (see Section 4.3.2 of EMP)

The current or proposed text is shown in *italics*, our comments are in plain text or bold.

- (a) *An official application for use of the clubhouse must be submitted to the Department: Community Services at least ten workdays before the event.*
- (b) *Use of the clubhouse must be approved by the Department: Community Services at least five workdays before the event.*
- (c) *Conditions set by the Department: Community Services must at all times be complied with.* OK

- (d) *The person/organisation organising or applying for approval for the use of the clubhouse assumes responsibility for the event as well as his/her or its guests complying to the above conditions of approval.* Comment: this should be worded more tightly. It should be unambiguously clear who is responsible and liable. Hence we propose:
The applicant, defined as the private person or the representative of the organisation which is applying to host the event at the clubhouse, is responsible for enforcing all the conditions set for the event and general laws, by-laws and rules applying to the surrounding nature area.
- (e) We further propose: *The applicant assumes liability for any loss or damage occasioned during the event, with respect to both the event participants and municipal property. Where an organisation applies to host an event, the person applying on behalf of the organisation is liable in his or her personal capacity.* This is very important because (i) it ensures that any organisation whose constitution limits liability of its office holders does not simply get off the hook, and (ii) the applicant understands the seriousness of enforcing the conditions and laws and acts accordingly.
- (f) *Fire is only allowed in designated areas.* As set out further below, we strongly oppose any sort of fire in any form whatsoever except in the indoor braai with a chimney. The “lapa” constructed on the north side of the clubhouse should be dismantled. The proposed 15 metre safety zone around the clubhouse is inadequate to prevent flying sparks. Braziers and any sort of outside fire (including smoking, gas stoves, fireworks etc) should be summarily prohibited. Any less strict prohibition will create legal loopholes and likely result in a runaway fire sooner or later. Hence this rule should read:
Fire, fireworks, smoking and the lighting of flames of any sorts is strictly prohibited. Use of the indoor braai area is, however, permitted.
- (g) *Access for public users of the clubhouse may only be gained from the Paradyskloof Rd gate.* For the moment, we agree with this, but have in mind the creation of a separate gate and access at a later stage.
- (h) *A maximum of 10 vehicles are allowed to enter the premises to attend a event held at the clubhouse. If the amount of guests attending an event require more than the allowed 10 vehicle access arrangement must be made for the additional guest to be transported from the access gate up to the clubhouse.* While we agree with the sentiments, this will be impossible to enforce unless adequate provision is made for external oversight.
- (i) We propose to add to the rules: *Keys to the access gate and the clubhouse are the property of the Municipality and may not be copied. The loss of a key triggers a fine of R500 per key.* The fine is not excessive, given that a lost or copied key implies the purchase of one or more new locks and multiple copies of the new keys for distribution, and the time and effort expended on the matter.
- (j) As stated in Item 9.4, we propose that a separate entrance dedicated only to access to the clubhouse should be constructed. Until such time as this has been effected, the a rental rule *The main access gate should be closed as soon as the event has commenced and remain closed* should be included.
- (k) As set out below, we consider it inevitable that there should be a manned access point along with an access fee. Once this is implemented, the clubhouse rules and rental fees would accordingly be modified to implement oversight over events by means of paid municipal agents.

9.7 Clubhouse governance rules to be added to the EMP separately

- (a) A separate set of governance rules addresses the specific management parameters and principles within which the Municipality intends to have the clubhouse administered.

- (b) Applying the Causal Principle of Item 2.7, *all funds generated by the clubhouse shall be ring-fenced for use in the surrounding nature area, maintenance of the clubhouse, and payment of oversight and access control employees.*
- (c) The clubhouse is increasingly being used for functions and events of the municipality itself. At first sight, that would seem quite appropriate. It must be observed, however, that the R600,000 spent on refurbishment is taxpayers' money which could have been spent elsewhere. There is no basis for an automatic right of municipal employees or office bearers to free access and use of the clubhouse while the taxpayer has to pay rental. The governance rules for the clubhouse should therefore include the provision that

Social events organised and held at the clubhouse for the main benefit and/or attendance of municipal officials and/or office bearers are liable to pay the required rental fee. Workshops and events organised for the purpose of public participation and engagement shall be free. In all cases and independently of the applicable fees, the proper application process must be followed and the rules for rental obeyed.

The payment of fees in the case of social events held by and for municipal employees or office bearers can be effected by means of a "journal entry" or internal transfer from the general municipal account into the clubhouse or the Department of Conservation account.

10 Fire and firebreaks

- 10.1 Notwithstanding general concern with crime, by far the largest threat posed both to the nature area and to human life and property is fire. Climate change and drought have increased the frequency and severity of wild fires worldwide, and the Western Cape with its mediterranean climate is particularly at risk. Recent fires Bettys Bay and Kogelberg have shown that dozens to hundreds of residences can be easily burnt even when the fuel load is relatively low. The pine plantation in Paradyskloof must therefore be considered as a ticking time-bomb, especially since the plantation reaches to within metres of residential areas nearby. As a land owner, the Municipality would be liable for damages which could run into hundreds of millions of Rands. The EMP deals with fire in Section 3.6 (Threats) and **Section 4.2.6 (Fire)**. While we agree with and support almost everything stated in that section, it does not go far enough.
- 10.2 **Firebreaks:** According to Section 4.2.6.2, the National Veld and Forest Fire Act requires a firebreak to *be wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from the neighbouring land.* We must point out that the width of the cleared sections between the pine plantation and the residential areas will never be sufficient to prevent the spread of a plantation fire: flames can easily rise to higher than 20 metres, and sparks can and do fly over hundreds of metres. **The only solution is to have most or preferably all the pine plantation logged as soon as possible.** After logging, there should be no replanting. Action Item 27 of Table 9 should be strengthened to not only recommend *investigation* of the harvesting but the *urgent implementation* of that harvesting.
- 10.3 Some neighbouring landowners have taken to planting trees and shrubs and extending their gardens into the Paradyskloof Nature Areas. All the relevant encroachment agreements should be cancelled and the relevant non-endemic vegetation removed. Through ignorance, these neighbours are only endangering themselves as well as introducing additional non-endemic species into the area. A further Action Item should be added to Table 11 with regard to restoring firebreaks to be truly free from neighbouring encroachment.

- 10.4 As already set out in Item 9.6f, the **clubhouse** represents a special fire risk, and the pertinent rules have to be much tightened to not permit any lighting of any flame outside the clubhouse internal heath.
- 10.5 **Rules and conditions for entry** for recreational users should unambiguously prohibit fire-making of any sort, including smoking, fireworks, braaiing or even possession of any flame-causing equipment, including matches, cigarette lighters, flammable liquids and solids etc. Such prohibition should form a prominent part of displayed notice and display boards and any public communications. The liability for damages of offenders should be set out too.

11 Access, Safety, Law Enforcement, Events

11.1 We suggest that, following the deletion of Section 4.3.4 (Development) as set out elsewhere in these comments, a new Section be inserted *before* the section on Events with the topic **Access Control, Safety and Law Enforcement**, or else Events could be incorporated into this general section. Some relevant suggestions for text of this new section appear below. The issue of **finances** has been addressed in Section 5.2.

11.2 Access control

- (a) Access control is a basic necessity for effective management and achieving the goals and principles. Currently, there is very little access control, and what little there is has proven ineffective.
- (b) As stated in Item 5.2, the Causal Principle implies that access and its associated impacts should be paid for by the person or organisation effecting that impact. Text and Action Items should be added to spell out the implications.
- (c) **Fencing:** Except for the solid fence at the main gate (which itself needs an upgrade), fencing along the remaining perimeter is almost nonexistent. Moreover, numerous gates have been inserted into whatever fencing there remains, which is illegal in terms of the municipal by-law.
 - i. the entire periphery should be audited with regard to fencing and gates;
 - ii. the entire periphery should be properly fenced, leaving only properly controlled access points on Paradyskloof Road and at the waterworks;
- (d) **Encroachment agreements** and permission for gates with neighbouring landowners will be cancelled and renegotiated only under exceptional circumstances.
- (e) **Access from the Coetzenburg side** would be open, but only on condition that a system of cyclist identification (and annual payment of a subscription) as well as on-site roving inspectors is implemented.
- (f) All **notice and display boards** shall clearly state the rules of access, and in particular highlight the prohibition of all motorised vehicles not in possession of a permit.
- (g) The **main access point at Paradyskloof Road** will be staffed during daylight hours for inspection of cashless access tokens, and high cash fees be imposed on users who do not pre-purchase cashless tokens.
- (h) In time, special access control measures will be implemented with regard to the clubhouse as set out in Section 9;

11.3 Safety and Law Enforcement

- (a) While Action Items 9 and 11 mention law enforcement, the topic of law enforcement has not been treated fully. There are many **illegal activities** which also must be addressed in the EMP; the most prevalent include creation of unauthorised mountain bike trails, ramps, ground removals for trail construction, illegal footpaths, access by neighbouring landowners, and gathering of plant material.
- (b) There are many other less frequent illegal activities. Many of these are, of course, mentioned in the Municipal By-Law (see EMP Section 2.3.4). Nowhere does the EMP explicitly set out how this By-Law and its provisions are to be implemented. The EMP should therefore set out briefly a strategy to implement at least some law enforcement. We need text and an Action Item pertaining to upgrading law enforcement in the nature areas. Options to investigate (not mutually exclusive) include better coordination with municipal law enforcement, employment of dedicated on-site roving inspectors (augmented by Volunteer Rangers), and a possible agreement with a private security company active in the immediate vicinity.
- (c) As set out already, the clubhouse will require special attention with respect to law enforcement and supervision.
- (d) A further action item should refer to **revision of fines** as well as coordination with the **municipal court**.

12 Other comments and suggestions

12.1 **Display boards:** As already mentioned in Item 8.4, the EMP should compile a set of statements and signs which are to appear on display boards.

12.2 If display/notice boards are to be erected by any organisation other than the Municipality itself, the full content and layout of such boards must first be workshopped within the Panama Forum and approved by the Department of Conservation.

12.3 Rules, display boards, codes of conduct

- (a) With regard to the rules for recreational use of Section 4.3.3:
 - i. Re Rule (a): explicitly mention liability
 - ii. Re Rule (b): We have already motivated why fires and all kinds of firefighting should be generally prohibited.
 - iii. Re Rule (c): replace *existing* with *approved* or *designated*, because there are quite a few existing ones which are illegal.
 - iv. Re Rule (i): This has been addressed in Section 8 on Roads, tracks, trails. The types, abbreviations, permissions and colour codes should of course be written into the rules. For the purpose of display boards, a brief explanation of the colour codes used would be supplemented by a reference to a website as well as one or more telephone numbers.
- (b) We suggest that, besides the above general code of conduct for all recreational users, Section 4.5 of the Table Mountain EMP be used as a point of departure for a *mountain biker code of conduct* for which the TM-EMP was written. However, codes of conduct are not enforceable and should therefore be devolved for handling by the relevant mountain bike organisations.

12.4 Re **Section 5 (Validity)**: As proposed above, this section should be incorporated into the new timeframes subsection.

12.5 **Section 4.4 (Environmental Auditing):** We very much support this and hope to be of assistance. FSM already has substantial data on plant species which forms a solid scientific basis for biodiversity auditing. All other forms of auditing are also strongly supported.

12.6 Re **Section 4.2.1 (Alien Clearing):**

- (a) While the topic itself is of cardinal importance, it is not clear whether specific clearing methodologies are necessary content in an EMP, especially since a separate Invasive Alien Management Plan already exists. Clearing of alien invasive species ranks as one of the most important actions needed for long-term sustainability. It may, however, not be necessary to spell out all the procedural detail in this particular document since this is already done in a separate municipal alien clearing plan.
- (b) Important invasive alien species which should also be mentioned are *pittosporum*, *bug-weed*, *hakea*. Mention should also be made that some pine species such as *pinus pinaster* can be inherently invasive.
- (c) The EMP text should mention that fynbos seed banks can recover from pine plantation land use if such land use does not exceed about 30 years. It would hence be important to log the oldest portions of the remaining pine plantation as soon as possible in order to give the remaining seed banks a chance to re-seed the logged area.
- (d) The *order of clearing* of alien vegetation should be informed not first by elevation of an infested area, but by the combination of three other factors: 1. density of infestation, 2. ease of access, 3. conservation value of infested area. Prioritisation procedures should be considering all three factors. Low-density infestations, and/or to areas easily accessible and/or of high conservation value would score higher in terms of priority. Within this ranking, rivers and river banks as well as low-lying renosterveld areas would possibly be prioritised over areas at higher elevation, because high-elevation biomes are less threatened.
- (e) Foliar spraying methods should be explicitly prohibited. They have been used in some parts of Farm 369 and have caused long-term heavy damage, to the extent that almost nothing grows in the affected areas even years later.
- (f) **Figure 13** is somewhat misleading, because it includes the remaining 40 hectares of pine plantation into the central high-density AIP area. While a case can be made that pines are indeed AIPs, plantations are not usually understood and handled as such. Of course, the moment that these remaining pines are logged, then the high-AIP-density colour coding in Figure 13 is quite appropriate.
- (g) The strips of land comprising the former eucalyptus firebreak on the upper border of the former pine plantations are currently indicated as *Medium Density* infestations; from direct experience, they should be denoted *High Density*.
- (h) Table 3: Add action *Obtain and collate information on historical evolution and events regarding the establishment and logging of various sections of the pine plantations*
- (i) Table 3: Add action *Obtain and collate information on historical alien clearing programmes and actions* as input into present and future clearing strategies.

12.7 Re **Sections 4.2.2 (Flora) and 4.2.3 (Fauna)**

- (a) Section 4.2.3 (Fauna) can and should be merged with Section 4.2.2 since much of the quoted text pertains to both. Correspondingly, Tables 4 and 5 can and should also be merged. The introductory paragraphs of the current Section 4.2.3 would form the beginning of the new joint section.

- (b) Make direct reference to the Biodiversity Act and quote the relevant sections.
- (c) The actions in Table 4 are strongly supported. A further action should be added: *Ground-truth and update the CBA status of all parts of the nature area in cooperation with Cape Nature and SANBI.*
- (d) A second action to add is *Identify priority sub-areas for protection and/or rehabilitation based on their conservation value (e.g. Red Data species, critically endangered habitats etc)*
- (e) The introduction of non-endemic species to the area should be explicitly forbidden, also in the Rules, and existing non-endemic species should be gradually removed even if they are non-invasive. The only viable exception would be the few old oak trees which form part of the cultural heritage.

12.8 Re **Section 4.2.4 (Soil)**

- (a) Add to item a): *Construct physical barriers to road use where the NO ENTRY signage is not respected.*
- (b) Given the envisaged alternative access to the clubhouse, the separate road leading to the clubhouse should be tarred, of course with funds generated from clubhouse rentals.
- (c) An Action Item should be added to Table 6 to the effect that *Recover costs for preventing further erosion and rehabilitating historical erosion on approved mountain bike tracks by higher access fees for mountain bike users and by fees from event organisers.*
- (d) A further Action Item for Table 5 should be *Audit erosion measures undertaken by pertinent mountain bike and/or event organisations at least once per year.*

A Use Zone definitions and characterisations

Recreational Use Zones used worldwide and specifically in the Table Mountain Conservation Development Framework.

Table 1: CDF Visitor Experiential Use Zones - Desired State, Conservation Objectives and User Experiential Qualities

Experience	TMMP Zone	Desired State 1	Quality of the natural environment	Experiential Qualities	Interaction between users	Sophistication of facilities	Level of Exertion	Level of self sufficiency	Spirituality	Primary user movement within the zone	Equivalent SANParks zone
Close to Nature Activities tend to be at landscape level	REMOTE WILDERNESS	Areas with very high natural qualities where the sights and sounds of the city are infrequent allowing for a spiritual experience of isolation. They are generally inaccessible, requiring additional physical exertion to reach and experience. Visitors need to be more self reliant and experienced. The nature of the experience is heavily dependant on the quality of the natural environment. The main accent of management is biodiversity conservation.	Pristine	Isolation	Very Low	Very Low	Very high	Very High	Very high	Pedestrian only	Quiet
	REMOTE	The experience is one of relative solitude and wildness. Signs and sounds of the urban area are more obvious and encounters with other visitors are more frequent than in Remote Wilderness. Although less physical exertion is required, a reasonable level of fitness, self reliance and experience is necessary. The nature of the experience is dependant on the quality of the natural environment. The main focus of management is biodiversity conservation. There may be some signs of infrastructure mainly of a heritage nature.	Relatively Pristine	Solitude	Low	Low	High	High	High	Pedestrian limited non motorised	
Outdoor Natural Experience Activities tend to be at precinct level	QUIET	This zone provides experiences of a relative sense of solitude and relaxation in an environment that is openly exposed to the sights and sounds of the city. Although it is a place of quietness and naturalness, there will be more interaction between users than Remote. There is less of a challenge and the zone is easier to access and less physical exertion is required. The quality of the experience is less dependant on the quality of the natural environment with the provision of basic facilities such as rustic accommodation, refreshments and craft outlets in appropriate locations. It also serves as a buffer to the adjoining urban area.	Natural / semi-transformed	Relaxation	Moderate	Moderate	Moderate	Moderate	Moderate	Pedestrian Non motorised	Low intensity leisure
	LOW INTENSITY LEISURE	The main accent is on recreational activities which are more dependant on the quality of the facilities provided than in a natural environment. By their nature these zones are located in more transformed landscapes with the provision of a range of facilities such as accommodation, braai/picnic sites, food and beverage outlets, interpretation and education centres, etc. as appropriate. Interaction and socialisation are an integral part of the experience.	Transformed	Socialisation	Frequent	High	Low	Low	Moderate	Pedestrian Non motorised Motorised	
High Intensity Leisure	HIGH INTENSITY LEISURE	High intensity tourism development with modern commercialised amenities and concentrated activities. The quality of the visitor experience is heavily dependant of the quality of the facilities which enable the visitor to experience the environment with a minimum of effort. Due to the high impacts these facilities are concentrated at specific nodes. These nodes are generally situated at existing facilities including historic buildings and precincts. The main focus of management is to ensure a high quality visitor experience whilst ensuring that the activities have a minimal impact on the surrounding environment and that heritage resources are respected and celebrated.	Highly transformed	Entertainment	Very frequent	Very High	Very low	Very low	Low	Motorised People movers 2	High Intensity Leisure
	<p>1. The 'Desired State' is the long-term objective of the zone and these desired conditions may not currently exist. Achieving the 'Desired State' will be informed by many factors and may only be reached in the long term.</p> <p>2. Motorised people movers may traverse Use Zones to connect high Intensity Leisure zones. Introducing motorised people movers is subject to detailed studies and necessary approvals</p>										

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ANNEXURE D

PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN (SEPTEMBER 2018)**Comment on Draft Document**

Date	Comment	Response
P v Schalkwyk Resident 13 Nov 2018	<p>'n Deeglike dokument. Ek merk egter dat daar nêrens in die dokument verwys word na, of spesifiek omgegaan word met, een van die grootste bedreigings vir die area nie:</p> <ol style="list-style-type: none"> 1. Die mens(e) wat dan nie optree in ooreenstemming met dit wat die dokument ten doel stel nie. Meer spesifiek die leegleërs, haweloses, bergies, bosslapers en ook houtkappers wat vrye toegang het en op 'n daaglikse basis, m.a.w. permanent hier woon. Die area in Figuur 10: Critical Biodiversity Area 2 spesifiek is waar die meeste aktiwiteite plaasvind. Vure word van tyd tot tyd gemaak wat die situasie vererger. 2. Verder, as bogenoemde element nie dringend, ernstig en deurlopend aangespreek word nie kan dit baie maklik lei tot groter getalle mense wat hulle intrek neem. Ons het onlangs ervaar hoe vinnig dit kan plaasvind en dat daar dan weinig tot geen beheer is nie. Daarom die belangrikheid om, binne die bestaande raamwerk / riglyne en wette (ingesluit by-laws), hierdie kritiese probleem te adresseer. <p>Hiermee dan bevestiging van ons versoek gedateer 29 Oktober 2018 om daadwerklik op te tree om hierdie onwelkome element te hanteer:</p> <ul style="list-style-type: none"> • Tekens en borde (signage) by alle ingange moet spoedig moontlik hersien en opgedateer word sodat elke gebruiker bewus is van wat mag en nie mag plaasvind nie (oornag / kampeer / tent opslaan / huis bou in die gebied word nie spesifiek op enige bord verbied nie en daarom is elkeen vry om permanent hier in te trek soos tans die geval is) • Met die in plek, 'n aksieplan tussen Wetstoepassing en ander beskikbare magte bv. SAP / Buurtwag / Sekuriteits-maatskappye / inwoners om daadwerklik op te tree en die onwettige elemente te hanteer. <p>Ons sien uit na 'n Bos wat volgens die visie bestuur en beskerm word om as 'n funksionele en veilige area voort</p>	<p>It is the intention of the Section: Nature Conservation to increase staff (baboon monitors or other) presence in the Paradyskloof Nature Area, similar to that of the Botmaskop area, in an effort to discourage vagrants. These monitors will be equipped with radios to contact Law Enforcement if required.</p> <p>See comment above.</p> <p>Agreed</p> <p>See comment above.</p>

	te bestaan vir die groter gemeenskap.	
Paradyskloof Villas Body Corporation 24 Jan 2019	<p>... the Trustees of Paradyskloof Villas, Erf 1296, Paradyskloof Road, Paradyskloof, decided the following:</p> <ol style="list-style-type: none"> 1. The Stellenbosch Municipality was congratulated on their initiative to compile an Environmental Management Plan for the Paradyskloof Nature Area. 2. Appreciation was expressed to the Department Community Services, and its Nature Conversation section, for the well thought through document and plan. 3. The proposed plan is fully supported by the trustees. 4. The Paradyskloof Villas Home-owner Association welcome the formation of the "Friends of Paradyskloof NA". One of the Trustees (Mr JE Delpont) was nominated to serve as a I&AP on the Environmental Management Plan and will represent the Trustees. 5. The Trustees are of the opinion that paragraph 4.2.5 on Water, is inadequate and needs substantial improvement. One of Paradyskloof Villas main features is a dam which receives water from one of the streams originating in the Paradyskloof NA. The trustees have experienced various problems and challenges in the past and would like to participate in improving the mentioned section by including water as the most important management issues towards achieving the vision and purpose of the NA. 6. The Trustees are of opinion that Safety and Security is not adequately addressed. As you can imagine, the security of the Paradyskloof Villas (as a retirement village) is very important especially on the streamside (or east) of the village. What measures will be taken regarding prohibiting unwanted or unauthorised persons using the NA as a springboard or hiding place for various criminal activities against the NA's neighbours? Will it be fenced? Due to the cost involved it is probably too expensive. What are the other alternatives? 	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted. The establishment of such a body (along with an invitation for members to be nominated) will be advertised in due course.</p> <p>Noted</p> <p>It is the intention of the Section: Nature Conservation to increase staff (baboon monitors or other) presence in the Paradyskloof Nature Area, similar to that of the Botmaskop area, in an effort to discourage vagrants. These monitors will be equipped with radios to contact Law Enforcement if required.</p>
T Marais Resident 28 Jan 2019	<p>Dankie dat ek kan kommentaar lewer oor die bestuursplan van area. My huis grens aan die area.</p> <p>Ek het in 'n vorige skrywe reeds aanbeveel dat die hele natuur area as natuurbewarings area beskou word en nie</p>	<p>Noted. The whole of the area indicated on Figure 4 of the</p>

	<p>net die valleie nie.</p> <p>Oor die algemeen dink ek die bestuursplan is goed, maar iets wat ek as 'n potensieële probleem wil uitlig, is die gebruik van die ou skietbaan klubhuis. Daar word genoem dat daar slegs 10 voertuie toegelaat gaan word, dit word reeds oortree. Daar is by elke funksie wat nog gehou is, meer as 10 voertuie.</p> <p>Is dit 10 busse ook? Kan dit dalk liewer beperk word tot 'n sekere hoeveelheid persone? Ek is bekommerd oor die geraas.</p> <p>Wie gaan die klubhuis polisieër? Ek het al gewonder wat ek moet doen as die alarm in die nag afgaan (kan u dalk aan my 'n nr gee wat ek kan bel?), of wie gaan kyk dat daar nie 'n horde voertuie opdaag en ook in die nag in die bos rondry nie?</p> <p>Dit is baie spesiaal dat daar so baie mense die bos gebruik vir stap, fietsry, draf ens. Ek dink net dit moet beperk word tot ligdag ure ter wille van veiligheid.</p>	<p>EMP is regarded as the Paradyskloof Nature Area.</p> <p>Any transgression in this regard will be addressed once the EMP is adopted by Council. Currently there are no guidelines in place in this regard.</p> <p>The aim of the provision is to limit traffic on the entrance road as well as those parked at the clubhouse. Parking at the clubhouse is limited and cannot accommodate large busses, so vehicles, in the context of the EMP, refers to cars, bakkies and small (mini-bus) busses.</p> <p>The facility can accommodate ±60 people. Strict conditions will be imposed on functions to limit noise.</p> <p>Monitoring of the area, including the clubhouse, will be done by the Department: Community Services.</p> <p>Noted, to be considered in the light of the fact that there are early morning recreational users of the area.</p>
<p>Friends of Stellenbosch Mountain 31 Jan 2019</p>	<p>2 Principles and long-term goals</p> <p>2.1 Principles and core values are critical to good management because they provide a constant goal and direction over decades. Individual issues and actions change all the time, but the principles, values and goals do not. Because they are so important, we comment on individual words and sentences in this section.</p> <p>2.2 We suggest that individual sections and subsections throughout the EMP refer explicitly to these principles in justifying their need or urgency. This is similar to the municipal-wide practice of putting actions into the municipal goals such as safest valley etc. and should be</p>	<p>Noted and agreed.</p>

	<p>followed both in the Paradyskloof EMP and in all subsequent sectoral EMPs.</p> <p>2.3 Currently, the Section 1.2 reads: To manage and protect the Paradyskloof NA as a functional and safe area that is recognised for its ecological and community-supporting functions. While functionality is important, the emphasis on function and functionality can be misinterpreted in its narrow sense. In Section 1.3, the central principle is rightly stated as that of sustainability rather than functionality. We therefore suggest that the vision be slightly reworded as to manage and protect the Paradyskloof Nature Area as a sustainable and safe area which is recognised and valued for its environmental integrity and community-supporting functions.</p> <p>2.4 Section 1.3 (Overarching Goal): The first paragraph in this section states that the overarching goal is to contribute to environmental sustainability and the conservation of bio-diversity as a prerequisite to the latter. This is exactly right. We therefore suggest that the section title be changed to 1.3 The Central Principle: Sustainability. This would also widen the scope from a goal to a principle.</p> <p>2.5 Because of its central importance for everything that follows, the first paragraph starting with The over-arching goal . . . should be cast in bold face.</p> <p>2.6 Subsidiary principles: Still missing from this section is a brief summary of subsidiary principles emanating from and supporting the main principle of sustainability. Four subsidiary principles, namely the Precautionary Principle, the Causal Principle, the Integration Principle and the Cooperation Principle have formed the central pillars of environmental law in Europe since the 1970s and are universally recognised as necessary preconditions for sustainability. These principles should be explicitly set out in Section 1.3.</p> <p>2.7 The Causal Principle states that the default responsibility for rectification or mitigation of any particular impact rests with the entity which caused such impact. It was first formulated by Plato more than 2300 years ago in his Nomoi treatise. Where the causal entity is willing and able to handle such rectification itself, there should be proper oversight to ensure that this is done in accordance with the overarching Principle of Sustainability. Where, on the other hand, the causal entity is unable or unwilling to handle the matter directly, it should be required to pay others to do so. If, for</p>	<p>Agreed. An amendment to the EMP to this effect has been made.</p> <p>Achieving environmental sustainability is the goal for the management of the area and is retained as such. A supplementary section has been added for applicable principles.</p> <p>Agreed. These principles have been included in the revised EMP.</p> <p>Agreed. These principles have been included in the revised EMP.</p>
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	<p>example, the Municipality decides to widen a fire break and thereby impacts on biodiversity within that firebreak, the responsibility for transfer and/or in situ care of threatened plant species rests by default with the same Municipality. While the more well-known Polluter Pays Principle is a subcategory of this, the Causal Principle applies not just to pollution but more generally to all impacts.</p> <p>2.8 The Precautionary Principle states that in any situation of uncertainty or ambiguity, the more cautious or conservative alternative action should be followed. This is particularly important because the implications over long time intervals of particular actions are often unclear. For example, if it is unclear what rate of erosion results from a particular land use, standards and norms should be set and implemented which assume the fastest rate and implement corresponding measures.</p> <p>2.9 The Integration Principle refers not only to the cooperation between different social bodies, but also to the integration of different physical, biological and social realities and issues pertaining to a particular geographic area. The Principle of Integration is, of course, central to local government in the form of the Integrated Development Plan. The present sections on Human Well-Being, Environmental Integrity and Economic Efficiency would be included under the heading of the Principle of Integration, along with a paragraph on the integration of different realities and issues.</p> <p>2.10 The fourth subsidiary principle is the Cooperation Principle. It states that government as well as the private sector, non-governmental organisations and science all need to be involved to ensure sustainability. Translated into the local EMP situation, the Cooperation Principle would state that successful long-term environmental management requires that norms and mechanisms should be developed which encourage (or even require) all role players to act cooperatively to achieve a common goal.</p> <p>2.11 Finally, it should be stated explicitly that management decisions will be guided first and foremost by scientific knowledge and insight in, for example, the fields of ecology and fire management.</p> <p>3 Timeframes and Planning Context</p> <p>3.1 Before diving into legislation, the implications of the above principles should first be set out in a new Section 2</p>	<p>Agreed. These principles have been included in the revised EMP.</p> <p>Agreed. These principles have been included in the revised EMP.</p> <p>Agreed. These principles have been included in the revised EMP.</p>
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	<p>(so that Planning Context becomes Section 3 etc). This new Section 2 pertains to timeframes. Sustainability as a goal depends on a timeframe of decades, and this should be made explicitly as part of the goal.</p> <p>In the implementation, however, there are three other timeframes which should be spelt out explicitly also. There are therefore four timeframes: The fifty-year long-term timeframe of sustainability and its principles, which sets the agenda for the EMP and short-term goals and actions, an envisaged five-year timeframe of the current EMP before it undergoes a major re- assessment and revision, and the short-term changes and actions which react the continual changes in the situation and conditions on the ground. The fourth timeframe relates to the phasing-in period of the EMP.</p> <p>3.2 As set out in more detail in Section 8 below, the present version of the EMP is incomplete because it lacks important detail such as detailed route maps, which motivated the above fourth timeframe. The EMP should at this point set out that the present draft is to be promulgated on the understanding that a number of Schedules will be successively added within the fourth phasing-in timeframe which provide those important details which are currently still missing. Examples of such schedules include a set of maps, including recreational routes, rehabilitation maps, alien management plans, the founding document for the Panama Forum (currently referred to as the Friends of Paradyskloof NA see section 5 below), a separate plan for the clubhouse, regulations and operating procedures pertaining to finances, security etc.</p> <p>3.3 If as suggested the timeframes are set out properly in a new Section 1.3.3, this replaces Section 5 (Validity) which thereby becomes unnecessary.</p> <p>4 Legislative environment</p> <p>4.1 Section 2: Planning Context: the discussion of national, provincial and local government legislation and policy is very important.</p> <p>4.2 The Cape Winelands Biosphere Reserve SDP of 2009 is missing from the list of applicable law. It and its implications for the EMP should be discussed. It is important in that it provides the detailed spatial planning categories needed in the EMP.</p>	<p>The validity period of the EMP is spelled out in the amended Section 5 of the document. Whilst the document is reviewed every 5 years an addendum section may be populated by the constituted "Friends of..." group. Such documents may include the founding document of the "Friends of..." group, updated maps, etc.</p> <p>See comment above.</p> <p>The routes included in the current EMP were digitised from the latest high resolution aerial photograph available to the municipality.</p> <p>See comment above. Provision has been made to allow set of maps and other accompanying documentation to be added to the EMP as approved by the relevant "Friends of..." group.</p> <p>The Cape Winelands Biosphere Reserve and the Paradyskloof Nature Areas context therein is recognised in the document. I.t.o of the Cape Winelands Biosphere</p>
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	<p>4.3 Land Use Goal: While the scope of the EMP focuses on management of the area, good management would be a waste of time and resources if the area can be repurposed in part for some other land use. In particular, the critically endangered ecosystems of low-lying areas must receive strong legal protection. This entire section of relevant legislation would also be largely irrelevant were it not to have concrete results in the form of higher legal protection in some form of nature reserve. For these reasons, we suggest that a new Section 2.4 would be appropriate linking the listed legislation to the specific Land Use Goal for the Paradyskloof Nature Area, and containing text to the effect that:</p> <p>(a) Sustainability implies a corresponding change of land use status on the Stellenbosch Municipal Spatial Development Framework and any sectoral plan.</p> <p>(b) It also implies a change in zoning from the current Agricultural to the more appropriate Nature and Environment zoning, including split zoning where appropriate and/or a possible URCO zoning in the interim.</p> <p>(c) The Municipality should work towards further legal status in the form of a conservancy or protected area in terms of the NEMA suite of laws.</p> <p>(d) See also Section 6 and Item 6.4 below.</p> <p>5 Governance</p> <p>5.1 Re Section 4.1 (Administration): We agree with the first two paragraphs. The listed goals (participation, capacity building and involvement) are important. Explicit reference should, however, be made to the principle of sustainability (by making reference to Sections 1.3 and 2.3.2) as the guiding principle for administration. In other words, we need a statement at the end of the second paragraph that administration will be governed not only by the three considerations of participation, capacity building and involvement, but also and primarily by the principles of Section 1.3.</p> <p>5.2 Finance Section 1.3 of the EMP aptly observes that sustainability, under present circumstances, cannot be</p>	<p>Reserve SDP, 2009, the relevant area consists of the following special planning categories: intensive agric., extensive agric., ecological corridors and a conservation area overlying the mountain catchment area.</p> <p>Disagree.</p> <p>Council is responsible for the “good” management of the area, irrelevant of its status, without it being a waste of time and money. The EMP includes an action item that the declaration of the area as nature reserve must be investigated and considered.</p> <p>Formally declaring the area as a nature reserve is not a prerequisite for sustainability or sustainable development of the area.</p> <p>This overarching goal of sustainability has already been included in the document. To reference it again would be repetition.</p>
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	<p>achieved without any form of management intervention and that such investment has to be financed to a significant extent. Accordingly, sustainable development projects or use within the area should ideally contribute towards the required financing of management activities in a spirit of partnership. Sustainability and the resulting subsidiary Principles have immediate and concrete implications for both the general policy and specific actions. We suggest that Section 4.1 (Administration) of the EMP be augmented by text such as the following.</p> <p>(a) The Municipality cannot expect the nature areas to pay for themselves, but will have to allocate financial and human resources to its management. The budget allocated to the Department of Conservation will have to be increased to address the rising workload and challenges.</p> <p>(b) While the pine plantations did yield some income over the years that income will likely dry up; see Section 10.</p> <p>(c) On the other hand, the number of recreational users has grown exponentially, as have the number of so-called events.</p> <p>(d) The Causal Principle immediately implies that visitors and users should be required to pay for access, and that the amount should be proportional to the (short-term and long-term) physical impact and to the raised threats.</p> <p>(e) Proper management will require substantially increased human resources and revenue. The large registration fees already being paid by participants and general practice show that there is both a willingness and capacity to pay for access. Access fees for casual visitors and event fees should therefore be written into the Governance section of the EMP both as a matter of the underlying principles and a practical necessity.</p> <p>(f) An appropriate Action Item should be added to Table 2.</p> <p>(g) The Council meeting of 30 Jan 2019 approved the introduction of a cashless revenue collection system in Jonkershoek. There is no reason why a similar system could not be used also in Paradyskloof.</p> <p>(h) Other details on finances will be addressed in Section 11 and elsewhere in these comments.</p> <p>5.3 There is no reference to Table 2 in the main text. Section 4.1 should therefore contain a short paragraph explaining that, in the ACTIONS / IMPLEMENTATIONS tables in this and in subsequent sections, the relevant actions and implementation measures will be listed in a system of continuously-numbered actions.</p>	<p>Table 2 provides for an annual budget to be prepared for the management of the Paradyskloof Nature Area.</p> <p>Other revenue streams such as the harvesting of the remainder (or sections thereof) of the existing pine plantation, events and recreational users of the area will be considered.</p> <p>The Actions / Implementation tables included in the document is not referenced but meant to list the action items to realise the various management directives.</p>
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	<p>5.4 The paragraph on Friends and Protected Areas Forum should be separated into two and expanded as follows. First, the Stellenbosch-wide Protected Areas Forum should be included in Figure 12 and its role in relation to individual nature areas discussed more fully. Following that, the second paragraph pertaining to a new body involving local volunteer organisations needs to be expanded considerably as follows.</p> <p>5.5 The name Friends of Paradyskloof NA would probably often be confused with the WESSA system of Friends groups and of course FSM itself. We would suggest that the new body be named something else, for example the Paradyskloof Nature Area Management Forum or PaNAMa Forum in short.</p> <p>5.6 There should be a statement saying that the founding document (such as a constitution) of the Panama Forum will be workshopped during the phase-in timeframe and then added as a Schedule to the EMP. Some basic detail should already be included here. Some examples for text to be included are:</p> <ul style="list-style-type: none"> (a) Any participating organization should have a member-approved constitution and office bearers, hold annual general meetings, and communicate annually in writing to the Panama Forum the details of its governing board members and which person(s) are to be delegated for communication between the Panama Forum and its organization. (b) The Panama Forum is to fulfil important functions in communication. On the one hand, participating volunteer organisations would provide an eyes and ears function and act as a conduit for input from the general public into the management of the area, while on the other hand the Municipality would use the Panama Forum to communicate issues to the public. (c) The Forum should also facilitate synergies and conflict resolution both between participating organisations and between the Municipality as land owner and neighboring land owners. (d) Participation by member organizations at regular meetings should therefore be mandatory. Implementation by organisations of decisions taken by the Panama Forum should likewise be mandatory. (e) Important external role players: Because the PNA abuts the Hottentotsholland Nature Reserve, it would be wise to include CapeNature into the mailing list 	<p>The paragraph and figure on the envisaged Paradyskloof Nature Area management structure is deemed sufficient until such time as further decisions in this regard have been adopted by Council.</p> <p>As there is an Item in process that will shortly serve before Council to endorse the concept of having “Friends of ...” groups established for nature areas the name will be retained as included in the EMP.</p> <p>See comment above. The above Item is not prescriptive in the regard but leave it up to the relevant “Friends of ...” groups to decide on its composition and rules.</p>
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	<p>and, should they so wish, have a representative attend management meetings. Stellenbosch University could be consulted as and when issues on the northern side of the PNA arise.</p> <p>5.7 The EMP should further introduce a system of accredited organisations or AO's for short, and, where appropriate, accredited individuals.</p> <p>(a) Preferably only Accredited Organizations should take part in the Panama Forum. Other organisations such as Cape Nature, Volunteer Wildfire Services, the nearest Neighbourhood Watch, the local Boy Scout troop etc. would, however, also be usefully accredited. Statutory organisations such as the Winelands Fire Service are of course automatically accredited.</p> <p>(b) The criterion for accrediting an organisation should be the usefulness of such organisation in aiding the Municipality in the physical management of the nature areas. Donors would not qualify for accreditation because accreditation is not about sponsorship but about management.</p> <p>(c) No organization should be accredited which does not have a written formal founding document and an annual general meeting at which representatives are elected.</p> <p>(d) An organisation only becomes accredited once a Memorandum of Understanding (MOU) between the Municipality and that organisation has been signed, setting out the mutual roles and responsibilities as well as matters of liability.</p> <p>(e) As set out in the respective MOU, an Accredited Organization would have certain responsibilities and privileges. Responsibilities could include various tasks in management; privileges could include free access to the area (see Item 11.2 access control), one or more copies of keys to the gate(s), one or more appropriate license disk for authorized motorized vehicles.</p> <p>(f) A template for a typical MOU should be included as a Schedule to the EMP once this has been workshopped and approved by the Municipality.</p> <p>5.8 The Municipal Department of Conservation would, on a case by case basis, grant Volunteer Ranger status to individuals which are accredited directly or indirectly through an Accredited Organisation. Volunteer Ranger status would be implemented through a system of ad hoc plastic identity cards with portrait photos which such Rangers would carry with them on site. Rights and responsibilities of Volunteer Rangers would also have to</p>	<p>See comment above. It is not the intention of the EMP to go into such detail of the "Friends of..." group at this stage.</p> <p>Agreed. To be considered.</p>
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	<p>be spelt out.</p> <p>6 Expansions and reductions of the Nature Area</p> <p>6.1 The current EMP is correctly delimited to the municipally-owned cadastral units of Farms 366, 369 and 368/2. This may not be the final extent of the Paradyskloof Nature Area, there are threats of reduction and opportunities of expansion.</p> <p>6.2 Various suggestions for possible reductions of the PNA have been mooted by various parties over the years. Motives included (i) simple ignorance of the importance of nature areas, (ii) silo thinking considering for example only roads, agriculture or forestry without the integrated context, (iii) private self-enrichment by means of urban housing developments and conference centres (iii) mendacious so-called "resort" and "Special Development Area" proposals which endeavour to disguise development in the cloak of sustainability.</p> <p>6.3 While some parts of the PNA may indeed retain agricultural or forestry land uses, there should be a clear and unambiguous statement in the EMP that urban development and expansion of the urban edge are incompatible with its vision and principles. Within this context, Section 4.3.6 (Development) (incorrectly shown as 4.3.4 in the EMP) is inadequate. On the one hand, it correctly states that it is imperative that the integrity of the Paradyskloof NA be protected but then contradicts itself in the next sentence by stating that any physical development is to be planned and implemented to have the least possible impact. We suggest that Section 4.3.6 (Development) be removed entirely and that instead a sentence be added in Section 4.3 (Land Use Management) which brief states that protection of the integrity of the Paradyskloof NA is imperative, that the aim is to align the legal status (as set out above in the new section suggested by Item 4.3 above, and that any physical development would have to pass muster of the Principle of Sustainability and its subsidiary principles as set out above.</p> <p>6.4 Expansion of the PNA. We suggest that the EMP include a paragraph pertaining to possible expansion of the PNA, even if immediate action on this is not feasible.</p> <p>(a) The PNA comprises both mountain and lowlands ecosystems. While the mountainous areas are more spectacular and well conserved, the low-lying parts of the PNA require special protection and expansion because they house the endangered renosterveld</p>	<p>Agreed</p> <p>Noted</p> <p>Disagree. The Municipal Spatial Development Framework and its urban edges forms the basis hereof and determines the expansion of urban development.</p> <p>Development does not solely refer to the expansion of urban areas. Development, in the context of the EMP, refer, for example, to tracks, recreational amenities, firebreaks, etc. and is therefore retained as is.</p> <p>Agreed. An action item has been included in the revised EMP that the inclusion of other (adjoining) land into the Paradyskloof NA should be investigated on an on-going basis.</p>
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	<p>biomes which are classified as Critical Biodiversity Areas (CBAs). As set out in the Stellenbosch Environmental Management Framework (SEMF), the objective is to rehabilitate and conserve as much as possible of this (CBA) area. The SEMF has as explicit objective C4.1.2. Facilitate SPC A status [Core Conservation Area status] for all Critical Biodiversity Areas (CBAs) through innovative public- private partnerships.</p> <p>(b) In this context, it is imperative to incorporate into the Paradyskloof NA adjacent low-lying areas which contain renosterveld, even if only in part and even if they are degraded. There are at least two areas which should be incorporated as soon as possible as they are highly threatened: Portions 369W and 369F of Farm 369, which both contain listed CBAs. While these portions are both leased out by the Municipality under a 50-year lease, the lessee has violated the terms of the lease contract multiple times as well as being convicted by the provincial Department of Environmental Affairs and Development Planning for illegally ploughing parts of the said CBAs. The 50-year lease can and should therefore be revoked and the portions incorporated into the PNA at least in part.</p> <p>(c) The status of Portion 369/6 of Farm 369 is unclear, but it should also be incorporated if appropriate.</p> <p>(d) Over the long term, it may well be feasible to expand the PNA northwards to incorporate land currently owned and managed by Stellenbosch University.</p> <p>7 Land Use and recreational use</p> <p>7.1 We agree with the general sentiments of the first paragraph of Section 4.3.1. (Management / Use Areas), but we see important deficiencies which should be corrected. The problem is that Section 4.3.1 and the accompanying Figure 18 conflate four separate issues (or, translated into GIS, four separate layers) into one. The four layers are:</p> <p>[A] Present Land Use as the current reality, [B] Future Land Use as a vision, [C] Use Zones pertaining to recreational use, and [D] Legal Status.</p> <p>While there are of course overlaps between the four layers, there are also differences, and these should be made clear. Each of the layers should be treated separately both in a figure and an explanatory table. We call them Figures 18A, 18B, 18C and 18D with a corresponding explanatory Table or Tables where</p>	<p>See comment above. An action item has been included in the revised EMP that the inclusion of other (adjoining) land into the Paradyskloof NA should be investigated on a on-going basis.</p> <p>See comment above.</p> <p>See comment above.</p> <p>Figure 18 depicts the current status of tracts and land use of the area. Read together with Table 11 it is clear that ground-level use is to be communicated to all users through signage.</p> <p>Provision has been made in the revised EMP that existing tracks and land use must be ground trothed and investigated on an on-going basis where after it will be developed, rehabilitated or closed as required.</p>
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	<p>necessary, which would replace the current Table 10. Table 11 (Actions/Implementations) however would remain essentially unchanged.</p> <p>7.2 [D] Legal Status: In principle, a Legal Status map and figure would be necessary, but for the moment can be omitted. It may have to be included later once the zoning has been modified (for example into a URCO zoning), or if, for example, the area below the clubhouse is given a different zoning status or if only part of the PNA is declared a protected area. Note that the status of the upper Farm 366 as a declared Mountain Catchment Area is already captured as a Bioregional Spatial Planning Category under [B] Future Land Use below.</p> <p>7.3 [A] Present Land Use: This is merely a record of the actual land use occurring at the moment. Figure 18A and Table 18A would comprise categories such as mountain fynbos, wetland, renosterveld, pine plantation, roads and tracks, municipal infrastructure, degraded land etc. Figure 18A would, for example, mark the lower Schuilplaats River as "heavily infested CBA" rather than as a future Conservation 2 zone. Due to important issues regarding road, track and trail types and usage as set out in Section 8 below, the caption of Figure 18A and the accompanying Table 18A and main text should emphasise that the land uses shown (plantation, roads, tracks and trails etc) merely reflect the current realities and not the future. The caption should remark that these roads and tracks merely reflect current reality and not future purpose. This is important to prevent confusion with the approved road and track network discussed in Section 8 below. The text accompanying Figure 18A should also refer to Figure 11 (current infrastructure) as a layer of the present land use.</p> <p>7.4 [B] Future Land Use: Figure 18B and Table 18B, by contrast, would show the same Nature Area as a spatial vision, ie a map in which land uses are shown as goals rather than realities. Categories here would be the bioregional spatial planning Core and Buffer subcategories (see e.g. Section 12.1.1 of the Cape Winelands Biosphere SDP and Figure 18). We summarise the relevant categories in the Table below and suggest that these categories be included as Table 18B and used in Figure 18B in the revised EMP. The text accompanying Figure 18B would of course refer back to the declared CBAs as well as indicate specific areas identified for rehabilitation color-coded as a B.d category. It would also, for example, explicitly mark the lower Schuilplaats River basin as B.c.ii even though at present the lower</p>	<p>The Mountain Catchment Area has been included in Figure 18 as a Conservation 1 area.</p>
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river is heavily invaded. Figure 18B would also serve as the blueprint and guide for the detailed User Zone maps to be compiled for later incorporation into the EMP as Schedules (see Item 7.5 and Section 8 below).

7.5 [C] Use Zones

- (a) Use Zones refer mainly to recreational use. They are used in the Table Mountain National Park Conservation Development Framework (CDF) and worldwide to good effect. According to the CDF, the aim is to balance conservation with tourism and recreation activities. They also help prevent conflict between different recreational uses. Of course they are informed by the other layers.
- (b) The current Section 4.3.1 correctly observes that the area as a wide spectrum of resources, many of which overlap spatially. Of the above Use Zones (Remote Wilderness, Remote, Quiet, Low Intensity and High Intensity) listed in the CDF, currently only Remote Wilderness, Remote, Quiet and Low Intensity would be appropriate. The High Intensity Use Zone refers to visitor's centres, built-up pic-nick spots etc. is not appropriate. (See also comments in Section 9 on the Clubhouse below).
- (c) We suggest the following subdivision into Use Zones:
- i. Upper part of Farm 366 (the Mountain Catchment Area): Remote Wilderness
 - ii. Areas of Farm 369 above the historical eucalyptus firebreak and below the Mountain Catchment Area: Remote. This Use Zone definition reacts the current practice and decisions already taken, in terms of which the footpaths upwards of the firebreak are reserved for pedestrians (i.e. Walking, Hiking, Running).
 - iii. Wetlands and riverine zones (corresponding to categories B.c.i and B.c.ii): Quiet. Where necessary, the 35 metre river embankment definition should be expanded.
 - iv. Areas with a high density of mountain bike tracks, including the current pine plantation and lower parts of Farm 368/2: Low Intensity.
 - v. Area immediately surrounding the clubhouse and access road to it: Low Intensity
 - vi. Unwooded area near the Paradyskloof main gate: Quiet. The reason for this is that it contains Red Data species.
 - vii. All other areas, including renosterveld: Quiet
- (d) Appendix A displays a page taken from the Table Mountain CDF which provides a guide for the definition and application of the Use Zones. A simplified table of Use Zones is shown below; it reacts

	<p>existing usage in the PNA. The asterisks indicate activity on designated routes only. Designated routes are discussed in Section 8 below.</p> <p>8.1 The current EMP addresses roads, tracks, trails and footpaths only indirectly, e.g. in Sections 4.2.4 (Soil) and 4.3.3 (Recreational Use). Because the PNA is envisaged as a conservation area but fulfilling an important function of recreation, proper management of roads and trails is important. Omitting a detailed framework for this would create endless confusion and conflict. We sketch below a detailed proposal for inclusion into the EMP. One or more new sections should be devoted to these in the context of recreational use.</p> <p>8.2 The first step towards doing so is to create an accurate picture both of the existing roads and trails and to classify them in terms of current and future use. As stated, the Google Earth layer shown in Figures 10, 11 and 18 is inadequate because (i) it does not classify these tracks, (ii) they are hard to ground-truth especially in the pine plantation, (iii) the present snapshot contains a number of illegal trails, logging paths etc which should be identified and closed.</p> <p>8.3 Road, track and trail types: There are two attributes to consider, namely the type and purpose of an existing road and trail, and the future status of each. We suggest that the following scheme be included in the EMP and implemented in the phase-in timeframe by means of a Schedule of maps.</p> <p>(a) The suggested classification types are: Type T (paved road), Type D (unpaved road, jeep track), Type B (Bicycle or mountain bike track), subdivided into downhill and general tracks (BD and BG), Type P (pedestrian track, including runners and hikers) and Type O (other road-related structures such as jumping ramps, parking areas etc.)</p> <p>(b) The status of each road/trail/track can be Status A (approved for use as set out further below), Status R (to be closed for rehabilitation) and Status N (illegal or non-approved track).</p> <p>(c) Each road and track should be mapped and typed, segment by segment, so as to facilitate the compilation of maps reacting the present status and allow for future changes. This has become quite feasible with GIS, and FSM already has a near-complete set of ground-truthed track segments on file.</p> <p>(d) The EMP should then include a set of default rules as follows. Unless explicitly indicated otherwise on the</p>	<p>The detailed contained in the Paradyskloof NA EMP is deemed sufficient for the proper management and maintenance of existing roads and tracks.</p> <p>The routes included in the current EMP were digitised from the latest high resolution aerial photograph available to the municipality. This layer is considered accurate and complete.</p> <p>Provision has, however, been made to allow set of maps and other accompanying documentation to be added to the EMP as approved by the relevant "Friends of..." group.</p>
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	<p>maps:</p> <ul style="list-style-type: none"> i. Types T and D roads may be used by approved motorised vehicles (see Section 11 re motorised vehicles), as well as by cyclists and pedestrians. Motorised vehicles have right of way, i.e. cyclists and pedestrians are obliged to yield; ii. a Type BD track (downhill bike track) is reserved for cyclists; iii. a Type BG track (general bike track) may be used by cyclists and pedestrians, with pedestrians having the right of way; iv. Cyclists must yield to motorised traffic where B-trails cross roads (Types T or D); v. Type P segments are reserved for pedestrians only (including prams, trail runners); vi. a track marked N on the maps is by definition to be closed and no use is permitted at all. This includes all segments which have been identified for rehabilitation, after which they can either be re-opened for use or closed permanently; vii. any track which does not appear on the approved route maps is by definition of Type N and will be closed; viii. permissions for Type O structures are explicitly spelt out individually in an addendum to the maps. <p>8.4 Implications for the EMP: The type classification and segment-by-segment purpose determination of roads and trails will clearly not be completed in time for promulgation of the EMP. We therefore suggest that the EMP merely lays down the above rules and include text outlined below. The process would be similar to the one followed in compiling the Table Mountain Environmental Management Plan.</p> <ul style="list-style-type: none"> (a) The text in Section 3.4 (Infrastructure) should include wording to the effect that the roads and trails shown in Figures 10 and 11 merely react current realities without predetermining their purpose, and a reference to a later section where such determinations are discussed should be inserted here. (b) During the phase-in time period, a route master map will first be ground-truthed and checked against historical Google Earth photos to determine illegal recent additions to the network. (c) The road and track segments would be colour-coded corresponding to their approved types (T,D,BD,BG,P,N). (d) The complete set of track segments and their types will be workshopped in the new Panama Forum and then submitted for comment to various role players (CapeNature, Municipal Departments, Ward Committee etc) 	
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	<p>(e) The route master map would then be included into the EMP as a Schedule.</p> <p>(f) The master route map would subsequently form the basis for all specialized maps such as a mountain bike network map, tourist information maps, display boards at the PNA entrances etc. Naturally no new maps and display boards should be put up before these new maps are finalized.</p> <p>(g) The EMP would do well to follow Section 4.4 of the Table Mountain EMP and include a subsection or schedule on the Procedure to open new mountain bike routes.</p> <p>(h) Besides being set out in the main text in detail, these items would be added in summary form to the ACTIONS / IMPLEMENTATIONS Table 13.</p> <p>9 The clubhouse</p> <p>9.1 The so-called clubhouse was renovated at a cost of nearly R600,000 in 2017 using municipal funds. This was done despite the fact that there was no clear idea of the purpose of a renovated building and without regard for the context and surrounding areas. The clubhouse exemplifies what goes wrong if no proper planning is in place and highlights the importance of the present EMP.</p> <p>9.2 The clubhouse is now an unavoidable fact of life and no doubt the Municipality feels the need to obtain some revenue from this bad investment. However, under no circumstances should the need for revenue from a bad investment drive the overall land use decisions. The Paradyskloof Nature Area is a nature area and that is and remains its primary purpose.</p> <p>9.3 We support the idea that different possible uses for the clubhouse should be investigated (Table 12). All decisions regarding the clubhouse must be reached on the basis that the integrity of the surrounding nature areas be maintained, in accordance with the stated Principles.</p> <p>9.4 Access and separate Use Zone: Evidently, usage of the clubhouse has very different characteristics than the management of the surrounding nature area. Use of the same main gate both for clubhouse users and nature area management has, for example, proven very problematic because clubhouse users generally come at night or over weekends when there is no supervision. Furthermore, clubhouse users thereby gain motorised access to the full 400 hectares of nature area, which according to the rules motorised vehicles are prohibited. We therefore believe</p>	<p>The Paradyskloof EMP prohibits the construction of any new mountain bike routes. It is therefore deemed unnecessary to include a section on how to open new routes.</p> <p>Agreed</p> <p>Agreed</p> <p>Noted. This must be further investigated by the Department: Community Services.</p>
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	<p>that it would be beneficial to declare a separate Use Zone for the club-house and perhaps even extend this zone to encompass a part of the area between it and the main entrance on Paradyskloof Road while excluding high-biodiversity areas which still occur there. Separating the clubhouse Use Zone from the surrounding one would provide the basis for separate management measures such as a separate entrance gate and fencing off of the clubhouse area from the main nature area. The EMP should include a paragraph sketching the intention to separate the clubhouse and its access into a separate Use Zone. See also comments on the Rules below.</p> <p>9.5 We comment briefly on the rules proposed in Section 4.3.2. It must firstly be clarified that there are two sets of rules, namely (i) a set of rules issued to rental users and (ii) governance rules which set down general parameters for usage of the clubhouse.</p> <p>9.6 Rules for rental (see Section 4.3.2 of EMP) The current or proposed text is shown in italics, our comments are in plain text or bold.</p> <p>(a) An official application for use of the clubhouse must be submitted to the Department: Community Services at least ten workdays before the event.</p> <p>(b) Use of the clubhouse must be approved by the Department: Community Services at least five workdays before the event.</p> <p>(c) Conditions set by the Department: Community Services must at all times be complied with.</p> <p>(d) The person / organisation organising or applying for approval for the use of the clubhouse assumes responsibility for the event as well as his/her or its guests complying to the above conditions of approval. Comment: this should be worded more tightly. It should be unambiguously clear who is responsible and liable. Hence we propose: The applicant, defined as the private person or the representative of the organization which is applying to host the event at the clubhouse, is responsible for enforcing all the conditions set for the event and general laws, by-laws and rules applying to the surrounding nature area.</p> <p>(e) We further propose: The applicant assumes liability for any loss or damage occasioned during the event, with respect to both the event participants and municipal property. Where an organisation applies to host an event, the person applying on behalf of the organisation is liable in his or her personal capacity. This is very important because (i) it ensures that any organisation whose constitution limits liability of its office holders does not simply get off the hook, and</p>	<p>Agreed. An amendment in this regard has been made to the EMP.</p> <p>Agreed. An amendment in this regard has been made to the EMP.</p> <p>Agreed. An amendment in this regard has been made to the EMP.</p>
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	<p>(ii) the applicant understands the seriousness of enforcing the conditions and laws and acts accordingly.</p> <p>(f) Fire is only allowed in designated areas. As set out further below, we strongly oppose any sort of fire in any form whatsoever except in the indoor braai with a chimney. The "lapa" constructed on the north side of the clubhouse should be dismantled. The proposed 15 metre safety zone around the clubhouse is inadequate to preventing sparks. Braziers and any sort of outside fire (including smoking, gas stoves, fireworks etc) should be summarily prohibited. Any less strict prohibition will create legal loopholes and likely result in a runaway fire sooner or later. Hence this rule should read: Fire, fireworks, smoking and the lighting of flames of any sorts is strictly prohibited. Use of the indoor braai area is, however, permitted.</p> <p>(g) Access for public users of the clubhouse may only be gained from the Paradyskloof Rd gate. For the moment, we agree with this, but have in mind the creation of a separate gate and access at a later stage.</p> <p>(h) A maximum of 10 vehicles are allowed to enter the premises to attend a event held at the clubhouse. If the amount of guests attending an event require more than the allowed 10 vehicle access arrangement must be made for the additional guest to be transported from the access gate up to the clubhouse. While we agree with the sentiments, this will be impossible to enforce unless adequate provision is made for external oversight. (i) We propose to add to the rules: Keys to the access gate and the clubhouse are the property of the Municipality and may not be copied. The loss of a key triggers a fine of R500 per key. The fine is not excessive, given that a lost or copied key implies the purchase of one or more new locks and multiple copies of the new keys for distribution, and the time and effort expended on the matter.</p> <p>(i) As stated in Item 9.4, we propose that a separate entrance dedicated only to access to the clubhouse should be constructed. Until such time as this has been effected, the a rental rule The main access gate should be closed as soon as the event has commenced and remain closed should be included.</p> <p>(j) As set out below, we consider it inevitable that there should be a manned access point along with an access fee. Once this is implemented, the clubhouse rules and rental fees would accordingly be modified to implement oversight over events by means of paid municipal agents.</p>	<p>Noted.</p> <p>This provision has been amended as follows: Fire is only allowed in designated areas and if approved by the Department: Community Services.</p> <p>Noted. See comment below.</p> <p>Noted. See comment below.</p>
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	<p>9.7 Clubhouse governance rules to be added to the EMP separately:</p> <p>(a) A separate set of governance rules addresses the specific management parameters and principles within which the Municipality intends to have the clubhouse administered.</p> <p>(b) Applying the Causal Principle of Item 2.7, all funds generated by the clubhouse shall be ring-fenced for use in the surrounding nature area, maintenance of the clubhouse, and payment of oversight and access control employees.</p> <p>(c) The clubhouse is increasingly being used for functions and events of the municipality itself. At first sight, that would seem quite appropriate. It must be observed, however, that the R600,000 spent on refurbishment is taxpayers' money which could have been spent elsewhere. There is no basis for an automatic right of municipal employees or office bearers to free access and use of the clubhouse while the taxpayer has to pay rental. The governance rules for the clubhouse should therefore include the provision that Social events organised and held at the clubhouse for the main benefit and/or attendance of municipal officials and/or office bearers are liable to pay the required rental fee. Workshops and events organised for the purpose of public participation and engagement shall be free. In all cases and independently of the applicable fees, the proper application process must be followed and the rules for rental obeyed. The payment of fees in the case of social events held by and for municipal employees or office bearers can be effected by means of a "journal entry" or internal transfer from the general municipal account into the clubhouse or the Department of Conservation account.</p> <p>10 Fire and firebreaks</p> <p>10.1 Notwithstanding general concern with crime, by far the largest threat posed both to the nature area and to human life and property is fire. Climate change and drought have increased the frequency and severity of wild fires worldwide, and the Western Cape with its Mediterranean climate is particularly at risk. Recent fires Bettys Bay and Kogelberg have shown that dozens to hundreds of residences can be easily burnt even when the fuel load is relatively low. The pine plantation in Paradyskloof must therefore be considered as a ticking time-bomb, especially since the plantation reaches to within metres of residential areas nearby. As a land owner, the Municipality would be liable for damages</p>	<p>The Paradyskloof Nature Area EMP is not the correct document to set out the detailed rules for the administration of the clubhouse. These rules sit with the relevant department administering the facility. The EMP simply lays down ground rules in this regard to limit the main risk to the nature area.</p>
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	<p>which could run into hundreds of millions of Rands. The EMP deals with fire in Section 3.6 (Threats) and Section 4.2.6 (Fire). While we agree with and support almost everything stated in that section, it does not go far enough.</p> <p>10.2 Firebreaks: According to Section 4.2.6.2, the National Veld and Forest Fire Act requires a firebreak to be wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from the neighbouring land. We must point out that the width of the cleared sections between the pine plantation and the residential areas will never be sufficient to prevent the spread of a plantation fire: flames can easily rise to higher than 20 metres, and sparks can and do fly over hundreds of metres. The only solution is to have most or preferably all the pine plantation logged as soon as possible. After logging, there should be no replanting. Action Item 27 of Table 9 should be strengthened to not only recommend investigation of the harvesting but the urgent implementation of that harvesting.</p> <p>10.3 Some neighbouring landowners have taken to planting trees and shrubs and extending their gardens into the Paradyskloof NA. All the relevant encroachment agreements should be cancelled and the relevant non-endemic vegetation removed. Through ignorance, these neighbours are only endangering themselves as well as introducing additional non-endemic species into the area. A further Action Item should be added to Table 11 with regard to restoring firebreaks to be truly free from neighbouring encroachment.</p> <p>10.4 As already set out in Item 9.6f, the clubhouse represents a special fire risk, and the pertinent rules have to be much tightened to not permit any lighting of any flame outside the clubhouse internal heath.</p> <p>10.5 Rules and conditions for entry for recreational users should unambiguously prohibit fire-making of any sort, including smoking, fireworks, braaiing or even possession of any flame-causing equipment, including matches, cigarette lighters, flammable liquids and solids etc. Such prohibition should form a prominent part of displayed notice and display boards and any public communications. The liability for damages of offenders should be set out too.</p> <p>11 Access, Safety, Law Enforcement, Events</p> <p>11.1 We suggest that, following the deletion of Section</p>	<p>Noted</p> <p>Noted and agreed.</p> <p>This item is addressed by Section 4.3 of the EMP.</p> <p>Noted and agreed.</p>
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	<p>4.3.4 (Development) as set out elsewhere in these comments, a new Section be inserted before the section on Events with the topic Access Control, Safety and Law Enforcement, or else Events could be incorporated into this general section. Some relevant suggestions for text of this new section appear below. The issue of finances has been addressed in Section 5.2.</p> <p>11.2 Access control</p> <p>(a) Access control is a basic necessity for effective management and achieving the goals and principles. Currently, there is very little access control, and what little there is has proven ineffective.</p> <p>(b) As stated in Item 5.2, the Causal Principle implies that access and its associated impacts should be paid for by the person or organisation effecting that impact. Text and Action Items should be added to spell out the implications.</p> <p>(c) Fencing: Except for the solid fence at the main gate (which itself needs an upgrade), fencing along the remaining perimeter is almost non-existent. Moreover, numerous gates have been inserted into whatever fencing there remains, which is illegal in terms of the municipal by-law. i. the entire periphery should be audited with regard to fencing and gates; ii. the entire periphery should be properly fenced, leaving only properly controlled access points on Paradyskloof Road and at the waterworks;</p> <p>(d) Encroachment agreements and permission for gates with neighboring landowners will be cancelled and renegotiated only under exceptional circumstances.</p> <p>(e) Access from the Coetzenburg side would be open, but only on condition that a system of cyclist identification (and annual payment of a subscription) as well as on-site roving inspectors is implemented.</p> <p>(f) All notice and display boards shall clearly state the rules of access, and in particular highlight the prohibition of all motorised vehicles not in possession of a permit.</p> <p>(g) The main access point at Paradyskloof Road will be staffed during daylight hours for inspection of cashless access tokens, and high cash fees be imposed on users who do not pre-purchase cashless tokens.</p> <p>(h) In time, special access control measures will be implemented with regard to the clubhouse as set out in Section 9;</p> <p>11.3 Safety and Law Enforcement</p> <p>(a) While Action Items 9 and 11 mention law enforcement, the topic of law enforcement has not been treated fully. There are many illegal activities</p>	<p>Agreed. Amendments to the EMP have been made in this regard. A new section addressing the issue has been added to the document.</p> <p>Noted</p>
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	<p>which also must be addressed in the EMP. The most prevalent include creation of unauthorized mountain bike trails, ramps, ground removals for trail construction, illegal footpaths, access by neighboring landowners, and gathering of plant material.</p> <p>(b) There are many other less frequent illegal activities. Many of these are, of course, mentioned in the Municipal By-Law (see EMP Section 2.3.4). Nowhere does the EMP explicitly set out how this By-Law and its provisions are to be implemented. The EMP should therefore set out brief a strategy to implement at least some law enforcement. We need text and an Action Item pertaining to upgrading law enforcement in the nature areas. Options to investigate (not mutually exclusive) include better coordination with municipal law enforcement, employment of dedicated on-site roving inspectors (augmented by Volunteer Rangers), and a possible agreement with a private security company active in the immediate vicinity.</p> <p>(c) As set out already, the clubhouse will require special attention with respect to law enforcement and supervision.</p> <p>(d) A further action item should refer to revision of fines as well as coordination with the municipal court.</p> <p>12 Other comments and suggestions</p> <p>12.1 Display boards: As already mentioned in Item 8.4, the EMP should compile a set of statements and signs which are to appear on display boards.</p> <p>12.2 If display/notice boards are to be erected by any organisation other than the Municipality itself, the full content and layout of such boards must first be workshopped within the Panama Forum and approved by the Department of Conservation.</p> <p>12.3 Rules, display boards, codes of conduct</p> <p>(a) With regard to the rules for recreational use of Section 4.3.3: i. Re Rule (a): explicitly mention liability ii. Re Rule (b): We have already motivated why fires and all kinds of relighting should be generally prohibited. iii. Re Rule (c): replace existing with approved or designated, because there are quite a few existing ones which are illegal. iv. Re Rule (i): This has been addressed in Section 8 on Roads, tracks, trails. The types, abbreviations, permissions and colour codes should of course be written into the rules. For the purpose of display boards, a brief explanation of the colour codes used would be</p>	<p>Noted and agreed. As a interim solution it is the intention of the Section: Nature Conservation to increase staff (baboon monitors or other) presence in the Paradyskloof Nature Area, similar to that of the Botmaskop area, in an effort to discourage vagrants. These monitors will be equipped with radios to contact Law Enforcement if required.</p> <p>Agreed</p> <p>Agreed. An amendment in this regard has been made to the revised EMP.</p>
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	<p>supplemented by a reference to a website as well as one or more telephone numbers.</p> <p>(b) We suggest that, besides the above general code of conduct for all recreational users, Section 4.5 of the Table Mountain EMP be used as a point of departure for a mountain biker code of conduct for which the TM-EMP was written. However, codes of conduct are not enforceable and should therefore be devolved for handling by the relevant mountain bike organisations.</p> <p>12.4 Section 5 (Validity): As proposed above, this section should be incorporated into the new timeframes subsection.</p> <p>12.5 Section 4.4 (Environmental Auditing): We very much support this and hope to be of assistance. FSM already has substantial data on plant species which forms a solid scientific basis for biodiversity auditing. All other forms of auditing are also strongly supported.</p> <p>12.6 Section 4.2.1 (Alien Clearing):</p> <p>(a) While the topic itself is of cardinal importance, it is not clear whether specific clearing methodologies are necessary content in an EMP, especially since a separate Invasive Alien Management Plan already exists. Clearing of alien invasive species ranks as one of the most important actions needed for long-term sustainability. It may, however, not be necessary to spell out all the procedural detail in this particular document since this is already done in a separate municipal alien clearing plan.</p> <p>(b) Important invasive alien species which should also be mentioned are pittosporum, bug-weed, hakea. Mention should also be made that some pine species such as pinus pinaster can be inherently invasive.</p> <p>(c) The EMP text should mention that fynbos seed banks can recover from pine plantation land use if such land use does not exceed about 30 years. It would hence be important to log the oldest portions of the remaining pine plantation as soon as possible in order to give the remaining seed banks a chance to re-seed the logged area.</p> <p>(d) The order of clearing of alien vegetation should be informed not first by elevation of an infested area, but by the combination of three other factors: 1. density of infestation, 2. ease of access, 3. conservation value of infested area. Prioritization procedures should be considering all three factors. Low-density infestations, and/or to areas easily accessible and/or of high conservation value would score higher in terms of priority. Within this ranking,</p>	<p>Noted</p> <p>See comment above.</p> <p>Noted</p> <p>Agreed. The approved Stellenbosch Municipality Invasive Alien Plant Management Plan (2017) contains the relevant detail with regards to the management of invasive aliens. Only the minimum information, as contained in the above plan, has been included in the Paradyskloof NA EMP.</p> <p>This is dealt with in the Stellenbosch Municipality Invasive Alien Plant Management Plan (2017). The provision that clearing should start from the top a slope, working downwards, was added to the EMP as a matter of principle to limit soil</p>
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	<p>rivers and river banks as well as low-lying renosterveld areas would possibly be prioritised over areas at higher elevation, because high-elevation biomes are less threatened.</p> <p>(e) Foliar spraying methods should be explicitly prohibited. They have been used in some parts of Farm 369 and have caused long-term heavy damage, to the extent that almost nothing grows in the affected areas even years later.</p> <p>(f) Figure 13 is somewhat misleading, because it includes the remaining 40 hectares of pine plantation into the central high-density AIP area. While a case can be made that pines are indeed AIPs, plantations are not usually understood and handled as such. Of course, the moment that these remaining pines are logged, then the high-AIP-density color coding in Figure 13 is quite appropriate.</p> <p>(g) The strips of land comprising the former eucalyptus firebreak on the upper border of the former pine plantations are currently indicated as Medium Density infestations; from direct experience, they should be denoted High Density.</p> <p>(h) Table 3: Add action Obtain and collate information on historical evolution and events regarding the establishment and logging of various sections of the pine plantations.</p> <p>(i) Table 3: Add action Obtain and collate information on historical alien clearing program and actions as input into present and future clearing strategies.</p> <p>12.7 Sections 4.2.2 (Flora) and 4.2.3 (Fauna)</p> <p>(a) Section 4.2.3 (Fauna) can and should be merged with Section 4.2.2 since much of the quoted text pertains to both. Correspondingly, Tables 4 and 5 can and should also be merged. The introductory paragraphs of the current Section 4.2.3 would form the beginning of the new joint section.</p> <p>(b) Make direct reference to the Biodiversity Act and quote the relevant sections.</p> <p>(c) The actions in Table 4 are strongly supported. A further action should be added: Ground-truth and update the CBA status of all parts of the nature area in cooperation with Cape Nature and SANBI.</p> <p>(d) A second action to add is Identify priority sub-areas for protection and/or rehabilitation based on their conservation value (e.g. Red Data species, critically endangered habitats etc).</p> <p>(e) The introduction of non-endemic species to the area should be explicitly forbidden, also in the Rules, and existing non-endemic species should be gradually removed even if they are non-invasive. The only</p>	<p>erosion.</p> <p>The portion of land is indicated as highly invested as pine trees are invasive alien plants.</p> <p>Disagree. These items are regarded and dealt with as separate topics.</p> <p>Agreed. This has been included in the revised EMP.</p> <p>Agreed. This has been included in the revised EMP.</p>
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	<p>viable exception would be the few old oak trees which form part of the cultural heritage.</p> <p>12.8 Section 4.2.4 (Soil)</p> <p>(a) Add to item a): Construct physical barriers to road use where the NO ENTRY signage is not respected.</p> <p>(b) Given the envisaged alternative access to the clubhouse, the separate road leading to the clubhouse should be tarred, of course with funds generated from clubhouse rentals.</p> <p>(c) An Action Item should be added to Table 6 to the effect that Recover costs for preventing further erosion and rehabilitating historical erosion on approved mountain bike tracks by higher access fees for mountain bike users and by fees from event organizers.</p> <p>(d) A further Action Item for Table 5 should be Audit erosion measures undertaken by pertinent mountain bike and/or event organisations at least once per year.</p>	<p>Agreed. An amendment in this regard has been made to the revised EMP.</p> <p>Item to be considered by the Friends of the Paradyskloof Nature Area.</p> <p>Item to be considered by the Friends of the Paradyskloof NA and revision of the Events Policy and / or fee structure.</p> <p>Such an action is already contained in Table 11.</p>
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7.6.2	USE OF PUBLIC OPEN SPACE (ERF 3931) AND PLAYGROUND AT UNIEPARK (ERF 3363) REQUESTING FOR THE CONSTRUCTION OF A MOUNTAIN BIKE CYCLING PATH AND JUNIOR CYCLING TRACK IN THE PLAY PARK IN UNIEPARK
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Collaborator No: 632965
 IDP KPA Ref No:
 Meeting Date: 2019-05-21

1. SUBJECT: USE OF PUBLIC OPEN SPACE (ERF 3931) AND PLAYGROUND AT UNIEPARK (ERF 3363) REQUESTING FOR THE CONSTRUCTION OF A MOUNTAIN BIKE CYCLING PATH AND JUNIOR CYCLING TRACK IN THE PLAY PARK IN UNIEPARK

2. PURPOSE

- 2.1 To inform Council about a request received from a group of residents to construct a mountain bike cycling path and junior cycling track in Uniepark.
- 2.2 To request Council to accept the recommendations by the Department Community Services, namely that the request for the construction of a mountain bike cycling track and junior cycling track in the play park in Uniepark not be approved.
- 2.3 That permission be granted to construct a junior cycling track on the area as indicated in **ANNEXURE E**.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

A request was received from a group of residents to construct a mountain cycling path and junior cycling track in Uniepark (See **ANNEXURE A**). This request is supported by a group of residents via their signatures. However, when other residents became aware of the application, objections were received against the construction of a mountain cycling path and junior cycling track in Uniepark (See **ANNEXURE B**).

Council needs to take note that during 2010, an investigation was completed for the development of an Arboretum on the same park. A Landscape Architect was appointed to design a layout of the Arboretum. A public participation process was followed and based on the outcome of this process, a decision was taken to proceed with the development of the Arboretum. **ANNEXURE C** is a layout plan of the Uniepark Arboretum. Two of the five proposed blocks have already been planted with trees.

5. RECOMMENDATIONS

- (a) that the application for the construction of a mountain bike cycling path and junior cycling track in the play park in Uniepark not be approved; and
- (b) that approval be granted for the construction of a junior cycling track in the area east of the play park in Uniepark, between the pine trees (See **ANNEXURE E**).

6. DISCUSSION / CONTENTS**6.1 Background**

A request was received from a group of residents for the construction of a mountain bike cycling path and junior cycling track in the play park in Uniepark suburb (See **ANNEXURE A**).

According to the applicant the reasons as well as advantages of the request are the following:

1. To make the park more accessible for children;
2. To improve the usage of the park;
3. Security in the park will improve;
4. Children will not have to make use of the streets to cycle;
5. A cycling track will help the children to develop their skills;
6. Stellenbosch Trail Fund (STF) will install the signage on their cost;
7. Stellenbosch Trail Fund will develop the trail;
8. Current trees will not be affected by the development;
9. Residents will contribute financially for the development;
10. Stellenbosch Trail Fund will maintain the trail;
11. Prevention of erosion.

Since this request has been received another group of residents provided documentation of objections against the construction of a mountain cycling path and junior cycling track in the play park in Uniepark suburb (See **ANNEXURE B**).

The group of residents who are against the application stated the following reasons:

1. The tranquility of the park will be disturbed;
2. There is already enough cycling tracks in Stellenbosch. There is no need for another cycling track in the play park in Uniepark;
3. Currently the park is being used by all age groups for playing, walking, running and other activities;
4. The Reservoir Area between the pine trees, East of the play park, can be used;
5. The development will result in an ecological disaster, if approved.
6. During Winter and Spring the park is full of all kinds of bulbs flowering;
7. Currently there are many nannies with babies in strollers, using the park;
8. Residents use the park to walk with their dogs;
9. Other leisure activities include school children using the park to relax after school;
10. The proposed Arboretum that is currently in the developing phase will be negatively influenced if approval is granted for the cycling track;
11. It is questionable if the security will improve if a cycling track is allowed;
12. The cycling tracks will result in a question regarding the stormwater that flows in these cycling tracks;
13. There are no ablution facilities for these cyclists;
14. The market value of properties will devaluate with the development of a cycling track;
15. The majority of Uniepark residents did not know about the request for a cycling track in the park;
16. Nature will be disturbed if this development is allowed;
17. Money has been already invested in the Arboretum;
18. Safety of other users will be at risk if cycling is allowed;
19. The noise levels will increase;
20. The track for children will aesthetically degrade the park;

21. High speed cyclists will be a risk for other users;
22. Dogs and cyclist will not work on the same park;
23. The area is been developed as a green belt where residents can play, walk with their dogs, etc.

6.2 **Discussion**

Due to the different opinions of the residents, a public participation process was followed to gather the input of the residents of Ward 7. The hand-out of a circular to all residents of ward 7 was distributed (See **ANNEXURE F**). More than 700 circulars were distributed. The total amount of comments received was 36 (See **ANNEXURE G**).

A total of 20 residents were in favour of constructing a cycle path and a junior cycling track, while 16 residents were opposed.

The group of people who were in favour of constructing a mountain bike track and cycling track used the following reasons as motivation (not all residents provided reasons):

1. Residents with relevant experience and knowledge would love to be involved in the construction of trails and cycling tracks.
2. With reference to Botmaskop trail constructed, no one's safety is at risk at the moment.
3. Improved facility for residents in area and will add value to properties within area.
4. Forces crime away from area due to its higher occupational use.
5. Improve socialization.
6. The Integration of activities.
7. Should not place others in danger or in harm's way. Should separate bike trail and walking (to be formalized) for safety reasons.
8. Will improve maintenance of Uniepark.

The group of people who were opposed to constructing a mountain bike track and cycling track used the following reasons for motivation (not all residents provided reasons):

1. Invasion of privacy, security issues, flood control, will there be ablution facilities? Parking issues. Will it be exclusive? There are already mountain bike trails. Trail used by scholars. Will affect fauna and flora.
2. Ecological impact. Necessity of mountain bike trail questioned.
3. One of the first home owners in area stated that the park should remain as green belt.
4. Area will be damaged and will cause restlessness.
5. Will cause damage to natural habitat.
6. Unsafe for scholars due to path going down-hill. Kids, animals and elderly's safety are at risk. Rather build a play park.
7. Arboretum not being utilized and maintained properly. Uniepark should be quantified properly.
8. There are enough mountain bike trails in Stellenbosch.
9. One of the residents opposed to the cycling track and mountain bike trail but is in favour of the Arboretum and is willing to invest financially in Arboretum and donate trees.

Department's opinion:

The Department: Community Services is of the opinion that the request for a cycling trail and cycling track not be supported, due to the following reasons:

1. There is enough space on the area next to the reservoir (Add Erf No), on the Eastern side of the play park where a junior cycling track can be constructed. (See Annexure _kaart)
2. A decision was taken during 2010 that the park will be developed as an Arboretum, where wild flowers will be allowed to grow and flowers during the Spring season. Funding has already been spent on the purchasing and planting of trees as part of the Arboretum's development. The Department plan to continue this project during 2019/2020 financial year.
3. One of the residents indicated that he will contribute financially and donate trees for the further development of the Arboretum.
4. Currently this park is being experienced as a nature area, thus the reason why the grass is not being cut between the months of September and October, to enable the wild flowers and bulbs to bloom. A species list of bulbs and flowers has been provided by one of the residents.
5. The monitoring of high speed cyclists from Botmaskop may result in serious accidents and possible claims against the municipality. Although the applicant indicated that the cycle track will be designed in such a way that speed will be limited, it will be very difficult to monitor and control cyclists that do not stay on the track.
6. The footprint of the cycle track development will destroy many of the bulbs and wild flowers.

6.2.1 Summary of discussion

It is clear from the opinions from the residents that not everybody is in favour of the development of the mountain bike trail and junior cycling track in the park, while the majority of residents oppose the application.

The department emphasized the fact that there is an alternative site for the development of a junior cycle track. There is also an alternative route for the mountain bikes from Botmaskop Nature Reserve to the centre of Stellenbosch. Therefore, there is no need to construct a mountain bike trail through the park.

6.3 Financial Implications

There will be no financial implications for Stellenbosch Municipality if approval is granted for a mountain bike cycling path and junior cycling track due to the fact that the tracks will be constructed by the Stellenbosch Trail Fund and the community.

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

None

6.8 COMMENTS FROM SENIOR MANAGEMENT**6.8.1 Director: Infrastructure Services**

Agree with the recommendations

6.8.2 Director: Planning and Economic Development

Agree with the recommendations

6.8.3 Director: Community and Protection Services

Agree with the recommendations

6.8.4 Director: Corporate Services

Agree with the recommendations

6.8.5 Chief Financial Officer

Agree with the recommendations

6.8.6 Municipal Manager

Agree with the recommendations

RECOMMENDATIONS FROM PARKS, OPEN SPACES AND ENVIRONMENT TO THE EXECUTIVE MAYOR: 2019-04-04: ITEM 5.1.1

- (a) that the application for the construction of a mountain bike cycling path and junior cycling track in the play park in Uniepark not be approved; and
- (b) that approval be granted for the construction of a junior cycling track in the area east of the play park in Uniepark, between the pine trees (See **ANNEXURE E**).

Cllr F Adams requested that his vote of dissent be minuted.

ANNEXURES

Annexure A: Application for the construction of a mountain cycling path and junior cycling track in the play park in Uniepark

Annexure B: Objections against the construction of a mountain bike cycling path and junior cycling track in Uniepark

Annexure C: Layout plan of the Uniepark Arboretum

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- Annexure D:** Map of Uniepark (*marked as A*)
- Annexure E:** Area east of the park where alternative junior cycling track can be developed (*marked as B*)
- Annexure F:** Circular of Public Participation: Use of Public Open Space (Erf 3931) and Playground at Uniepark
- Annexure G:** Summary of comments received from public

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	<i>Manager: Community Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8161</i>
E-MAIL ADDRESS	<i>albert.vandermerwe@stellenbosch .gov.za</i>
REPORT DATE	<i>April 2019</i>

ANNEXURE A

Uniepark Stap en Fietsroete.

3 May 2018

Aansoek

Hiermee word formeel aansoek gedoen deur lede van die Uniepark Gemeenskap vir:

1. die opgradering van bestaande informele NMT (non-motorised transport) roetes in Uniepark groenstrook,
2. die skep van 'n bergfiets paadjie, afsonderlik van die NMT roetes
3. en die bou van 'n junior pump track vir klein kinders.

Doel

Die doel van die aansoek is om die groenstrook toeganklik te maak vir kinders op fietse. Dit spruit hoofsaaklik uit die nood van ouers wat tans eiendom rondom die groenstrook besit, om 'n plek te hê waar hul kinders op hul fietse kan ry sonder om besige paaie te kruis. Die Martinson kruising is veral besonders gevaarlik.

Uniepark Gemeenskap

1. Ons het handtekeninge verkry van die volgende inwoners van Uniepark en Rozendal soos aangedui in geel op die kaart hieronder.
2. 10 direk aangrensende inwoners en in total 63 inwoners het skriftelik hul steun gegee en vervat in Aansoek B.
3. 55 handtekeninge is verkry vanuit die 156 huishoudings in Uniepark en gegewe die gemak waarmee ondersteuning verkry is, is geen verdere handtekeninge versoek nie. 3 huishoudings het hul kommer oor die beplande roete en verandering aan ons oorgedra.



Ontwerp

Die ontwerp word aangedui op die kaart in aanhangsel A wat die bestaande uitgetrapde paadjies in blou aandui, die posisie van 'n nuwe junior pump track in oranje, 'n af-fietsroete in rooi en op-fietsroete in groen.

1. **Kennisgewings - Stellenbosch Trail Fund** sal borde installeer wat die gebruik van die roetes beklemtoon, aanspreeklikheid van die grondeienaar beperk en 'n Zapper teken aanbring vir donasies vir deurlopende onderhoud van die roetes. Voorbeel hiervan word onder Algemeen (3) getoon:
2. **NMT:** Die blou gedeeltes verteenwoordig bestaande roetes in die parkie wat gemerk word vir die gebruik van nie-motoraangedrewe vervoer en word tans gebruik deur stappers, pendelfietsryers, hardlopers en honde. Die hoofroete van bo na onder word gemerk om netjies gemaak te word en verder moet gronderosie voorkom word. Die randte van die hoofroete word met rivier klippe afgebaken. Plankies word op strategiese plekke in die grond gekap om afvloe water na die kant te begelei sodat dit nie reguit in die paadjies afspoel en uitdolwe na onder nie.
3. **Berfiets baan:** Aansoek word gedoen om die bou van 'n bergfietsbaan wat bergfietse skei van die NMT roetes. Hierdie roete word gedoen deur klip, hout en kleigrond te gebruik sonder enige permanente strukture. Kleigrond word ingery na die area, en word nie uitgegrawe uit die bestaande groenstrook nie. Die bergfietsbaan van bo na onder word so uitgele daat dit eenvoudig en veilig genoeg is vir 'n 10 jarige om gemaklik daar af te ry. Die paadjie word met voldoende ZIG ZAGS ontwerp om ryers se spoed te beheer. 'n Pad reguit van bo na onder is baie meer onveilig en dit is baie moeiliker om jou spoed daarop te beheer. 'n Klein fietspaadjie na bo begelei bergfietsryers en pendelfietsryers weer na die bokant van die park.
4. **Junior Pump track:** 'n Pump track word beplan wat die vermoë van kinders tot 12 jaar oud sal help om vaardighede te ontwikkel en die parkie op hul fietse te geniet waar die helling nie te styl is nie. Die baan word beplan onder gevestigde bome waar dit minimum visuele impak sal hê en ouers na hul kinders kan kyk. Dit mag ook net met volwasse toesig gebruik word. Die baan is baie eenvoudig en sal nie aanloklik ontwerp word vir tieners/studente se gebruik nie, maar word spesifiek vir kinders onder 12 ontwerp.

Voordele:

1. Sekuriteit in die area sal verhoog word aangesien ouers en kinders meer gebruik sal maak van die groenstrook en dus die area beter kan monitor deur verdagte aktiwiteite aan die JSRA oor te dra.
2. Met die skep van die bergfietsbaan en junior pump track sal die huidige gebruik van die groenstrook verbeter en toeganklik wees vir alle inwoners en gebruike rondom die parkie. Die gebruik vir stappers sal verbeter met die beheer van erosie van die paadjies en omdat fietsryers beperk sal word tot hul gespesifiseerde roetes. Die bergfietsbaan word beplan in die middle van die groenstrook en verskaf 'n veilige roete vir bergfietse wat tans die NMT roetes teenaan die huise gebruik.
3. Kinders in die omgewing sal 'n veilige plek hê om hul fietse te kan gebruik weg van besige paaie en elektroniese toestelle.

4. Bestaande bome sal nie geaffekteer word nie en water afloop sal verbeter ten einde erosie te voorkom. Natuurlike lewe soos voëls sal nie beïnvloed word nie aangesien fietsryers nou op 'n doelgemaakte paadjie sal hou en nie sommer deur die veld ry nie.
5. Aangansel C toon die ondersteuning vanaf die **Stellenbosch Trail Fund**, hul finansiële ondersteuning, beskrywing van hul metode om aanspreeklikheid te beperk asook hul onderneming om die roetes te onderhou. Die formele ondersteuning en "aanneming" van 'n stuk munisipale grond deur 'n organisasie en gemeenskap sal ook bydrae tot die onderhoud daarvan en die voortbestaan daarvan as groenstrook help bewaar.
6. Aangansel D toon die ondersteuning van **Stellenbosch Fietsry**. Hul beplanning vra ook vir 'n fietspad van onder by die Martinson kruising tot by die bo punt van die park, teen 'n helling wat rybaar is vir pendelfietsryers.
7. Aangansel E toon die **begroting** van R54 600 vir die projek aan wat vanuit die gemeenskap en Stellenbosch Trail Fund befonds word en geen munisipale befondsing word benodig nie.
8. Wyk 7 se wyksvergadering van 11 April 2018 is bygewoon deur 'n verteenwoordiger van die aansoekers en al die wykskommittee se vrae was beantwoord.

Algemeen

1. Wat is die voorgestelde begroting, en hoe word die projek gefinansier?

Sien aangansel E.

2. Hoe gaan die park in stand gehou word?

STF het onderneem om vir 5 jaar die paadjies te onderhou en bane te onderhou en word befonds deur skenkings van inwoners en gebruikers.

3. Hoe word die grondeienaar van aktiwiteite op die park van aanspreeklikheid gevrywaar?

STF het onderneem om al die vrywarings borde op te rig vir die park. Dit is deur regskeners saamgestel. Voorbeeld:



INTERNE REÛLS EN VRYWARING

Deur hierdie baan en/of omliggende gebiede te betree, verklaar jy dat jy die volgende verstaan en aanvaar:

1. Alle aktiwiteite wat jy op die baan, roete en/of in die omliggende gebiede onderneem, geskied geheel en al op eie risiko.
2. Jy is bewus van die risiko's en gevare wat die baan, roete en/of omliggende gebiede inhou.
3. Ingeval jy enige verlies, skade of besering van enige aard sou ly of opdoen wrens jou gebruik van die baan, roete en/of omliggende gebiede, sal nóg jy nóg jou eksekuteurs en/of gevolmagtigdes enige eis, saak of aanspraak van enige aard hê, en stel jy dus die Stellenbosch Trail Fund, die Universiteit Stellenbosch, Stellenbosch Munisipaliteit sowel as private grondeienaars skadeloos.
4. Jy stem in om die baan, roete en/of omliggende gebiede te gebruik voorteenkomstig die regulasies van die Stellenbosch Trail Fund: <http://www.stellenboschtrailfund.co.za>

Ken jou perke
 Bly op die roetes
 Gee om vir die omgewing
 Meld verdagte skadewerke aan
 Meet die roetes se tempo nie
 Respekteer elkeen se eilandom
 Respekteer ander op die roete
 Bly op afgebakende roetes, volg die tekens

4. Wat is die huidige stand van die groenstrook en voetpaadjies?

Mense stap op die natuurlike vloeylyn van die groenstrook. Aangesien daar nie duidelike paadjies of erosievoorkoming is nie, stap mense nou al hoe wyer, om op stewige grond te stap. Die gevolg is dat die groenstrook al hoe verder geërodeer word. Sien fotos volgende:



Gate en slote wat deur waterverspoelings veroorsaak is.



Terwyl daar fotos geneem word stap lede van die publiek op verskeie paadjies op boontoe.



Netjies belynde paadjies sal die voetverkeer beter organiseer.

5. Hoe gaan die nuwe paadjies lyk?

Op die hoofvoer roete na bo, word rivier klippe op die kante voorgestel. Dit rond die paadjie mooi af.

Sien voorbeeld van hoe die paadjies by Koloniesland park lyk:



Die kleiner paadjies word net netjies afgemerk aan die kante:



6. Hoe word erosie voorkom?

Hout plankies en keerwalle word op strategiese plekke oor al die paadjies gebou. Dit is waar die kundigheid van die paadjiebouers inkom. Al die ander bane wat hulle reeds gebou het, moet vir water erosie voorsiening maak.

7. Hoekom word daar nie alternatiewe plekke oorweeg, soos bo Provinsielaan aan die voet van die Bothmaskop woud nie?

Die aard van die fietsbaan vir die kinders, is dat dit op 'n gelyke gedeelte gebou moet word. Die helling bo in die parkie is te styl. Bo in die woud is die sekuriteit nog nie op so 'n vlak dat ma's met hulle kinders alleen soontoe kan gaan nie. Dit is ook moeilik vir klein kinders om van regoor die buurt tot heel bo met hul fietsies te gaan en moet weer strate kruis om daar te kom.

8. Gaan die stappers en fietsryers nie bots nie?

Die roete is so uitgelê dat die hoof stap en fietspaadjies slegs op twee plekke kruis. Die groenstrook is oop – daar is nie fynbos nie – en fietsryers en stappers sal mekaar op groot afstande reeds kan sien en in ag neem.

9. Wat keer 'n fietsryer om op die stappaadjies te ry?

Op die oomblik ry bergfietsryers teen 'n baie hoë snelheid in 'n reguit lyn vanaf bo tot onder. Dit is tans baie gevaarlik. Wanneer daar 'n doelgerigte paadjie geskep word, en die doel word met 'n netjiese bordjie aangedui, sal die fietsryers op hul eie paadjies hou. Dit is reeds by verskeie ander parke op Stellenbosch bewys, onder andere Koloniesland.

10. Gaan die bestaande bome verniel en beskadig word?

Geen boom sal aangeraak word nie. Die bome dra by tot die bekoring van die groenstrook. Konstruksie van die paadjies vind so plaas dat boomwortels ook geensins beskadig word nie, aangesien die paadjies bo-op die park gebou word, en nie uitgegrawe word nie.

11. Gaan die groenstrook oorval word deur duisende fietsryers?

Ons is van mening dat die ontwerp van die paadjie en baan met kinders in gedagte meer fietsryers in die park sal sien, maar dat dit meer ouers met kinders sal wees. Vanweë die sekuriteitsituasie in Botmanskop sal enkele fietsryers wat dit daar waag moontlik by die uniepark paadjie aansluit oppad terug. As bergfietsryers is ons ook gemaklik dat die kort afstand van die parkie nie ander fietsryers sal lok nie, gegewe ander roetes in die omgewing waar bergfietsryers vir kilometres op vloeiende "downhill" roetes kan speel.

Ons vertrou dat u bostaande gunstig sal beoordeel en spoedig goedkeuring sal verleen sodat met die werk voortgegaan kan word.

Vir verdere vrae, kontak gerus:

Charl du Plessis

083 442 8620

charldup@gmail.com

Bertus Swanepoel

076 290 2410

thebertus@gmail.com

Aanhangsel A: Ontwerp



Aanhangsel C: Stellenbosch Trail Fund

26 Maart 2018

Aan wie dit mag aangaan,

RE: Ondersteuning van Parkie Inisiatief in Uniepark

Hiermee verleen die Stellenbosch Trail Fund sy goedkeuring en ondersteuning aan die inisiatief opgeneem deur die Uniepark Gemeenskap.

Stellenbosch Trail Fund verleen ondersteuning aan die inisiatief deur die volgende betrokkenheid:

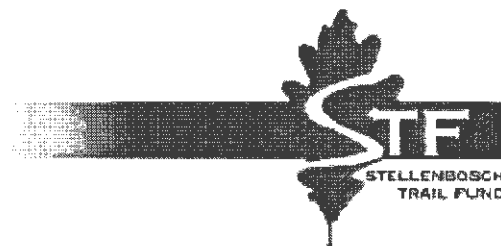
1. Finansiële ondersteuning op 'n 1 tot 1 basis tot 'n maksimum van R20 000 vanaf die Stellenbosch Trail Fund.
2. Risiko Aanspreeklikheid
 - a. Stellenbosch Trail Fund sal die bewoording en oprig van kennisgewing borde behartig. Ons sal verseker dat die grond eienaars geen aanspreeklikheid sal dra vir aktiwiteite wat beoefen word op die eiendom nie.
 - b. Die borde sal soortgelyk wees aan borde opgerig deur die STF by Koloniesland, Brummerspark en Welgelegen Kerk.
3. Instandhouding
 - a. Stellenbosch Trail Fund ondemeem om vir 'n tydperk van 5 jaar die baan in stand te hou. Daarna sal die onderhoud kontrak weer beding word met die Uniepark gemeenskap.

Kontak ons gerus indien u enige verdere navrae het.

Vriendelike groete,

Richard de Villiers
Direkteur
Stellenbosch Trail Fund

Richard de Villiers
Director
Stellenbosch Trail Fund
Cell: 083 310 1105
stellenboschtrailfund.co.za



Aanhangsel D: Stellenbosch Fietsry

1 Mei 2018

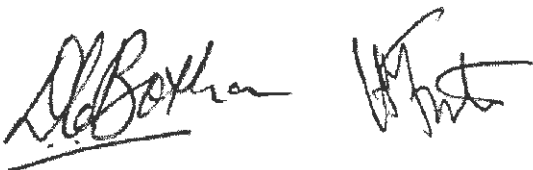
Beste Charl

Opgradering van Uniepark-parkie

Stellenbosch Fietsry ondersteun die beoogde inisiatief om die volgende redes:

- Die bestaande NMT-roetes sal opgegradeer en beter in stand gehou word.
- Die sigsag-ontwerp van die beoogde bergfietspaadjie is gemik op gebruik deur kinders, nie ernstige bergfietsryers nie, daarvoor is die beplande roete te kort en is daar veel meer uitdagender bergfietsroetes in die omgewing.
- Die nuwe geriewe sal daartoe bydra dat die parkie meer benut sal word deur al die inwoners van Uniepark en die park ook veiliger maak, net soos die skoonmaak en verbeterde NMT-paadjies in Koloniesland tot 'n veiliger omgewing gelei het.
- Ons steun ook die gebruik van die voorgestelde kennisgewingborde van die Stellenbosch Trail Fund, soortgelyk aan die borde in Koloniesland en Brümmerpark.
- Die inisiatief moet voldoen aan die voorwaardes van die Hoof: Gemeenskapsdienste en die Omgewingsbestuurder.

Vriendelike groete



Dawid Botha en Hugo Truter

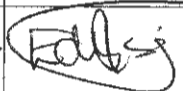
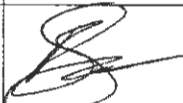



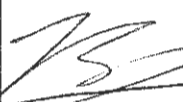

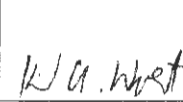
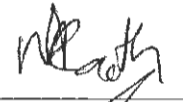
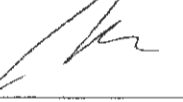
Stellenbosch Fietsry

Aanhangsel E: Begroting en finansiering

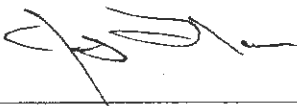
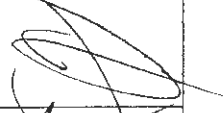

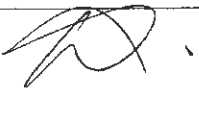

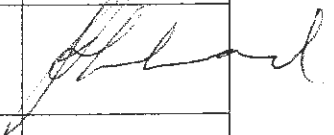
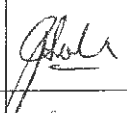
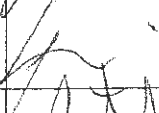




Projekfooi	
Corrie Muller – Trailbuilder begroting	R54 600
Finansier deur	
Munisipaliteit EPWP Lone Allokasie	R15 000
Lede van Uniepark Gemeenskap <i>pledges</i>	R21 100
Stellenbosch Trail Fund	R 20 000
Totaal	R56 100

strukture. Ek onderneem ook om 'n bemaking soos aangeteken te maak ten einde die projek te help finansier:

Aansoekers:

Sq	Naam en Van	Adres	Bemaking	Handtekening
1	Charl en Lize du Plessis	12 Transvalialaan	R1000	
2	B SWANEPOEL	5 TRENGROVE CAAN	R1000	
3	S. de Kock	6. TRANSVALIA	R1000	
4	Phillip Ravenscroft	16 Transvalia Ave	R1000	
5	Piet + Meenie du Plessis	10 Transvaliaaan	R500	
6	Johnie Gozart	Hoflaan 10	R500	
7	Karla Schreema	20 Transvalia	-	
8	Boland Huet	17 Transvalia Ln.	-	
9	Mathinus Koeth	8 Transvalia	R1000	
10	Gusta Bester	14 Prinselaan	-	

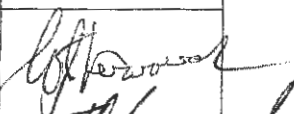
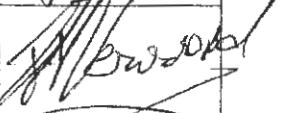


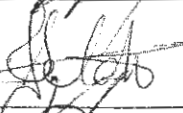
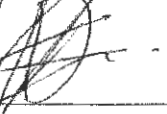
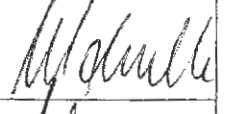
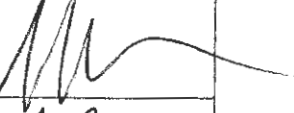

Hiermee verleen ek as ondertekene my goedkeuring en ondersteuning aan die bou van afsonderlike fietsry roetes en wandel roetes in Uniepark sonder die oprigting van permanente

Sq	Naam en Van	Adres	Bemaking	Handtekening
11	Christiaan de Villiers	Unielaan 9.	R1000-	Collew
12		Mankota 11	R100	
13	Anton du Plessis	36 Markotter ^{Provinsielaan}	R0	
14	Gayle Meyendicks	Unielaan 5	R0	Ch
15	Richard Barry	Provinsie 39	R0	RUB
16	Jacques de Jager	14 AB Venter laan	R1000	Jag -
17	Wessel Coesen	18 Unie Road, Uniepd	R500	
18	Lanrol Steyn	6 Thrus Str	R1000	
19	Jim Lombard	Provinsielaan 33	-	
20	Jeanette vander Merwe	Transvalialaan 9	-	
21	Susana Bekker	084 510 1147 Koflaan 18	-	
22	HENC BOTHA	HOF LAAN 14	-	
23	WILLEM VANDE'	PROVINSIELAAN 24	-	
24	Ken Poingke	11 Transvalialaan	-	
25	D Swart	Transvalialaan 18	-	

Hiermee verleen ek as ondertekene my goedkeuring en ondersteuning aan die bou van afsondelike fietsry roetes en wandel roetes in Uniepark sonder die oprigting van permanente strukture. Ek onderneem ook om 'n bemaking soos aangeteken te maak ten einde die projek te help finansier:

Ondersteuners:

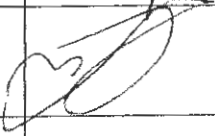
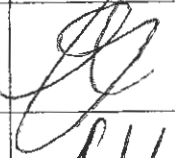
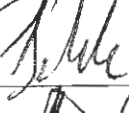


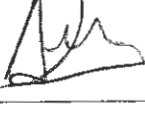
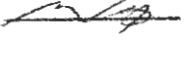
_____Straat/Laan/Weg

Sq	Naam en Van	Adres	Bemaking	Handtekening
26	Wilhelm J. Verwoerd.	Transvalalaan 7 Stellenbosch	/	
27	Hendrik Verwoerd	"	"	
28	Geen naam	Kroesvallaan 5 Stellenbosch	-	
29	VM Myburg	3 Transvalia laan	-	
30	J Meissner	17 Unie laan Unie Park	/	
31	Charl du Plessis	20 Unie Laan, Stellenbosch	-	
32	De Villiers de Wet	23 Unielaan, Stellenbosch	-	Hyde v de Wet
33	H Schnitger	Provinsie In 28	-	
34	C Malan	12 Unie ln.	-	
35	Hannes van Rensburg	Manhattan Str. 2	R1000	

strukture. Ek onderneem ook om 'n bemaking soos aangeteken te maak ten einde die projek te help finansier:

Ondersteuners:

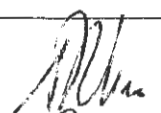



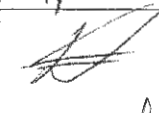

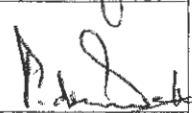
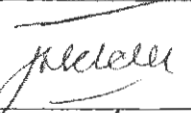
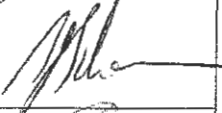
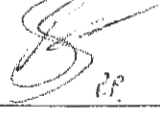
_____Straat/Laan/Weg

Sq	Naam en Van	Adres	Bemaking	Handtekening
2 46	E Vorhamp	20 AP Venter	Sak maak, kontak later	li
2 47	M. Theron	Oranjielaan 16	✓	
2 48	Wouter	MARKOTIER 17 0432763321	R100	Watsee
4 49	Rijdeon Maas	Toengoue 8	R1000	
2 50	Herman Sordack	11 AP Venter Avenue	R1000	
2 51	Paul Pinn	9 AP VENTER		
2 52	Dde Jager	4 Markotier	R500	
2 53	A. Kröger	19 ORANJELAAN	R400,-	
2 54	JH Waddy	4 Paul Sauer	R500	
20 55	Wdullay	13 Markotier	R500	Wdullay

Hiermee verleen ek as ondertekene my goedkeuring en ondersteuning aan die bou van afsonderlike fietsry roetes en wandel roetes in Uniepark sonder die oprigting van permanente strukture. Ek onderneem ook om 'n bemaking soos aangeteken te maak ten einde die projek te help finansier:

Ondersteuners:

_____Straat/Laan/Weg


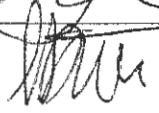

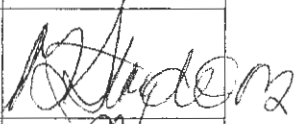


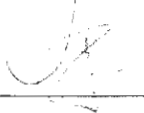
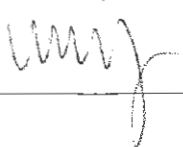
Sq	Naam en Van	Adres	Bemaking	Handtekening
1 36	ROBERT KRISO	Medkroete-laan 8.	—	
2 37	Richard de Vries	STF	STF	
3 38	MORNE STEENHAMP	No 5 Provinsie St	R500	
4 39	Hennie Fourie	ORANJELAAN 9 UNIEPARK	—	
5 40	DAVID KOTZE	27 WATERWEG	R500	
6 41	TREURK BAPTISTE	3 WELGEVALLEN WELGELEGEN	R1500	
7 42	P de Wet	Unieaan 24	—	
8 43	Pat & Judy Ryan Hedden	pholden101@gmail.com 0824636487 3 Uniey Road Kestels	R500	
9 44	Fanie Schoeman	Unieaan 8, STB	—	
10 45	M GRIFFOEN	Hetlaan 15	R1000	

W

Hiermee verleen ek as ondertekene my goedkeuring en ondersteuning aan die bou van afsondelike fietsry roetes en wandel roetes in Uniepark sonder die oprigting van permanente strukture. Ek onderneem ook om 'n bemaking soos aangeteken te maak ten einde die projek te help finansier:

Ondersteuners:

_____ Straat/Laan/Weg

Sq	Naam en Van	Adres	Bemaking	Handtekening
1 56	Josine Kree	Unie/aa 47		
2 57	Lulu Dulke	45 UNIE ROAD		
3 58	Louise Ehret	57 Unielaan	R1 000	
4 59	Marianne Shuplam	4 Hoflaan		
5 60	Michelle Wandy	49 Unie	R1000	
6 61	DAVID KRYNAW	34 UNIE		
7 62	Danie Krings	36 Unielaan	R1000	
8 63	Margu' Joubert	57 Unielaan		
9 64	Josette Joubert	41		
10 65	M Swanepoel	Hoflaan 13		

ANNEXURE B

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

	Naam en Van	Adres	Handtekening	Datum
①	Jacobus Petrus Holtzhausen	Oranjelaan 7 Uniepark Stellenbosch 7600	<i>J.P. Holtzhausen</i> 4005 31 5060 082	3 April 2018
②	en Salomina Holtzhausen		<i>S Holtzhausen</i> 4302200041091	3 April 2018

Agtergrond en besware

1. **Natuurpark:** Die park is tans 'n natuurpark met natuurlike plantegroei en mooi aangeplante bome (arboreteum). In die verlede is die gras in die lente gesny, maar deesdae word dit uitgestel om die mooi inheemse bolle en blommetjies kans te gee. 'n Besoeker (my dogter wat destyds oor die parkie skool toe gestap het) het juis oor die naweek gewag gemaak van hoe mooi die park met die groen bome is. Die park het 'n rustige atmosfeer en is 'n noodsaaklike "long" vir die omgewing.
2. **Pretpark:** Die voorstelle sal alles verander. Dit word basies 'n pretpark wat deur hoëspoed-bergfietsroetes deurkruis word. Grond sal waarskynlik ingery word vir die walle van die af-roete en die "kinders" se roete. Die natuurlike topografie word dus verander. Dit sal vrye beweging op die park bemoeilik.
3. **Vir wie is die fasiliteite bedoel?** Is dit hoofsaaklik vir Unieparkers se gebruik of is dit vir die bergfietsrygemeenskap van die hele Stellenbosch (of selfs die Skiereiland)? Tipiese gebruikers in Uniepark sou 'n pa en seun wat albei bergfiets ry wees. Maar hoeveel van hulle is daar? As daar nie baie is nie, maak dit nie sin om die hele park vir 'n paar mense om te dolwe nie. As dit vir die groter gemeenskap is, sal die park oor naweke oorstroom word (kyk net hoe gewild is Jonkershoek oor

naweke). Daar sal voorsiening gemaak moet word vir parkering en ablusiegeriewe.

4. **Effek op inwoners in die (onmiddellike) omgewing:** Die inwoners van Uniepark, veral die langs die park het die gebied gekies op grond van die rustige omgewing. Die beoogde ontwikkeling is onses insiens onbillik teenoor die inwoners.
5. **Veiligheid:** Daar word beweer dat die verhoogde benutting van die park veiligheid sal verhoog. Kinders sonder volwasse toesig sal waarskynlik nie tot verhoogde veiligheid lei nie. Die aard van die baan stel kinders sonder toesig bloot aan verhoogde risiko's. Leeglêery by die elektriese substasie- gebou word ook genoem en sal nog steeds plaasvind. Daar sal nie gedurig (behalwe oor naweke) aktiwiteit wees nie.

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Dr O G Malan	Transvalialaan 15 UNIEPARK	<i>O G Malan</i>	2 April 2017

Ek is sterk gekant teen die voorstel om 'n bergfietsbaan op die park in Uniepark (hierna genoem, die park) te ontwikkel.

Indien daar, in die lig van die bestaan en ontwikkeling van "kilometers van fietspaadjies" in ons dorp en in die distrik, 'n bewysbare behoefte aan nog 'n fietspad in Uniepark sou bestaan, sou ek in beginsel geen beswaar daarteen hê nie.

Ek het egter sterk besware daarteen dat dit in ons park aangelê moet word en wel om die volgende redes.

Die rustigheid en privaatheid van die inwoners sal sterk versteur word. Daar is deur die voorstanders beweer dat die enigste persone wat die voorstel opponeer ouer as 70 jaar is. Dit is waarskynlik gedeeltelik waar. Dit is juis persone in hierdie ouderdomsgroep wat die rustigheid van en hul privaatheid in Uniepark waardeer en koester en wil verhoed dat steurende aktiwiteite, wat nie in 'n woonbuurt hoort nie, aangemoedig word.

Die park word tans benut deur inwoners, van alle ouderdomsgroepe, van Uniepark asook aangrensende woonbuurte. Bejaardes wandel in die park, kinders speel daar en ouer jongmense benut dit vir stap, hardloop en ander aktiwiteite. Ouers met hul kinders en groepies jong mense ontspan ook gereeld in die park. Al hierdie aktiwiteite sal erg ontwrig word deur bergfietryers wat teen hoë spoed teen die bult afjaag. Die huidige verkeer van jonk en oud in en deur die park is hoofsaaklik noord-suid. Fietsryers vanaf Provinsielaan na Martinsonstraat sal teen hoë spoed met hierdie voetgangerverkeer kruis, wat onvermydelik die veiligheid van voetgangers en ander gebruikers, jonk en oud, sal bedreig.

Alhoewel daar geen melding van gemaak word in die aansoekers se inligtingstuk gedateer Maart 2018 nie, is daar reeds aanvoorwerk gedoen, klaarblyklik vir 'n fietspad, op die stuk grond oos (bokant) van Provinsielaan, tussen die trigonometriese bakens en die water-reservoir (hierna genoem die reservoir-terrein).

Die implikasie is dus dat die voorgestelde fietsterrein aan beide kante van Provinsielaan as eenheid ontwikkel gaan word en fietsryers dus onvermydelik heen en weer oor die besige Provinsielaan sal beweeg.

Dit sal 'n onhoudbare, lewensgevaarlike, toestand skep, beide vir fietsryers, sowel as motoriste en ander gebruikers van Provinsielaan, die ENIGSTE DEURGANGSTRAAT deur Uniepark

ALTERNATIEF

Daar is geen geldige rede waarom die reservoir-terrein, eerder as die park, nie in 'n bergfietsbaan ontwikkel kan word nie. Hierdie terrein is slegs ongeveer 100 meter vanaf die voorgestelde terrein en het die volgende voordele:

Daar is slegs enkele woonhuise wat verder verwyder is as in Uniepark en die meeste besware wat teen die ontwikkelings in die park geopper word, sal verval.

Dit is baie groter met baie meer variasie in helling.

Die plantegroei, hoofsaaklik onder dennebome, is ekologies ongevarieerd.

Daar is onlangs reeds aanvoorwerk uitgevoer vir 'n fietsbaan.

Omdat dit oos direk aansluit by die plantasie, is daar in die toekoms geleentheid om die fietspad uit te brei tot teen Botmaskop, sonder dat 'n besige straat (Provinsielaan) oorgesteek word. Enige sodanige ontwikkeling moet egter streng **tot bokant Provinsielaan beperk** word.

EKOLOGIESE RAMP VERMY

Indien die voorgestelde planne uitgevoer word sal dit 'n ekologiese ramp vir Stellenbosch meebring: die verwoesting van een van die enigste plekke in ons dorp waar 'n noemenswaardige hoeveelheid inheemse bolblomme bewaar gebly het.

In die winter-lente van 2017 het die park verrassenderwyse 'n skouspel van blommende bolplante opgelewer wat jare laas gesien is. Dit was die resultaat daarvan dat, anders as ander jare, die sny van gras in die park gestaak is gedurende die maande Mei tot Oktober. Die bolplante het dus geleentheid gehad om te ontluik en te blom sonder versteuring..

In die lente het ten minste 'n dosyn spesies, wat ander jare afwesig of onopsigtelik was, ontluik in die park as 'n klein blomparadys waar ander jare hierdie tyd 'n stoppelland was. Die terrein wissel van 'n skuins bult tot moerassigheid, wat 'n interessante verskeidenheid plante huisves.

Indien hierdie bestuurpraktyk (om die blomme kans te gee op te blom, **en om saad ryp te maak vir toekomstige jare**) elke jaar van Mei tot Oktober toegepas sou word, sal die skouspel van 2017 herhaal word en geleidelik verbeter.


Ontwikkeling van 'n bergfietsbaan in die park sou dit egter ekologies totaal kon verwoes.

Gelukkig het **mnr Albert van der Merwe, Bestuurder Gemeenskapsdienste**, reeds besluit dat die blomme in die park bewaar sal word deur die sny van gras van Mei tot Oktober op te skort. Dit impliseer dat enige nuwe ontwikkelings in die park dan ook ontoelaatbaar moet wees.

O eym

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Mev. S J Malan	Transvalialaan 15 UNIEPARK		2 April 2017

Besware

Die park word tans gebruik deur die volgende wat moontlik versteur kan word deur 'n oefenbaan vir bergfietse:

- Kinderoppassers wat met kleuters in stootwaentjies gaan stap en die kinders dan ook kans gee om onder die bome te speel.
- Ouer mense wat gaan stap - meestal nie opdraend nie maar dwars oor die park - van noord na suid of anders om
- Mense neem hul honde om in die park rond te hardloop of gaan stap met die honde
- As die weer goed is, ontspan verskeie groepies jongmense teen sonder teen die helling om na die uitsig te kyk, te gesels en 'n glasiel te klink.
- Daar ry ook soms 'n bergfietser of twee in die paadjie af oppad terug van Botmaskop af.
- Die koshuiskinders van die Stellenbosch Hoërskool kom smiddae onder die bome gesels.

Uit die oogpunt van huiseienaars:

- Uniepark is 'n gerieflike woonbuurt omdat dit rustig is maar naby aan skole sowel as die middedorp. Dit is waarom die eienaars hier gekoop het en dit het 'n uitwerking op die waarde van die eiendom. Aangesien die oefenpad die potensiaal het om 'n lawaaierige omgewing te skep, het dit ook implikasies vir die waarde van die eiendom in die omgewing.

Die arboretum wat onlangs in die park aangelê is, sal volgens die voorgelegde plan vir 'n fietspad, nadelig geraak word.

Behoeftes van die bergfietsters

- Ons meen dat die oefenpaadjies waarmee reeds bokant Provinsielaan begin is, voldoende behoort te wees om beginners toe te rus om in die berge te ry. Dit is trouens tog die idee van **bergfietstry** - nie om in woonbuurtes te ry nie.
- Hoewel die ontwikkelaars voorgee dat daar slegs 'n oefenpad beoog word, is dit moeilik om aan te neem dat dit nie gebruik sal word vir die beoogde aanbieding van groot byeenkomste nie. (Inwoners van Uniepark weet dat hierdie soort byeenkomste

gepaard met kragtige luidsprekers vir aankondigings en musiek. In die verlede is die park ook vir parkeerplek gebruik sonder inagneming van die plantegroei.)

'n Paar vrae en opmerkings, nie net oor Uniepark nie, maar die toekoms van Stellenbosch

- Wat is die eerste prioriteit van die Stadraad? Die inwoners of die glorie van internasionale bekendheid?
- Hoeveel werk word werklik geskep deur die aanbieding van groot sportgeleenthede?
- Baat die inwoners by hierdie geleenthede?
- Stellenbosch huisves reeds 'n universiteit wat groter is as wat die plaaslike infrastruktuur kan behartig.

Om Wikipedia aan te haal ([wikipedia.org/wiki/Resort town](http://wikipedia.org/wiki/Resort_town))


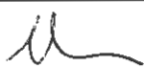
More recently, resort towns have come under greater scrutiny by local communities. Instances where resort towns are poorly managed have adverse effects on the local economy. One example is the uneven distribution of income and land ownership between local residents and businesses. During tourist season, increased demand for accommodation may raise the price of land, causing a simultaneous increase in rent for local residents whose income is invariably lower than foreign residents. This results in a preponderance of foreigners in the land market and an erosion of economic opportunities for local residents.

The revenues amassed from tourism typically do not benefit the host country or the local communities. Income to local communities generated by tourism are all of the expenditures accrued after taxes, profits, and wages are paid out; however, around 80% of traveler's expenditures go to airlines, hotels, and international companies, not to local businesses. These funds are referred to as leakages. Tourism has also been blamed for other negative economic impacts to local communities. Although resort towns usually boast more improved infrastructure than surrounding areas, these developments usually present high costs to local governments and tax payers. Reallocating government funds to subsidize infrastructure and tax breaks to firms shift available funding to local education and health services. In addition, resort towns typically do not have dynamic economies, resulting in an over dependence on one industry. Economic dependence on tourism poses particular challenges to resort towns and its local residents given the seasonal nature of the job market in some areas. Local residents of resort towns face job insecurity, difficulties in obtaining training, medical-benefits, and housing.

S. J. M.

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
① HJ de Villiers	Markotterbloan nr. 18		08/04/2018
② EL de Villiers	Markotterbl. nr. 18		08/04/2018

Besware

Sien aangeheg.

Ons as 'n gesin bly al 12 jaar lank in Markotterlaan nr.18 en is die eienaars van 'n huis wat grens aan die parkie/arboretum. Ek en my gesin is hewig gekant teen die ontwikkeling van die park as 'n fietsrybaan, asook die kinder "pump/bump track" en voetpaaie wat be-oog word om die volgende redes:

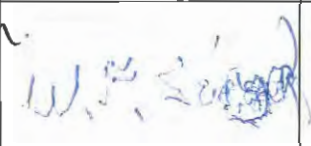
- **Skending van privaatheid:**
Die kinderbaan (vir 12 jariges en onder) word direk langs my gensheining beoog. Al my slaapkamers grens ook hier. Rusverstoring veral oor naweke sal aan die orde van die dag wees. Wie gaan kontrole hou oor ouer kinders wat daar gaan rondjaag? Onooglike hobbels en grondbane gaan ook my uitsig oor die parkie versuur, tesame met jillende kinders, hul ouers en toesighouers wat onder die bome/sambrele hul kinders gaan aanpor tot nuwe "hoogtes".
- **Veiligheid:**
Ek bevrage teken dit sterk dat 'n publieke fietsrybaan wat oop gaan wees vir almal (hoe gaan toegang beperk/gereguleer word) ons as Uniepark inwoners se veiligheid gaan verbeter. Ek sien wel 'n donker tyd vir ons Uniepark-JSRA. Nie net huisveiligheid geld hier nie, maar ook voetgangers en honde en kinders. Wie gaan verantwoordelik gehou word as 'n jaende fietsryer teen 'n spoed bult af 'n persoon/ kind of hond raakry en daardie persoon ernstig beseer? Dit is dan 'n privaat ontwikkeling op Munisipale grond, dus iemand sal die verantwoordelikheid moet dra.
- **Vloedwaterbeheer:**
Ons as inwoners laer af in die parkie is veral bekommerd wanneer fietsbane geskep gaan word en sodoende die "afvoerkanale" vir die waterstrome kan dien . In die winter is die parkie redelik nat, maar die gras en bome stabiliseer die afvloei voldoende sodat strome nie geskep kan word nie. Waar gaan daardie water uit die fietspaaie dan heen? Wie gaan die verantwoordelikheid dra as waterskade aan privaat huise en eindomme voorkom?
- **Ablusiegeriewe:**
Fietsryers en gaste gaan toiletgeriewe benodig. Is dit ook deel van die ontwikkeling, of gaan ons grensmure dit ontgeld?
- **Parkering:**
Waar gaan die motors parkeer wat kinders en fietsryers aanry. Alle doodloop-sirkels wat toegang gee tot die parkie is geen-parkeersones. Gaan ons rustig en veilige strate en motor-opritte nou as parkeerplekke vir almal dien?
- **Markwaarde van my eiendom:**
Ek/ons voel sterk dat ons huise se markwaarde, veral die wat teen die parkie grens, se waarde sal verlaag word want die rusverstoring en fietsverkeer direk langs ons gaan 'n groot invloed he op die rustige atmosfeer wat die parkie tans bied.
- **Waar gaan dit stop:**
Indien 'n fietsbaan ens. goedgekeur word wat gaan verhoed dat daar ook ander buitemuurse aktiwiteitsgeriewe ontstaan. Net 'n voorbeeld: baie kinders/studente/skoliere ry skaatsplank. Hul kan dan ook aandrang op baan vir hulle. Daar is legio aktiwiteite wat ek kan opnoem wat ook daar sal wil bou en oprig. Hoekom dan die parkie net "eksklusief" vir fietsryers ontwikkel.
- **Munisipale kostes:**
Dit gaan definitief die munisipaliteit se taak bemoeilik om gras te sny en die bome nat te lei. Verder gaan rommelstrooiing 'n groter probleem word. Wie gaan asblikke voorsien en skoon hou?

- **Konsultasie:**
Ek glo dat meer as 70% van Uniepark se inwoners weet nie eens van hierdie beplande ontwikkeling nie. Net in my straat alleen was uit die 18 huise net 4 bewus van die ontwikkeling. Van hierdie inwoners is meer as 60% gekant teen so 'n ontwikkeling en ek glo daar moet met een en elke huishouding in Uniepark gekonsulteer word alvorens enige besluit gemaak word.
- **Bestaande fietsrybane:**
Na my wete is daar reeds 3 of 4 bestaande fietsrybane net rondom Uniepark, nl Jonkershoek, Coetzenburg bergpad, 'n piekniek/kinderbaan en bergfietsbaan by die hangbrug, asook 'n jump/pump track aan die bo-punt van Provinsielaan in die dennebos (wonder wie het toestemming vir die bou daarvan gegee?). Hoekom moet die parkie dan ook nog ontgin word vir fietsryers? Dan is daar nog Botmanskop fietsroetes ook. Na my mening is daar meer as genoeg vir die fietsryers. Hierdie fietsbaan in die parkie is uitsluitlik vir bergfietsryers wat " off-road" wil ry en dus die park net vir hulself annekseer. Waar is die regverdigheid hiervan?

Daar is 'n groot oop area lang die Academia kleuterskool. Hoekom kan die kinder fietsrybaan nie daar gebou word nie? Dit sal aanwins vir die skool wees en geen huise is rondom die baan nie?
- **Skoliere verkeer:**
Soggens en middag word die parkie gebruik deur die laer-en hoërskool kinders om skool toe en huis toe te stap vanuit die woonbuurt. Met swaar tasse ens. Moet hul dus nou op die uitkyk wees vir jaende fietsryers ook. Ongelukke gaan beslis voorkom. Wie gaan dan die verantwoordelikheid neem?
- **Staproete:**
Wanneer 'n staproete om die parkie beplan word, gaan die roete teenaan die huiseienaars se grensmure verbyloop. Dit gee dus maklike visuele toegang aan elke persoon wat verbyloop. Dis 'n skending van jou privaatheid en is 'n sekuriteitsrisiko.
- **Honde:**
Baie honde-eienaars gebruik die parkie om hul honde los te laat hardloop. Ek weet van 'n hele paar mens wat dit kan verdra maar nie fietse nie. Wat sal gebeur as iemand se hond 'n fiets bestorm en daar beserings is?
- **Natuurlewe:**
Huidiglik bestaan die parke uit pragtige bome en is 'n natuurlike habitat vir voëls en kleiner diere en plante. Die oorspronklike plan van die parkie wast vir 'n arboretum. Baie moeite en groot beplanning van Munispaleit is ingesit vir die arboretum. Hoekom moet hierdie natuurlike habitat nou versteur word met geboude fietspaaie en rusverstooring ens. Die hele natuurlike habitat en dierelewe sal later verdwyn? Die hele doel van die arboretum waarin soveel geld en tyd belê is sal ook nou tot nie gaan.....

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
W F Sirgel	AP Venterlaan 12.		3/4/18

Besware

Aien aangehegte besware.

Bogeroemde persoon het weens 'n siekte toestand 'n handskrif probleem.

Besware teen Uniepark(ie) stap-en fietsroete

Maart 2018

Om die besware teen die voorgestelde stap-en fietsroete in die park aan te spreek, is dit nodig om aan te dui hoe die park tans benut word.

Tans word die park deur inwoners, van alle ouderdomsgroepe, van Uniepark, asook van sommige aangrensende woonbuurte, gebruik. Bejaardes wandel in die park, huishulpe besoek die park met peuters waar hulle onder toesig, in 'n veilige omgewing kan speel, skoliere gebruik die park as deurgang om skole te bereik en aktiewe jongmense benut dit vir sportaktiwiteite soos hardloop en rek-en strekoefeninge. Ouers en hul kinders ontspan ook gereeld in die park.

Die park bied ook 'n veilige omgewing vir honde-eienaars om met hulle honde te speel en te stap en hul honde sosialiseer ook met ander honde.

Huidig kan mense vrylik deur die park beweeg en die park deurkruis sonder enige hindernisse en verskillende ontspanningsaktiwiteite word deur inwoners van verskillende ouderdomsgroepe in 'n rustige, veilige omgewing beoefen.

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Volgens die kaart word beplan om twee fietsroetes, (blou oproete en rooi afroete) asook 'n voetpad trapsgewys, (blou roete aan suidekant) teen die helling van die park te bou.

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OBJECTION TO THE PROPOSED BICYCLE ROUTE ON THE PARK

NAME Linda Meiring

ADDRESS 16 Markotter Avenue

Stellenbosch is a very proud town and we try at all levels to keep it beautiful and interesting for both the locals and visitors. I am sure that this is the objective behind the proposed cycle route but I don't feel that such a development will be in the best interests of those of us who live in the neighbourhood.

My first thought when I heard about the proposal was how unsightly it would look! When I thought more about it, I realized that any such transformation of our park would have a major impact on the lives of those of us who live here.

I bought in this street because it is a *cul de sac* (my house is the second from the park). My children can safely play in the road without me having to worry about them. I now fear that this end of the street will become a "parking lot" for cyclists. This is a logical conclusion to draw as I can't see where else they will be able to park?

I can only imagine the whoops of joy of young children having fun on the track. But this could be extremely interruptive and irritating to those of us who border on the park. We live in a peaceful neighbourhood and would like to keep it that way.

Are there not already enough cycle tracks in the area? As far as I am aware, there are existing tracks at Coetzenburg and at the "hangbruggie".

Uniepark and the neighbouring areas have worked hard to overcome crime and remove loiterers from our midst. It will be a huge setback if there is a coming and going of people to and from our area. How do we separate the cyclists from the potential criminals? Sadly, this has become a major factor in decision making in our present climate. As a single parent, it is of even greater concern to me.

Will there be an ablution block for those using the park? Who is going to keep it clean and free of hobos? Who is going to make sure that taps aren't left turned on? What is the cost involved in getting the necessary sewerage pipes to the chosen site?


I understand that there needs to be change in order to facilitate improvement, but I do not feel that building a cycle track here is tantamount to uplifting and bettering our community. Please heed our objections and let us enjoy our park just the way it is.

Thank you.

Linda

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie


Naam en Van	Adres	Handtekening	Datum
John-Bank Le Roux	16 Markotter straat		09-04-2018

Besware

Ek sekondeer die besware soos opgestel deur Linda Meiring.

Beswarevorm

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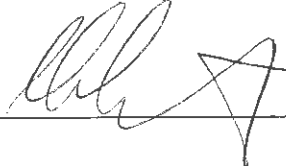
Naam en Van	Adres	Handtekening	Datum
Petra Mans	16 Markottestraat		09-04-2018

Besware

Ek stem saam met die besware opgeneem soos deur Linda Meiring.

Beswarevorm

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Naam en Van	Adres	Handtekening	Datum
① H.H. + K. COETZEE	② 15 ORANJEST.		06.04.18

Besware

- * Ek en my gesin woon 100m vanaf die park en hierdie tipe abnormiteit sal definitief uitbreuk op die bestaande reetige atmosfeer het.
- * Bene vir urowers is engsuis bewous van hierdie voorgestelde ontwikkeling en dit lyf asof die motivering hiervan nie deursigtig is nie!

Besware teen Uniepark(ie) stap-en fietsroete

Maart 2018

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Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
MEV. E.L. MATTHEE	A.P. VENTERLAAN NR 4 UNIEPARK	<u>El Matthee</u>	12/04/2018

Besware

Ek teken beswaar aan teen die voorgestelde stap en fietsroete in die Uniepark.

Besware teen Uniepark(ie) stap-en fietsroete

Maart 2018

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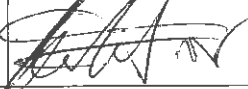
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Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Adelvide Wolhuter Kraan Wolhuter	Markotterduan 12 Uniepark	A Wolhuter 	8 April 2018 07/4/2018

Besware

Hiermee wil ons ten sterkste beswaar aanteken teen die ontwikkeling van die voorgestelde fietsroete in die Uniepark parkie.



Dit is tans 'n heerlike, rustige oop ruimte, waar bejaarde inwoners ongestoord kan wandel. 'n Fietsroete wat so 'n groot gedeelte van die park in beslag neem, gaan beslis die rustige atmosfeer versteur.

Weens die skole in die nabye omgewing is daar tans 'n toename van jong kinders in die buurt. 'n Toename in fietsryers wat deur die park jaag, skep nie 'n veilige omgewing vir kinders nie. Die gebruik van die area deur meer mense van buite, kan ook nog gevare en addisionele sekuriteitsrisikos meebring.

Honde eenaars en hulle honde geniet ook die oop ruimte van die park. Met geen tekortaan fietsroetes in die omgewing nie, is dit nie nodig om 'n park in 'n fietsroete te omskep nie!

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
WESSEL PIENAAR	A P VENTER LAAN 2		10 April 18
Isabel Pienaar	"		"

Besware

- Dit is duidelik dat fietsryers dit sal gebruik om teen hoe snelheid vanuit Botmaskeerpoorte, oor Provinsialelaan en dan deur die park te ry asof een fietsbaan regdeur.
- Daar is volgens ons wete geen behoefte bepaling gedoen nie
- Die kiewietneste en veldblomme sal versteur word.
- Res van besware soos aangehoeg

Besware teen Uniepark(ie) stap-en fietsroete

Maart 2018

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Naam en Van	Adres	Handtekening	Datum
Brian Bredenkamp	Hoflaan 16		28/3/18


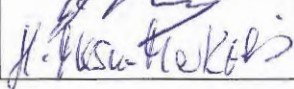
Besware

- Uniepark se park is 'n POP, dws 'n publieke openbare ruimte, dus 'n area vir gebruik deur almal, insluitend bejaardes, gestremdes en kinders, o.a., nie slegs jong, fiks mense wat sport wil beoefen nie.
- Ons het 'n klompie jare gelede 'n groot bergfiets byeenkoms in die park gehad en vir dae aaneen was die park nie vir die inwoners beskikbaar nie, dit was afgesper omrede dit eenvoudig te gevaarlik was om in die park in te beweeg.
- My vrou en ek, en baie ander, oorkruis die park daagliks vanaf Hoflaan na Oranjelaan, en wil verkieslik nie aan ernstige beserings blootgestel wees nie.
- Die park is jare gelede geklassifiseer as 'n Quercetum waat die munisipaliteit beoog het om 'n versameling eike soorte (Quercus) te vestig. Daar is groepe van drie of vier bome van sewe+ soorte wat reeds in Stellenbosch, die Eikestad, voorkom geplant, en die idee was om dit aan te vul met verskeie ander akkerbome wat moontlik as straatbome in die dorp kan dien.
- Elke namiddag en elke naweek is daar mense met honde wat die park gebruik vir ontspanning en die honde toelaat om te sosialiseer. Dit kan nie saam met vinnig bewegende fietse plaasvind nie.
- Die teenoorgestelde is ook waar; fietse en honde is nie versoenbaar nie. My vrou het nou nog probleem en baie letsels a.g.v. loslopende honde op straat wat haar laat val het.
- Skemertyd en oor naweke is daar altyd klein groepies mense wat op komberse en op die bankies die stil atmosfeer en besondere uitsig, dikwels met 'n glasië wyn, geniet. Daar kan geen vrede wees indien mense teen hoë spoed in die omgewing verby flits nie.
- Vir dekades is daar gereeld warm hurneure wanneer die grassny aktiwiteite in die blom/saadskied fase van die plantegroei in die park is nie. Ons sal moet kies tussen die natuurskoon en jong mense se sport- en ontspannings aktiwiteite. Ek weet wat ek verkies.
- Indien 'n mens links van die pad kyk as jy Somerset Wes toe ry, net voor die afdraai na die ou hoofpad of Ireneweg, kan 'n mens sien wat 'n gemors veroorsaak word wanner voorsiening gemaak word vir kinders met fietse. Daar is nog sulke plekke in Onderpapegaaiberg ook. Hulle kan noord van Provinsielaan, in die omgewing van die reservoir, gehuisves word. Daar is nog grondwerke van 'n vorige era se jong mense daar.
- Daar word reeds ruim voorsiening vir fietsryers in die omgewing gemaak. Die duur paadjie in Koloniesland word baie min benut maar die min wat daar ry, ry so vinnig dat ouer mense dit daar durf nie waag nie.

Hou asseblief ons parkie stil en rustig, sonder 'n rumoer en vinnig bewegende missiele.

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

	Naam en Van	Adres	Handtekening	Datum
①	Dr. F. P. Mesu	F. P. Venterlaan 8		28.03.18
②	H. V. F. Mesu-Markolowitz	Steep. Uniepark		

Besware

L. S

We are opposed to the plans of structuring two bicycle-roads in Uniepark!
 This beautiful piece of nature will be destroyed!
 A place of social meeting of Uniepark-residents will be gone.—


All our dogs have been walking FREE there since 23 years - meeting other dogs to play and dog owners to chat!

This plan will rob the Uniepark-people and lot others of a beloved piece of nature!

Don't allow this to happen !!

P. S. Actual: The Uniepark is

NO place for cyclists !!!

 H. Mesu-Markolowitz

Beswarevorm

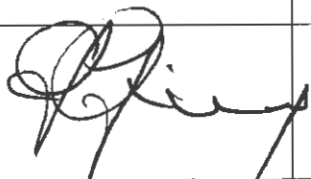
Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
H.C. VILJDEN	Hoflaan 6 Uniepark Stellenbosch	H.C. Viljden	3/4/2018

Besware

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Günter Gerischer	A.P. Venterlaan 5		29-03-18

Besware

- 1) As inwoner en belastingbetaler van Stellenbosch vir die afgelope meer as 50 jaar vind ek dit verregaande dat 'n aantal jong berfietsentoesiaste ons parkie in Uniepark wil omskep in 'n bergfietsresiesbaan. Die steil aftrand van die terrein bied kom aan vir 'n gejaag teen hoë spoed. As inwoner van hierdie woongebied soek en geniet ek die stilte en rustigheid van die parkie en sy omgewing. Dit is veral nodig weens die tans 32000 studente wat hier studeer en agv die groot getalle die dorp onleefbaar maak. Geen parkeerplek vir plaaslike inwoners en die daaglikse druk verkeer in die dorp, maak dit noodsaaklik dat jou woongebied en omgewing rustigheid aan sy inwoners bied.
- Vir die bergfietsryers bied die terrein van die Botmaskop voetkewels deur die vernielde en verwaarloosde *Pinus radiata* denne bosplantasies van die Munisipaliteit genoegsame uitdaging om hulle gevaarlike paadjies uit te lê en te ry. Definitief nie deur ons park nie! In ons park wil ons vrylik kan beweeg met ons kleinkinder, vriende en geliefde honde.

- 2) Die geopperde besware van die fietsjaagbaan - aansoekers dat die uitlé van die beplande fietsroete toekomstige gronderosie in die parkie kan mitskakel, is nie 'n geldige argument nie, aangesien die totale parkoppervlakte met gras bedek is en oor die afgelope 50 jaar nog geen noemenswaardige gronderosie voorgekom het.
- 3) Die bestaande moerasarea (net gedurende die wintermaande) aan die onderkant van die park (Trengruvestraat kant), ontstaan hoogswaarskynlik deur 'n bykomende lekkasie van die ondergrondse besproeiingspyp. Die afloop van reënwater plus die lekkasie van die besproeiingspyp is die oorsaak daarvan. Dit het niks te doen met 'n verbeterde verspreiding en 'n stadiger watervloei in die park van Bo na onder gedurende die reënseisoen. Die munisipaliteit behoort ondersoek in te stel of die besproeiingsstelsel lekkasies toon.

Prof. em. Dr. Günter Gerischer
31-03-2018

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Niki Tteenkamp	65 Jonkershoekweg	<i>Niki Tteenkamp</i>	08/04/2019.

Besware

'n Fiets "downhill" roete koers nie in 'n woongebied
 waar kinders speel en mens rustig stap nie
 Daar is oorgenoeg downhill paatjies in die berge
 (Jonkershoek).

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
M J. Steinmann	Jonkershoekweg 65 Stellenbosch	M J Steinmann	7/4/2018

Besware

Ek maak bewaar teen 'n fiets- "down hill" - pad in die woonbuurt. Fietsers wat teen 'n buite wil af jaag moet dit kennis teen Bothameskop se afdragende gaan doen.

Dit gaan die hele landelike gevoel van die buurt versterk.

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie


	Naam en Van	Adres	Handtekening	Datum
①	GERHARD GELDENHUYS		G. Geldenhuys	
②	Annaline Geldenhuys	Markötter laan 7, Uniepark	A. Geldenhuys	6 April 2018
③	Liza Joubert		L. Joubert	

Besware

Die voorsiening van 'n groen strook in Uniepark het die voordeel dat inwoners vyelik kan ontspaan in die natuur, rustig die mooi omgewing en uitsigte kan bewonder, onbesorg vir oefening kan stap, kinders veilig kan speel en mense onbelemmerd met honde aan leiband kan loop. Al hierdie voordele wat inwoners team geniet, sal ernstig benadeel word deur die aanleë van die beoogde fietsroetes. Daarom kan ons nie die beoogde ontwikkeling ondersteem nie en maak ons beswaar daarteen.

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

	Naam en Van	Adres	Handtekening	Datum
①	Elize Coetzee	Markatorkaan 1	E Coetzee	05/04/18
②	Dirk Coetzee	Uniepark Stellenbosch		

Besware

- Die twee fietsroetes sal in groot deel van die park in beslag neem
- Stappers word nou geforsaar om op slegs een deel van die park te beweeg
- Die fietsbane sal probleme skep vir voetgangers wat die park deurkruis van een gedeelte van die woonbuurt na die ander
- kinders is gewoond om vrylik in die park te kan beweeg, maar sal nou beperk word
- Omdat die afdraende fietspad teen 'n steil helling is, sal dit vinnige spoed van die fietsryers tot gevolg hê en kan hulle maklik teen kinders en honde bots
- Meer beweging in die park sal tot 'n hoër geraasvlak en besoedeling lei.
- Die park sal nie meer rustig en veilig wees vir bewoners wat dit gebruik om onder die bome te sit nie
- Wat van die sny van die gras, met trekker en die natlei van bome met 'n water tankwa?



 Mnr DT en Mev M Moolman
 Hendrik Bergh 10
 Rozendal
 Stellenbosch

Besware teen die oprig van n fietsbaan in die Uniepark gemeenskaplike park.

Hiermee my besware teen die oprig van n fietsbaan in Uniepark se gemeenskaplike parkie.

1. Die kaping van die park.
 Met die oprig van so baan neem dit die gebruik van die park weg vir alle ander gebruikers. Dit neem die geleentheid weg van alle ander persone om die park te kan gebruik vir gemeenskaplike doeleindes soos piekniek, familie aktiwiteite en algemene gebruik. Die area van fietsbaan tot algemene area is disproporsioneel teenoor die hoeveelheid fietsryers en persone wat nie fietsry nie. Dit is onregverdig teenoor 'nie-fietsryers'.
2. Veiligheid:
 Stellenbosch Trail Fund (STF) is nie in beheer van die sekuriteit van die baan nie. Dit lok fietsryers en ander elemente van ander buurte wat die hoeveelheid mense wat die park gaan benut net vermeerder. STF kan nie waarborg dat ongewenste fietsryers nie die baan in die aand gaan begin gebruik en rusverstoring gaan veroorsaak nie. Daar is geen manier hoe STF die getal van mense kan beheer nie, wat n groot risiko is vir die buurt se veiligheid. Dit gaan ook meer bedelaars lok wat lei tot verdere risiko's en sekuriteitsprobleme.
3. Toename in voertuie:
 Met n toename in mense kom n toename in voertuie. Al die strate wat geaffekteer word, is doodloop strate. Stellenbosch sit alreeds met n massiewe verkeer- en parkeerprobleem en nou word dit uitgebrei na die woonbuurte toe ook. STF het geen beheer oor die verkeer en parkeer situasie nie, dit kan n groot probleem word vir inwoners met n konstante beweeg van motors en geblokkeerde opritte. Met meer motors kom meer diefstal ook. Dit is n groot aanloklikheid vir moeilikheid en diewe.
4. Erosie
 Sulke fietspaaie en 'jumps' veroorsaak erosie. Tot selfs al word die paadjies en areas goed onderhou, is erosie n probleem, want met 'n toename in mense en fietse, beskadig dit die bestaande plante, bome en gras.
5. Klank besoedeling
 Met soveel fietsryers wat die baan gaan gebruik gaan dit verseker n klank probleem veroorsaak. STF kan nie waarborg dat groepe mense daar gaan sit en kuier en hard musiek speel terwyl fietsryers die baan gebruik nie.

Sulke bane en spronge veroorsaak geraas as die ryers daarvoor ry en land na n sprong.

6. Oogseer

Ek vind sulke paaie, spronge en bane n groot oogseer. Ek stap gereeld in Jonkershoek en op die hange van Botmaskop. Daar is orals sulke paadjies en spronge en dit lyk onnatuurlik en lelik. Dit is nie in almal se smaak nie. Wat sou gebeur as daar ewe skielik n groot skaatsplankbaan met groot strukture daar gebou word? Niemand sal daarvan hou nie, hoekom moet ons dus nou n fietsrybaan duld?

7. Laaste gemeenskaplike park.

Daar is vele ander plekke waar STF so baan kan bou. Uniepark is die laaste gemeenskaplike area in die hele omgewing wat almal op gelyke maniere kan benut, hoekom wil die fietryers nou dit wegneem.

Daar is vele plekke teen Botmaskop en Stellenboschberg waar hulle so 'n baan kan bou en daar is reeds bestaande bane en paadjies in Jonkershoek wat STF gebruik en onderhou.


Indien sekuriteit n probleem is vir hulle, kan STF die geld en fondse gee vir sekuriteitsdoeleindes. Daar is alreeds gevalle van aanvalle in Jonkershoek, Uniepark is die laaste oorblywende area wat almal kan gebruik op gelyke maniere en steeds veilig voel.

Ons voel baie sterk teen so baan. Ons woon al vir 32 jaar in die buurt en daar is vele generasies van kinders en grootmense wat sonder so baan reggekome het, daar is geen rede hoekom daar nou een gebou moet word om fietsryers te bevoordeel nie. Die park se hele aansig en karakter word so geskend ter wille van 'n groep mense wat hulle sportsoort wil beoefen

Danie Moolman

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Mev A Heyns	AP Venterlaan 10 Uniepark STELLENBOSCH		5/11/18

Besware

- Ons woon al 40 jaar in Uniepark en die park as groen long beteken vir almal oud en jonk ongelooflik baie. Groen longe is baie belangrik vir die welstand van mense.
- Hier kan ons die natuur in ons woonbuurtes ervaar en ook die berge en sonsondergange bewonder. Dis 'n groot ontspanningsruimte en nie net 'n deurgang nie.
- Die Munisipaliteit Stellenbosch het 'n paar jaar gelede hier 'n arboretum begin. Daar is baie moeite gedoen met 'n verskeidenheid en versorging van wonderlike bome. Die munisipaliteit het al twee keer Abor City Awards gewen. Die inwoners hier en van om liggende woonbuurte kan nie sien dat hierdie wonderlike area deur nog bergfietspaaie ontsier word nie.
- Wat moet van die wonderlike natuurlike veldblomme in die Lente word? Die blomme sal indien hulle opkom dood eenvoudig platgery word deur die fietsers.
- Kinders speel daar, ma's loop/draf met stootkarretjies, pa's skop balle, bejaardes stap daar en beweeg na die ander kant van die park, kinders stap en fiets na skole, huiswerkers en tuiniers deurkruis die park, studente en kinders draf en hou piekniek. Waarheen moet al die mense gaan as die voorgestelde bergfietspaaie plus/minus twee derdes van die park wil oorneem?
- Baie min mense/kinders se veiligheid kan gewaarborg word. Dit sal geen veilige speelplek vir kinders word nie.
- Bergfietsryers behoort in die berge te ry of op die reeds bestaande kilometers van fietsrypaadjies wat reeds deur die Stellenbosch Trail Fund gebou is en nie in die rustige Uniepark se park nie.
- Die bergfietsryers wil die drie paaie in Uniepark se park bou en hulle sport hier beoefen en sodoende die hele aansig en die karakter van die park verander en die nie-fietsryers word uitgedruk.
- Baie mense woon al baie lank hier en loop ook skuins oor die park na die kerk.
- Die beoogde drie paaie gaan nie verhoogde sekuriteit bring nie – ook nie oor naweke met 'n toeloop van mense nie.
- Die privaatheid en rustigheid van inwoners teen die park gaan definitief benadeel word.

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie.

Naam en Van	Adres	Handtekening	Datum
Mev. EJ van der Merwe	Transvalialaan 14 Uniepark STELLENBOSCH	<i>EJ van der Merwe</i>	05/04/2018

Besware

1. Die rustige omgewing sal mettertyd deur fietsryers versteur word. Dit sal nie net by Uniepark se fietsryers bly nie.
2. Al sou die bedoeling nie wees dat die fietsryers, vir wie in die omgewing van die "reservoir," 'n fietspad beplan word, ook Uniepark parkie se fietsbane kan gebruik nie, sal dit vanselfsprekend mettertyd gebeur.
3. Die parkie is ons eie "Namakwaland-blomkyk" in die Lente en is daar allerlei veldblommetjies wat verlede jaar weer vir die eerste keer gesien is, oa. klein leliesoorte
4. Die parkie is ook die broeiplek van kiewiete en duiwe soek saadjies onder die bome...die pragtige gawe van die natuur wat vir ons beskore is, die Herfskleure van die bome. Sal dit behoue kan bly?
5. Die parkie is 'n deurgang tussen die woonbuurte weerskante daarvan. Vir enkellopende persone was dit tot dusver veilig om oor en weer te stap en so ook noodsaaklike stapoefening te kry, veral ouer persone wat nie meer bult-uit kan stap nie.
6. Is al die inwoners / eienaars wat teenaan die parkie woon, geraadpleeg?

EJ van der Merwe

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Jb Coetzee	Makotterlaan 17 Uniepark.	<i>[Handwritten signature]</i>	5.4.2018

Besware

~~Ek Jb Coetzee~~

Wendrik Coetzee, Makotterlaan 17
Uniepark.

[Handwritten signature]

6/4/2018

Ek is ten sterkste gekont deur teen die beplande ontwikkeling van die aangrensende park. As ~~inwoner~~ inwoner wat direk aan die park grens, kan ek nie die toename in fietsverkeer en publieke toegang ondersteun nie. 'n Oop "ory" park aangrensend tot jou eiendom is juis een van die belangrike ooreenkomste in die eerste plek in sodanige eiendom beleë het. as die park soos hy is vir gebruik deur die wêreld van ons wat hulle hars gebruik soos hy is.

Darin

W. Coetzee

[Handwritten signature]

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Jo Coetzee	Markatterlaan 17 Uniepark	Joetzee.	06-04-2015

Besware

Ek, Jo Coetzee van genseemde adres, het aanvanklik my goedkeuring vir die projek gegee.

Ek het herbesin en voel dat die park bly soos hy is.

Kan my naam dus asb van die "goedkeuringlys" verwyder word

Coetzee.

Besware teen Uniepark(ie) stap-en fietsroete

Maart 2018

Om die besware teen die voorgestelde stap-en fietsroete in die park aan te spreek, is dit nodig om aan te dui hoe die park tans benut word.

Tans word die park deur inwoners, van alle ouderdomsgroepe, van Uniepark, asook van sommige aangrensende woonbuurte, gebruik. Bejaardes wandel in die park, huishulpe besoek die park met peuters waar hulle onder toesig, in 'n veilige omgewing kan speel, skoliere gebruik die park as deurgang om skole te bereik en aktiewe jongmense benut dit vir sportaktiwiteite soos hardloop en rek-en strekoefeninge. Ouers en hul kinders ontspan ook gereeld in die park.

Die park bied ook 'n veilige omgewing vir honde-eienaars om met hulle honde te speel en te stap en hul honde sosialiseer ook met ander honde.

Huidig kan mense vrylik deur die park beweeg en die park deurkruis sonder enige hindernisse en verskillende ontspanningsaktiwiteite word deur inwoners van verskillende ouderdomsgroepe in 'n rustige, veilige omgewing beoefen.

Besware


Volgens die kaart word beplan om twee fietsroetes, (blou oproete en rooi afroete) asook 'n voetpad trapsgewys, (blou roete aan suidekant) teen die helling van die park te bou.

- Die twee fietsroetes sal meer as 2/3 van die park in beslag neem
- Die steil helling van die afdraende fietspad en vinnige spoed van die fietsryers is 'n resep vir botsing tussen fietsryers en voetgangers of honde omdat kinders en honde nie elke sekonde dopgehou kan word nie
- Voetgangers en honde sal dus vir veiligheid slegs tot die stappaadjie beperk word om botsings met fietsryers te voorkom
- 'n Veilige speelplek vir kinders, veral dié sonder toesig, kan dus ook nie gewaarborg word nie
- Meer beweging en gebruik gaan nie verhoogde sekuriteit in die buurt bring nie, maar eerder heelwat meer fietsryers lok wat die park van sy rustige veilige atmosfeer sal ontnem. Meer fietsryers skep ook gevaar vir voetgangers wat daagliks die park deurkruis om van die een gedeelte woonbuurt na die ander te loop
- Meer beweging in die park sal ook tot groter geraasvlakke en besoedeling lei
- Privaatheid van inwoners direk aangrensend aan die park sal beslis nadelig beïnvloed word
- Die sirkelbaan met hobbels, gebou vir kinders, is gewoonlik 'n onooglike, opsigtelike struktuur, so ook die zig zag afdraende fietsroete wat met kleibanke gesteun moet word. Dit sal nie die aansig van die park verfraai nie

- Hoekom moet daar 'n fietsbaan vir kinders gebou word en nie eerder 'n speelarea met swaaie ens. nie. Kinders wat nie fietse besit nie, word nou uitgesluit
- Tans is erosie nie 'n groot probleem in die park nie, dit geskied slegs in areas waar die grond deur mense versteur word, dus is dit te betwyfel of erosie voorkom sal word
- Ekologies sal meer beweging 'n impak op die park laat. Tans is die park in die lente weer oortrek met veldblomme, sommige wat amper uitgewis was, het nou weer verskyn, maar kan dalk nou finaal verdwyn indien meer beweging in die park toeneem. Die uitbreiding van die bestaande arboretum is ook in gedrang
- Hoe gaan die fietspaaie wat zig zag en kleibanke het en die voetpad wat trapsgewys uitgelê word, die sny van gras (met 'n trekker) en natlei van bome (groot tenkwa) in die park beïnvloed?
- Sekuriteit vir huise aangrensend aan die park word verlaag. Sekuriteitsmotors het tans vrylik toegang tot patrolering oor die hele gebied van die park, maar hul beweging sal deur die voorgestelde roetes belemmer word
- Gedurende die week van 19 Maart is daar begin met die uitlê van 'n fietsroete in die oop area langs die reservoirs. 'n Aaneensluitende roete vir fietsryers vanuit Botmaskop tot by Martinsonstraat word beplan.
- Volgens die inligtingstuk is die hoofdoel van die stap-en fietsroete in die park om die park veiliger te maak vir kinders om daar fiets te ry, maar op die keper beskou, is dit waarskynlik eintlik om 'n deurlopende fietsroete vir fietsryers te maak
- Dit blyk dat daar gepoog word om Stellenbosch as spilpunt vir fietsryers aan te bied, maar in die proses word bykans alle oop ruimtes nou in fietsroetes omskep ten koste van nie-fietsryers. Is dit regverdig?

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
Stefan Smith	ORANSE LIND 5		6/4/2018

Besware

Ek stem saam met boegewende besware.

Die proses is totaal en al ondeursigtig niemand is in kennis gestel van die beoogde ontwikkeling nie, daar behoort in proses van deelname te wees.

Besware teen Uniepark(ie) stap-en fietsroete

Maart 2018

Om die besware teen die voorgestelde stap-en fietsroete in die park aan te spreek, is dit nodig om aan te dui hoe die park tans benut word.

Tans word die park deur inwoners, van alle ouderdomsgroepe, van Uniepark, asook van sommige aangrensende woonbuurte, gebruik. Bejaardes wandel in die park, huishulpe besoek die park met peuters waar hulle onder toesig, in 'n veilige omgewing kan speel, skoliere gebruik die park as deurgang om skole te bereik en aktiewe jongmense benut dit vir sportaktiwiteite soos hardloop en rek-en strekoefeninge. Ouers en hul kinders ontspan ook gereeld in die park.

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- Die steil helling van die afdraende fietspad en vinnige spoed van die fietsryers is 'n resep vir botsing tussen fietsryers en voetgangers of honde omdat kinders en honde nie elke sekonde dopgehou kan word nie
- Voetgangers en honde sal dus vir veiligheid slegs tot die stappaadjie beperk word om botsings met fietsryers te voorkom
- 'n Veilige speelplek vir kinders, veral dié sonder toesig, kan dus ook nie gewaarborg word nie
- Meer beweging en gebruik gaan nie verhoogde sekuriteit in die buurt bring nie, maar eerder heelwat meer fietsryers lok wat die park van sy rustige veilige atmosfeer sal ontnem. Meer fietsryers skep ook gevaar vir voetgangers wat daagliks die park deurkruis om van die een gedeelte woonbuurt na die ander te loop
- Meer beweging in die park sal ook tot groter geraasvlakke en besoedeling lei
- Privaatheid van inwoners direk aangrensend aan die park sal beslis nadelig beïnvloed word
- Die sirkelbaan met hobbels, gebou vir kinders, is gewoonlik 'n onooglike, opsigtelike struktuur, so ook die zig zag afdraende fietsroete wat met kleibanke gesteun moet word. Dit sal nie die aansig van die park verfraai nie

- Hoekom moet daar 'n fietsbaan vir kinders gebou word en nie eerder 'n speelarea met swaaie ens. nie. Kinders wat nie fietse besit nie, word nou uitgesluit
- Tans is erosie nie 'n groot probleem in die park nie, dit geskied slegs in areas waar die grond deur mense versteur word, dus is dit te betwyfel of erosie voorkom sal word
- Ekologies sal meer beweging 'n impak op die park laat. Tans is die park in die lente weer oortrek met veldblomme, sommige wat amper uitgewis was, het nou weer verskyn, maar kan dalk nou finaal verdwyn indien meer beweging in die park toeneem. Die uitbreiding van die bestaande arboretum is ook in gedrang
- Hoe gaan die fietspaaie wat zig zag en kleibanke het en die voetpad wat trapsgewys uitgelê word, die sny van gras (met 'n trekker) en natlei van bome (groot tenkwa) in die park beïnvloed?
- Sekuriteit vir huise aangrensend aan die park word verlaag. Sekuriteitsmotors het tans vrylik toegang tot patrolering oor die hele gebied van die park, maar hul beweging sal deur die voorgestelde roetes belemmer word
- Gedurende die week van 19 Maart is daar begin met die uitlê van 'n fietsroete in die oop area langs die reservoirs. 'n Aaneensluitende roete vir fietsryers vanuit Botmaskop tot by Martinsonstraat word beplan.
- Volgens die inligtingstuk is die hoofdoel van die stap-en fietsroete in die park om die park veiliger te maak vir kinders om daar fiets te ry, maar op die keper beskou, is dit waarskynlik eintlik om 'n deurlopende fietsroete vir fietsryers te maak
- Dit blyk dat daar gepoog word om Stellenbosch as spilpunt vir fietsryers aan te bied, maar in die proses word bykans alle oop ruimtes nou in fietsroetes omskep ten koste van nie-fietsryers. Is dit regverdig?

Beswarevorm

Ek ondersteun NIE die voorgestelde fiets- en staproetes in die Uniepark parkie nie

Naam en Van	Adres	Handtekening	Datum
N. J. SMIT	5 MARKOTTER UNIEPARK STELLENBOSCH		7/4/2018

Besware

- Parkeerareas in doodloopstrate kan problematies wees
- Grasvlakke kan toeneem, veral op Sondag
- Toevoer van ongewenste persone kan toeneem.
- Hoe gaan dit beheer word?
- Wie gaan verantwoordelikheid dra indien daar beserings is?
- Daar is onvoldoende fietsroetes, onnatuurlik om nog te ontwikkel.
- Waarde van eiendomme aangrensend tot die parkie kan daal.
- Afloop van stormwater tydens reënbuie kan probleme veroorsaak.
- Dit is ons toegang na die Kerk, asook my vroeëre toegang na Junior Akademie, dit is rede hoekom ons besluit het om hier te koop, moed ons nou op uitkyk wees vir fietsroetes wat ons toegang kan belemmer.
- Fietsryers kan ook verder ons honde iriteer, nie alle honde is lief vir fietse nie, wie gaan verantwoordelik wees as honde fietsryers gaan per ongelukk byt.
- Ons maak ten sterkste beswaar teen hierdie beplande fietsroete op Uniepark(ie)

ANNEXURE C



Rhus chindensis - Red current
Rhus lancea - Karoo
Rhus pendula - White Karoo
Syzigium cordatum - Waterberry
Trichilia eremica - Forest mahogany



Nitelia grandis - Umzimbebe
Nuxia floribunda - Forest alder
Podocarpus flodatus - Outeniqua yellowwood
Podocarpus henkelsii - Henkels Yellowwood



Combretum Elythrophyllum - River Bushwillow
Erebergia capensis - Cape Ash
Harpophytum calfrum - Wild plum

Proposed Indigenous species



Quercus tuber - Cork oak
Quercus palustris - Pin oak
Quercus cerris - Turkey oak



Quercus robur - English oak
Quercus acutifolia - Sawtooth oak
Quercus agrifolia - Algerian oak
Quercus nigra - Water oak

Proposed Oak species

Proposed signage



Rapanea melanophloea - Boekenhout
Dais colonifolia - Pom Pom tree
Virgilia orobanthes - Kaurboom
Calodendrum capense - Cape Chestnut
Olea africana ssp. Africana - Wilgolive
Cunonia capensis - Roboets

Proposed Endemic species



Acer negundo - Box Elder
Celtis sinensis - Chinese Hackberry
Liquidambar styraciflua - Sweet Gum

Proposed Exotic species



Betula alba - Silver Birch
Platanus acerifolia - London Plane

LEGEND

- Water tanker route
- Proposed sculpture trail - made and informal
- Existing informal paths
- Interpretive signage
- Proposed benches
- Timber bridge

NOTES:

- Entrance 2 requires steps, cycle ramp and bank stabilisation
- Sculpture areas to be levelled and retained where necessary
- Single access to informal parking, traffic impact assessment required
- Swale to be drained off site
- Sign at entrance showing no litter bins on site, and a note that rubbish to be removed off site

Exotic / indigenous trees to be retained
 Exotic trees to be removed
 Exotic trees to be planted
 Endemic / indigenous trees to be planted

TN

epla
 landscape architects
 environmental planners

LANDSCAPE ARCHITECTURE

UNEPARK ARBORETUM PROPOSED UPGRADE

LANDSCAPE CONCEPT PLAN

10/11/10
 10/11/10
 NOT TO SCALE
 July 2010
 10/11/10

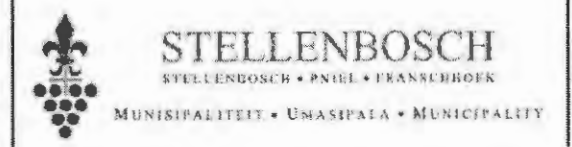
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ANNEXURE D

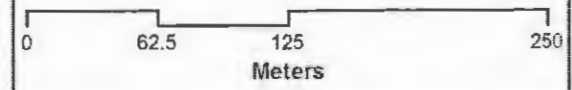


- Legend:**
- Property boundaries
 - Uniepark
 - Pump station

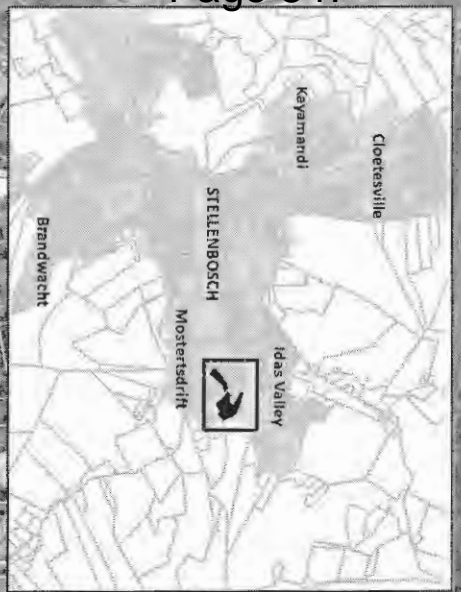
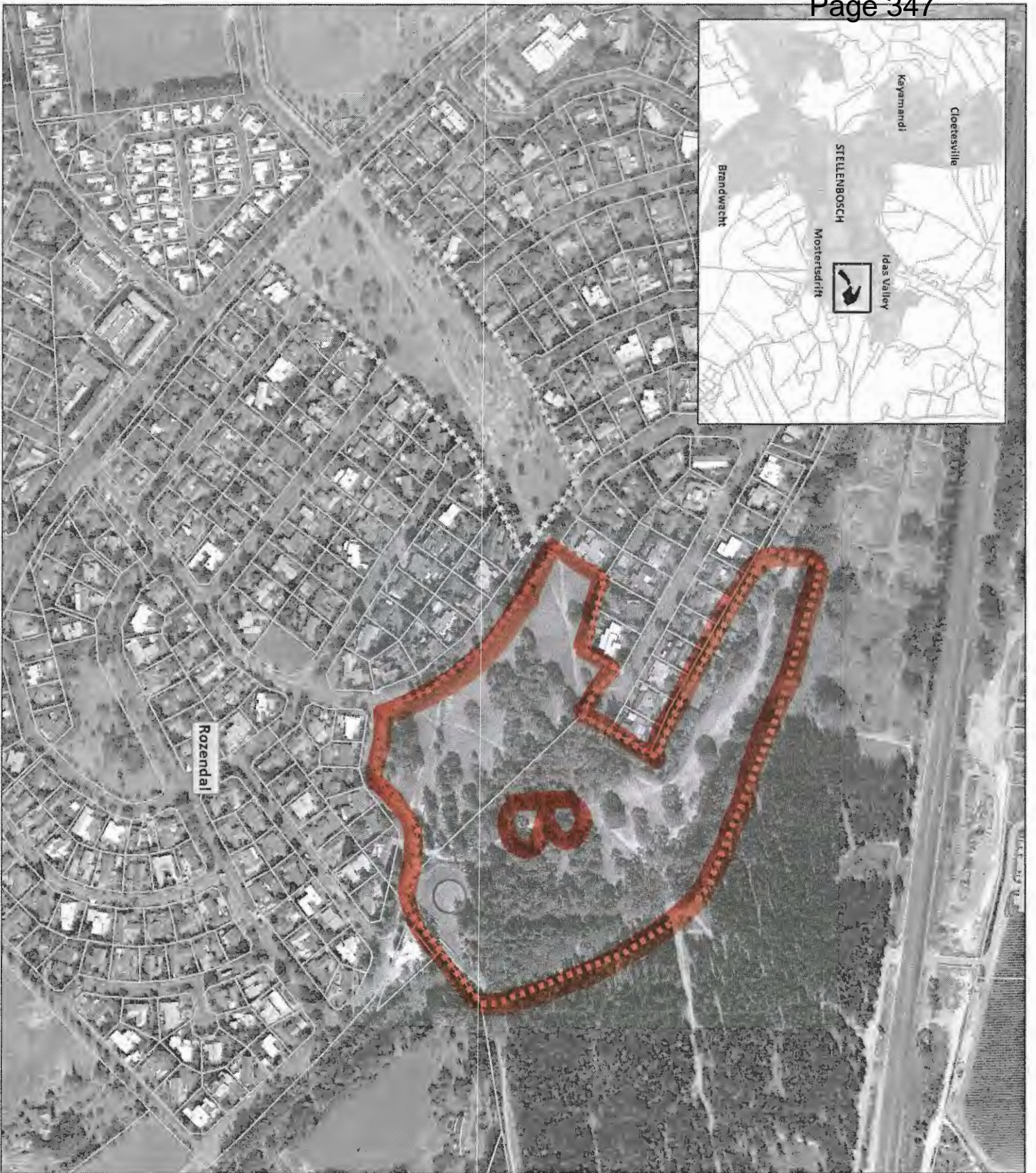
FOR INTERNAL USE ONLY



MAP:	1
DATE:	24/05/2018
SCALE:	1: 3 500



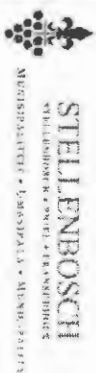
ANNEXURE E



Legend:

-  Property boundaries
-  Uniepark
-  Pump station

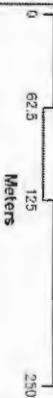
FOR INTERNAL USE ONLY



MAP: 1

DATE: 24/05/2018

SCALE: 1: 3 500



ANNEXURE F

**GEBRUIK VAN OPENBARE OOP RUIMTE (ERF 3931) EN SPEELPARK TE UNIEPARK
(ERF 3363)**

Geagte Inwoner

'n Raadsbesluit is gedurende 2010 geneem om die park (erf 3931) as 'n Arboretum (boomtuin) te ontwikkel en het reeds in aanvang geneem. Sommige inwoners het in 2018 versoek dat 'n gedeelte van die park ontwikkel word as 'n fietsbaan vir kinders, sowel as 'n bergfietspad deur die speelpark, wat by Botmaskop Natuurarea sal aansluit. Dit is vir die Stellenbosch Munisipaliteit belangrik om die gemeenskap se insette te bekom, om sodoende 'n ingeligte besluit te kan neem.

As 'n inwoner van Wyk 7 word u uitgenooi om skriftelike insette te lewer rakende die verdere gebruik/ontwikkeling van die speelpark te Uniepark, (erf 3932, restant van erf 3931 en 'n gedeelte van erf 3363). U insette kan per e-pos gestuur word aan tazmynn.linders@stellenbosch.gov.za of per hand afgelewer word by die kantoor van Gemeenskapsdienste by Merrimanlaan 123, Stellenbosch.

Sluitingsdatum: 09 November 2018

**USE OF PUBLIC OPEN SPACE (ERF 3931) AND PLAYGROUND AT UNIEPARK
(ERF 3363)**

Dear Resident

During 2010, a council decision was taken to develop the play park (erf 3931) into an Arboretum (tree garden). This development has been initiated. During 2018 a request was received for the development of a cycle track for children as well as a mountain bike path through the park, which will be linked to the Botmaskop Nature Area. For Stellenbosch Municipality it is important to get the community's input in order to make an informed decision.

As a resident of Ward 7 you are hereby invited to provide written input for the further use / development of the play park at Unie Park, (erf 3932, Remainder of Erf 3931 and a portion of erf 3363. Your input can be send by e-mail to tazmynn.linders@stellenbosch.gov.za or can be delivered per hand at the office of Community Services at 123 Merriman Avenue, Stellenbosch.

Cut-off date: 09 November 2018

ANNEXURE G

Comments: Use of Erf 3931, remainder of Erf 3931 and portion of Erf 3363			
Initial & Surname	Address	Mountain bike trail	Pump track
HJ de Villiers	18 Markotter Avenue, Uniepark	Opposed	Opposed
L Zietsman	Trengove Avenue, Uniepark	Opposed	Opposed
F N Matthee	4 AP Ventre Avenue, Uniepark	Opposed	Opposed
M Visser	17 AP Venter Avenue, Uniepark	Opposed	Opposed
A Geldenhuys	7 Markotter Avenue, Uniepark	Opposed	Opposed
C Whitehead	Uniepark	In favour	In favour
A Wolhuter	12 Markotter Avenue, Uniepark	Opposed	Opposed
N Van Rooyen	9 Provinsie Avenue, Uniepark	Opposed	Opposed
C Stoltz	Uniepak	In favour	In favour
D Botha	Uniepark	Opposed	Opposed
C Cillier	Uniepark	Opposed	Opposed
B Swanepoel and C de Plessis	Unknown	In favour	In favour
M & N Mandy	49 Unie Avenue, Uniepark	In favour	In favour
E van Lamp	20 AP Vanter Avenue, Uniepark	In favour	In favour
J De Wet	Unknown	In favour	In favour
D Kotzé	27 Waterweg, Rozendal	In favour	In favour
C du Plessis	28 Waterweg, Rozendal	In favour	In favour
P & J Holden	Rozendal Area	In favour	In favour
E Goosen	Unknown	In favour	In favour
C Viljoen (Prof)	6 Hof Avenue	Opposed	Opposed
J de Jager	14 AP Venter Avenue, Uniepark	In favour	In favour
I W Hälbich	3 Trengove Avenue, Uniepark	Opposed	Opposed
S Allen	Unknown	Opposed	Opposed
G de Kock	6 Transvalia Road, Uniepark	In favour	In favour
S Stroh	6 Transvalia Road, Uniepark	In favour	In favour
C & Slabbert	9 Hendrik Bergh Street, Rozendal	Opposed	Opposed
K Jenkins (Prof)	Uniepark	In favour	In favour
E Case	Uniepark	Opposed	Opposed
W Lutjeharms	Uniepark	Opposed	Opposed
C Bekker	Unknown	In favour	In favour
F B Mesu	8 AP Venter Avenue, Uniepark	Opposed	Opposed
M Heyns	Uniepark	In favour	In favour
H Mostert	Rozendal	In favour	In favour
C & T de Villiers	9 Unie Avenue	In favour	In favour
A Lombard	15 AP Venter Avenue, Uniepark	In favour	In favour
J Myburgh	24 Unie Avenue, Uniepark	In favour	In favour

7.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS)
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7.7.1	DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY , MARCH 2019
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Collaborator No: 643770
IDP KPA Ref No:
Meeting Date: 2019-05-21

1. SUBJECT: DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019

2. PURPOSE

To request Council's approval for public consultation of the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, attached as **APPENDIX 1**.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The increased number of land use complaints within the district of Stellenbosch Municipality, necessitated the formulation of the Land Use Enforcement Inspectorate, within Land Use Management. The positions within the Land Use Inspectorate include the following positions:

- Senior Land Use Inspector (x2)
- Land Use Inspector (x2)
- Administrative Officer (x2)

Once the unit was formed it became clear that identifiable processes and procedures were required, in order to ensure effective and efficient land use enforcement methods. The formulation and approval of a Land Use Enforcement Policy will set the standard for uniformity when these enforcement methods are applied.

5. RECOMMENDATIONS

- (a) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved in principle; and
- (b) that the Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be advertised for public comment, whereafter same be submitted to Council for final consideration and subsequent adoption in terms of the Local Government Municipal Systems Act No. 32 of 2000.

6. DISCUSSION / CONTENTS

6.1 Background

The purpose of this policy is to provide an effective system with uniform and transparent approaches to land use enforcement within the Stellenbosch WC024 area and to set out the responsibilities of the relevant parties involved in the process.

Unauthorised uses may have negative impact on surrounding properties and the community in which they operate. The draft policy takes into consideration current unauthorised land-use challenges in the Stellenbosch WC024 area. At present, there are approximately 110 active land use contraventions in various stages of investigations and/or prosecutions within Stellenbosch Municipal area which are being dealt with in terms of Chapter IX of the Stellenbosch Municipal Land Use Planning By-Law, October 2015. This policy was developed as the said By-Law cannot adequately address the various stages within the land use enforcement investigation process.

6.2 Discussion

The unauthorised use of land has been identified as a challenging issue to ratepayers and officials dealing with these complaints.

The Municipality has a legal obligation to comply with and enforce the provisions of the Stellenbosch Municipal Land Use Planning By-Law, 2015 but does not have a policy to deal with land use enforcement processes. The Municipality must also comply and enforce compliance with the provisions of a Zoning Scheme, all conditions imposed in terms of planning legislation as well as title deed conditions.

The following legislation applies to this draft policy:

- (a) Section 152 (1) of the Constitution stipulates the five objectives of local government which include the promotion of social and economic development, as well as safe and healthy environments;
- (b) Sections 156(2) and (5) of the Constitution provides that a municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions; and
- (c) Part B of Schedule 4 to the Constitution lists building regulations and Municipal Planning as local government matters to the extent set out in section 155(6) (a) and (7).
- (d) Section 12 of the National Building Regulations and Building Standards Act, 103 of 1977 permits an authorized official to serve written notice on the owner of any building or excavated land which has been declared a problem building, requiring such owner within a specified period to:
 - clean, repair, renovate, repaint, alter, close, demolish or secure such building;
 - complete the building or any structure of such building;
 - enclose, secure, fence or barricade such problem building or land;
 - instruct at the cost of such owner, an architect or other registered competent person as contemplated in Part AZ4 of the National Building Regulations, to investigate such building and to report to the authorized official on the nature and extent of the steps to be taken to render such problem building safe or to rectify the deficiency which caused the building to be declared a problem building;
 - comply with any provision of this By-law.
- (e) The draft Land Use Enforcement policy is aligned with the parameters and definitions of the *draft Stellenbosch Municipality Integrated Zoning Scheme, 2017* to ensure consistency between the two documents.
- (f) Section 32 of the *Spatial Planning and Land Use Management Act, 2013* applies to the Enforcement of Land Use Schemes which in particular states that a

municipality may pass by-laws aimed at enforcing its land use scheme.

- (g) Sections 68 -74 of the *Western Cape Land Use Planning Act, 2014* applies to Enforcement, Offences and Penalties.
- (h) Sections 85-99, Chapter IX of the *Stellenbosch Municipal Land Use Planning By-Law, October 2015* applies to Enforcement of the Municipality. Section 85 stipulates as follows:
- (1) *The Municipality must comply and enforce compliance with—*
- (a) *the provisions of this By-law;*
- (b) *the provisions of a zoning scheme;*
- (c) *conditions imposed in terms of this By-law or previous planning legislation;*
and
- (d) *title deed conditions.*
- (2) *The Municipality may not do anything that is in conflict with subsection (1).*

Chapter IX, consists of the following sections:

- Enforcement,
- Offences and penalties,
- Serving of compliance notices,
- Contents of compliance notice,
- Objections to compliance notice,
- Failure to comply with compliance notice,
- Compliance certificates,
- Urgent matters,
- General powers and functions of authorised employees,
- Powers of entry, search and seizure,
- Warrant of entry for enforcement purposes,
- Regard to decency and order and,
- Enforcement litigation.

This policy addresses the essential criteria as stipulated in the relevant land use planning legislation, required for the effective administrative procedures in order to guide the various departmental functions relating to land use enforcement.

6.3 Financial Implications

Standard costs are applicable in relation to the submission and approval of a Council Policy, by relevant statutory bodies.

6.4 Legal Implications

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

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk implications

The failure to bring about standardise processes and procedures with Land Use Enforcement, could result in the unequal application of land use enforcement processes.

6.8. Comments from Management:

Supports item

ANNEXURES

Appendix 1: Draft Land Use Enforcement Policy, March 2019

Appendix 2: Land Use Enforcement Templates (10) for correspondence.

FOR FURTHER DETAILS CONTACT:

NAME	Errol Williams
POSITION	<i>Senior Land Use Inspector</i>
DIRECTORATE	<i>PLANNING and ECONOMIC DEVELOPMENT SERVICES</i>
CONTACT NUMBERS	<i>021 - 808 8688</i>
E-MAIL ADDRESS	<i>Errol.Williams@ Stellenbosch.gov.za</i>
REPORT DATE	<i>021 808 8688</i>

APPENDIX 1



LAND USE ENFORCEMENT POLICY

(FOR INTERNAL USE)

STELLENBOSCH MUNICIPALITY (WC024)

APPROVED BY COUNCIL : _____

DATE EFFECTIVE : _____

DISCLAIMER

This draft policy reflects the preliminary views of the Stellenbosch Municipality. It should be noted that the document has been created to facilitate an effective system with uniform and transparent approaches to land use enforcement within the Stellenbosch WC024 area.

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SECTION 1: DEFINITIONS AND POLICY OUTLINE

1.1 Definitions

1.1.1 “Authorised employee” / “Inspector”

Means a municipal employee who is authorised in terms of delegated or sub-delegated authority by the Municipality to exercise a power or perform a duty in terms of this Policy or to inspect land and buildings in order to enforce compliance with the By-Law (2015) or the zoning scheme.

1.1.2 “Business Owners/Operators”

Persons operating and owning the business operating on the applicable land/property.

1.1.3 “Compliance”

Means conforming to the applicable rule, policy or law, i.e. notices, zoning schemes and By Laws applicable to land use enforcement.

1.1.4 “Enforcement”

The process of ensuring compliance with laws, by-laws, rules and/or legislation applicable to land use regulation and the use of land.

1.1.5 “Enforcement Spreadsheet”

A document used to record and save all information regarding land use complaints.

1.1.6 “Land”

Means any erf or farm or portion thereof, and includes any improvement or building on the land and any real right in land within the boundaries of the Municipality of Stellenbosch.

1.1.7 “Land Use Contraventions”

The use of land which violates the permitted land use rights for which such land may be used.

1.1.8 “Land Use”

Means the purpose for which land is or may be utilised lawfully in terms of a zoning scheme or in terms of any other approval, permit or consent issued by a competent authority, and includes any conditions related to the land use.

1.1.9 “Land use applications”

An application submitted to the Municipality for the regularisation of the use of land.

1.1.10 “Land Use Planning Act”

Means the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

1.1.11 “Municipal area”

Means the area of jurisdiction of a municipality determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998).

1.1.12 „**Municipal Systems Act**“

Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

1.1.13 “**Municipality**”

Means the municipality of Stellenbosch established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), by Provincial Notice No. 479 dated 22 December 2000, and where the context so requires, includes:

- (a) the Council;
- (b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (c) the Tribunal authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (d) the Municipal Manager; and
- (e) an authorised employee.

1.1.14 “**Offender**”

Person or party who violates the rule of law by utilising land for an unauthorised purpose - this may be the property owner, tenant, or business owner.

1.1.15 “**Owner**”

Means the person registered in a deeds registry or title deed as the owner of land or who is the beneficial owner in law.

1.1.16 “**Person**”

Means any natural or juristic person, including an organ of state.

1.1.17 “**By-Law (2015)**”

Means Stellenbosch Municipality: Land Use Planning By-Law October (2015).

1.1.18 “**SLA**”

Service Level Agreement.

1.1.19 “**Violations**”

An act or instance of violating law or rule of law and especially a failure to do what is required or expected by a law, rule or agreement.

1.1.20 “**WCO24**”

The entire Municipal area of Stellenbosch.

1.1.21 „**Zoning**“

Means a land use category regulating the utilisation and development of land and setting out:

- (a) the purposes for which land may be utilised; and
- (b) the development parameters applicable to that land use category, as determined by the applicable zoning scheme.

1.1.22 “Zoning scheme”

System of land use management, in terms of legislation, which allocates legal rights to land within its area to develop and the erection and use of buildings within the ambit of specific conditions and control measures.

1.2 Policy Outline

- 1.2.1 This policy is aimed at setting out a uniform structure effectively addressing and solving all land use related complaints within the Stellenbosch Municipal (WC024) Area.
- 1.2.2 Land use enforcement has followed different forms and processes over the years and there has never been an approved policy guiding officials in dealing with illegal land use violations.
- 1.2.3 As with any municipality, Stellenbosch is plagued by various unauthorised activities. To solve these issues, a uniform methodology must be adopted that tackles land use enforcement in an assertive and structural manner within prescribed time frames, by authorized officials of the Planning and Economic Development Department.
- 1.2.4 The intention of the land use enforcement policy is to set out a transparent and uniform process in dealing with Land Use Contraventions of the applicable law. As people become more aware of the various duties of Municipalities, complaints pertaining to the use of land remains on the increase. Land use inspections also generate land use applications which are assessed by the Town Planning Department. These applications provide revenue in terms of costs related to applications.
- 1.2.5 The Stellenbosch Municipal Land Use Planning By-Law (2015) provides the mandate for a municipality to enforce planning legislation, but it does not provide guidelines to officials dealing with land use complaints.
- 1.2.6 As there is an obligation on Council to enforce compliance, the policy must guide officials in conducting their duties and in doing so make sure all complaints are dealt with in a transparent and amicable manner, so that future unauthorised activities are discouraged altogether and rate payers understand that these activities may have a detrimental effect on the neighbourhood and its surroundings.

SECTION 2: POLICY OBJECTIVES & LEGAL MANDATE

2.1 Objectives

- 2.1.1 The approach of the Policy is to provide guidelines to authorised employees dealing with Land Use Contraventions and to ensure that the unlawful activity stops (or dealt with in terms of other laws and regulations applicable) until such time as the appropriate land use rights are in place. An Owner and Offender will be given a reasonable time period to cease such activities; these times are determined by the official and are based on the categories provided in Table 1. It is to be noted that the submission of land use applications does not condone the continuation of such activities. The town planning and enforcement process may run concurrently but are dealt with on its own merits.
- 2.1.2 The enforcement policy places the following objectives on authorised employees investigating and dealing with land use complaints:

- 2.1.2.1 That land use complaints are dealt with and resolved within stipulated time frames;
- 2.1.2.2 That all complaints are dealt with in accordance with this policy and its guidelines in a consistent and transparent manner;
- 2.1.2.3 That members of the public are discouraged to continue or start using properties for unauthorised activities;
- 2.1.2.4 Authorised employees dealing with land use complaints adopt an effective and consistent approach to land use enforcement in the WC024 area.

2.2 Legal Mandate

- 2.2.1 Section 152 (1) of South African Constitution stipulates the five objectives of local government, which include the promotion of social and economic development as well as safe and healthy environments.
- 2.2.2 Section 32 (1) of the Spatial Planning and Land Use Management Act 2013 applies to the Enforcement of Land Use Scheme states '*A municipality may pass by-laws aimed at enforcing its land use scheme*'.
- 2.2.3 Part 3, Section 68 and 74 of the Western Cape Land Use Planning Act, 2014 (LUPA) applies to Enforcement, Offences and Penalties.
- 2.2.4 Chapter IX Stellenbosch Municipal Land Use Planning By-Law (2015) deals with Enforcement.
- 2.2.5 This policy is in accordance with the legal requirements as set out in the applicable By-law and Municipal Systems Acts which places a responsibility on the Municipality to enforce compliance with the By-Law and Zoning Scheme Regulations.

2.3 Offences & Penalties

Section 86 of the By-Law (2015) prescribes offences and penalties, which need to be adhered to and is applicable when enforcing this Policy. Such penalties can be a fine or imprisonment not exceeding 20 years or both a fine and such imprisonment when a person is guilty of an offence, as stipulated in section 86 of the By-Law (2015) and is liable on conviction.

SECTION 3: COMPLAINTS PROCESS

3.1 Process to Lodge Complaint

- 3.1.1 For record purposes all complaints must be submitted to the Municipality in writing as follows:
 - a) The standard land use complaint form, which is available on the Municipality's website under the Planning Portal tab: <http://www.stellenbosch.gov.za/> ;
 - b) Such form must be emailed to zoning.violations@stellenbosch.gov.za; or
 - c) A formal letter must be faxed for the attention Director: Planning & Building Development Directorate 021 – 886 6899, delivered or posted to the municipal offices at 17 Plein Street Stellenbosch, 7600 PO Box 17, Stellenbosch, 7599.
- 3.1.2 All complaints must contain sufficient information to enable the applicable department to investigate the matter. This includes:

- a) Full physical address of the offending property;
- b) Precise nature of the Land Use Contravention/s (such as dates, times, frequency, intensity/extent of the contravention, etc. (if possible));
- c) Photographs, if applicable;
- d) The effect/impact that the contravention/s is having on the Complainant and/or the neighborhood and its surroundings;
- e) Name, address, and contact details of the Complainant;
- f) Preferred method of communication.

3.1.3 It is the Municipality's duty to enforce compliance with the relevant by-laws and zoning scheme regulations, regardless of the source or location of the complaint. The Municipality will attempt to keep all information contained in the complaint form, letter, or email anonymous during investigations. (The Municipality cannot guarantee that the information will remain anonymous). The alleged Offender and/or Owner may request such information in terms of her/his constitutional rights and therefore may apply for such information via the normal processes pertaining to access to information.

3.1.4 Complaints may be lodged by any person whether or not residing in the Stellenbosch area or its surroundings.

3.1.5 The Complainant must be advised to respect the alleged Offender and Owner's privacy, by not trespassing on his/her property and not making defamatory statements.

3.2 Anonymous Complaints

3.2.1 The Municipality will not investigate anonymous complaints. The Complainant must be available for correspondence throughout the investigation of the case and must be made aware that they may need to provide evidence in court should they be required to do so.

3.2.2 All information related to a complaint must be saved on the erf file and the Land Use Contravention folder for record purposes.

3.3 Complaint Received and Inspection

3.3.1 Once a formal complaint is received, the authorised employee must determine if the matter is a Land Use Contravention. This can be done by conducting a desktop investigation on the property to check the zoning and current land use rights.

3.3.2 Complaints outside the ambit of the land use enforcement environment must be referred to the relevant department and the Complainant informed thereof. Proper record of referral must be kept and acknowledged by the relevant department.

3.3.3 Once the Land Use Contravention has been confirmed the authorised employee must:

3.3.3.1 Allocate a reference number and record the complaint and all particulars on the enforcement spreadsheet;

3.3.3.2 Send a written acknowledgement, indicating the reference number and the details of the authorised employee dealing with complaint, within 4 (four) working days of receiving the complaint either via email or registered post to the address provided for by the Complainant. If

no physical or email address is available the authorised employee must make contact with the Complainant in order to acquire these details;

- 3.3.3.3 Compile a Land Use Contravention folder with all the relevant information in order for the official to conduct inspections. This includes:
- a) The formal complaint with all supporting documentation;
 - b) Ownership/windeed details;
 - c) Locality map indicating property location;
 - d) Copy of the acknowledgement-correspondence and all other correspondence related to the complaint;
 - e) Permitted zoning use rights applicable and/or existing use rights (if available, the zoning certificate);
 - f) Formulated notices (3 copies).
- 3.3.4 Refer completed Land Use Contravention folder to the authorized official for inspections within 4 (four) working days from the date the complaint was received.
- 3.3.5 The Land Use Contravention folder will then be checked and signed off by the authorised employee's supervisor/manager before it gets allocated to the land use Inspector to conduct inspections.
- 3.3.6 The land use Inspector must make the initial determination of whether the category of the complaint falls into Table 1 and indicate it as such. This determination may change after conducting a full investigation of the case.

3.4 Inspections

- 3.4.1 Section 93 of the By-Law (2015) stipulates the General Powers and Functions of Authorised Employees, such as:
- a) The authorised employee may enter the property **with the permission** of the Owner and/or alleged Offender, without a warrant and/or previous notice in order to ensure compliance with the By-Law (2015);
 - b) Identifying himself/herself as a designated authorised employee and indicating proof that he/she has been designated as an authorised employee for purposes of such inspection;
 - c) Being accompanied by a police officer or any other authorised third party (when need be) assisting the authorised employee with the inspection.
- 3.4.2 Once the Land Use Contravention folder has been allocated to the Inspector, he/she must:
- a) Inspect the property within 4 (four) working days of receipt of the file. Such inspection must be made with due diligence and respect to those staying on or using the property;
 - b) Identify themselves as authorised employees, provide identification indicating this and inform the alleged Offender and Owner of the property of the purpose of the site inspection, and request to conduct an inspection to verify the use of the property in accordance with the zoning scheme regulations and/or previous land use approvals and conditions;

- c) Make sure to obtain as much information as possible. Consider the evidence needed to institute legal proceedings, in the event of non-compliance of notices. Such as who is carrying out the Land Use Contravention, the time of the inspection, the nature and scale of the Land Use Contravention, how many people are on the property and how many are involved in the Land Use Contravention. Take photographs when necessary and check if the Complainant is available to depose to an affidavit;
- d) Advise the alleged Offender and Owner of section 86(1)(f) of the Stellenbosch Municipality Land Use Planning By-Law (2015) if the alleged Offender and/or Owner refuses access to the property (“A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment if he or she hinders or interferes with an authorized employee in the exercise of any power or the performance of any duty of that employee”);
- e) Send a standard letter via registered post and hand deliver a copy at the property requesting access to the property within 7 (seven) working days. If access is still denied by the alleged Offender and they have failed to respond to such letter, it will result in the Inspector producing a legal docket for an offence in terms of section 86(1)(f) of the Stellenbosch Municipality Land Use Planning By-Law (2015);
- f) Keep the Complainant informed of progress via his/her preferred method of communication throughout all stages of the investigation.

3.4.3. Telephonic updates are not recommended as records of all correspondence and communication in respect of the matter must be kept on file. Email transmission is the preferred method of communication, but if no email address is available, registered post must be sent to the address provided by the Complainant.

3.4.4. An important part of conducting an inspection at any property is to provide guidance and advice to unauthorized land use operators, on how to regularize such uses. As a local authority, the Municipality promotes job creation, and needs to inform people of the way forward. Inform them of their entitlement to submit land use applications in order to conduct such activity from the property lawfully.

3.4.5. The submission of town planning applications does not offer the Offender and/or Owner temporary rights to continue with the unauthorised use of the land, the use must still cease within the prescribed time period as set out in the notice. It is only upon approval of applications that such use may operate.

3.5. Serving of Compliance Notices

3.5.1 Once a Land Use Contravention has been confirmed by the Inspector, he/she must act in accordance with Section 87 of the Stellenbosch Municipality Land Use Planning By-Law (2015), which stipulates, inter alia, the following:

3.5.1.1 The Municipality must serve a compliance notice on the Offender if it has reasonable grounds to suspect that the Offender is guilty of an offence in terms of section 86 of the By-Law (2015), which compliance notice must instruct the Offender to cease the unlawful utilisation of land or construction activity or both, within the notice period provided by the Municipality, and in accordance with the Municipality’s instructions as stipulated in section 87 of the By-Law (2015), such as:

- a) demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned to its original form or to cease the activity, as the case may be, within the period determined by the Municipal Manager;

- b) submit an application for the approval of the utilisation of the land or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty within 30 days after approval of the utilisation; or
- c) rectify the contravention of or non-compliance with a condition of approval within a specified period.

3.5.1.2 An Offender who has received a compliance notice in terms of section 87 of the By-Law (2015), may object to such compliance notice by submitting written representations to the Municipality within 30 (thirty) days of receipt of the compliance notice.

3.5.2 The following additional Information must be taken into account when serving compliance notices:

- a) Serve the compliance notice on the Offender and Owner of the property. If he/she is not available at the time of service, it may be served on any other person over the age of 16 who resides or works at the premises;
- b) Make sure the compliance notice is addressed to the Offender and/or Owner/s as per the windeed printout;
- c) Indicate exactly how the compliance notice was served, who received and signed for it and/or if the Offender and/or any other person has refused to sign receipt thereof;
- d) If the Land Use Contravention has been confirmed, the Inspector must serve the compliance notice regardless of whether or not the Offender and/or any other persons wants to accept it.
- e) Copies of the compliance notices must also be sent via registered mail or email (if available) to the registered Owners, if they are not available at the time of inspection;
- f) Every effort must be made to serve the compliance notice personally before sending same via registered post. It is recommended that 3 (three) inspections be conducted at different times and days. If the Offender and/or Owner can still not be located, the Inspector must request assistance from their senior and only after all efforts have failed, send the notice via registered mail and also hand deliver at the property of the Owner and/or Offender.

3.6 Contents of compliance notice

3.6.1 Section **88** of the By-Law (2015) prescribes the contents of compliance notices, which contents are, inter alia, the following:

- a) Identify the person to whom the compliance notice is addressed;
- b) The unlawful use of the land and/or construction activity on the land must be described;
- c) Include a statement in the compliance notice that the use of the land and/or construction activity on the land is unlawful;
- d) Inform the Offender and/or Owner of the offence/s being committed, or which has been committed, by such Offender and/or Owner, as stipulated in section 86 of the By-Law (2015);
- e) State the steps that the Offender and/or Owner must take;
- f) State the time period in which such steps must be taken in each instance;
- g) State anything the Offender and/or Owner may do and may not do, as well as the time periods

applicable;

- h) Make provision in the compliance notice for the Offender and/or Owner to make representations in accordance with section 89 of the By-Law (2015) and stipulate a contact person;
- i) State the applicable warning/s on the grounds that the Offender and/or Owner may be prosecuted and convicted (as stipulated in section 86 of the By-Law (2015) should the Offender and/or Owner not comply, and if convicted, be liable for a penalty in terms of an order of court, including but not limited to demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the property/land or restore the building concerned or to cease the activity;
- j) Confirm that there is an obligation on the Offender and/or Owner on whom a compliance notice is served to comply with such compliance notice within the time period stated in the compliance notice, unless:
 - a. The Offender and/or Owner has objected to the notice in terms of section 89 of the By-Law, and
 - b. The Municipality has not decided on the matter in terms of that section, or
 - c. The Municipality has agreed to suspend the operation of the compliance notice in terms of section 89(2).

3.7 Objections to Compliance Notice

- 3.7.1 Objections may be lodged against compliance notices in accordance with Section **89** of the By-Law (2015), by making written representations to the Municipality within 30 (thirty) days of the date of the compliance notice.
- 3.7.2 The Municipality shall consider such objections or written representations, and any other further information provided, where after the Municipality, may:
 - 3.7.2.1 suspend,
 - 3.7.2.2 confirm,
 - 3.7.2.3 vary, or
 - 3.7.2.4 withdraw, such compliance notice or any part of such compliance notice; and
 - 3.7.2.5 must specify the time period within which the Offender and/or Owner to whom the compliance notice is addressed must comply with any part of the compliance notice that is confirmed or varied.

3.8 Failure to comply with compliance notice

- 3.8.1 Section **90** of the By-Law (2015) prescribes the consequences of the failure to comply with the compliance notices by the Offender and/or Owner, which are, inter alia, the following:
 - 3.8.1.1 Lay a criminal charge against the Offender and/or Owner;
 - 3.8.1.2 Apply to the High Court for an order to:
 - a) restrain the Offender and/or Owner from continuing the unlawful use of the land/property,
 - b) direct the Offender and/or Owner to demolish, remove or alter any building, structure or work unlawfully erected or constructed, and/or

- c) direct the Offender and/or Owner to rehabilitate the land/property concern, without payment of compensation to the Offender and/or Owner.

3.9 Follow up Inspections

- 3.9.1 Once the time period stipulated in the compliance notice has expired, the Inspector must conduct a follow up inspection within 3 (three) working days of the expiry date in order to establish whether the Land Use Contravention has ceased.
- 3.9.2 In the event that the Land Use Contravention is still continuing, the Inspector must decide:
- 3.9.2.1 whether or not enough evidence exists to proceed with legal action against the Offender/s and/or Owner, and if so gather the required evidence;
- 3.9.2.2 whether or not to proceed on criminal or civil grounds taking into account the type of land use and its effects on the surrounding residents and neighborhood.
- 3.9.3 If in the view of the Inspector, the Land Use Contravention has ceased, he/she must conduct an additional follow-up inspection to confirm prior to closing the case. The Inspector must be sure that the Land Use Contravention has ceased in its entirety before closing the file. If not, the Inspector may request further information from the Complainant and allow a 30 day period to provide any evidence to this effect before proceeding any further with the matter.
- 3.9.4 Once the Complainant provides sufficient evidence within the time period stipulated, the matter must be referred to the legal department for further action. After all the relevant evidence has been gathered for legal action, the Inspector has 5 (five) working days to submit the legal docket to the legal department for comment/approval/refusal. A separate SLA must be entered into between the legal and the Planning and Building Development Management departments for time frames with regards to acceptance of dockets and court dates.

3.10 Requesting Additional Evidence

- 3.10.1 In the event that, after the inspections (at least 3 inspections at different times and days) were conducted by the official and he/she confirms that there is no Land Use Contravention, and/or insufficient evidence exists to proceed with the matter, he/she must inform the complainant of these findings in writing and afford him/her the opportunity to submit detailed information/evidence within 30 (thirty) days.
- 3.10.2 If the complaint was referred by another department, municipal employee or ward councilor the same procedure shall be applicable and adhered to as stipulated herein in respect of a Complainant.
- 3.10.3 The official's letter/correspondence, requesting such evidence, must be clear in advising the complainant or evidence bearer that they will be required to attest to such evidence in court as they witnessed the Land Use Contravention. In such cases the Inspector acts as a facilitator to obtain compliance.
- 3.10.4 Additional evidence by the Complainant and/or evidence bearer must be submitted in the form of a sworn affidavit. The Complainant must be informed that the details provided in the affidavit will form the basis of the case against the Offender and/or Owner.
- 3.10.5 If the Complainant refuses or fails to submit the requested evidence in the prescribed time frame the official will conduct a final inspection within 5 (five) days of expiration of such time frame before closing the case.

3.11 Compliance Certificates

3.11.1 When an authorised employee is duly satisfied that the Offender and/or Owner has complied with the compliance notice, a compliance certificate may be issued as determined by the Municipality as confirmation of such compliance.

3.11.2 The authorised employee is obliged to submit a monthly report of all Offender and/or Owner's compliance of such compliance notice and the issuing of the compliance certificates.

3.12 Exclusions

3.12.1 Any and all complaints related to a contravention of South African laws and regulations must be referred to the South African Police Services.

3.12.2 Shebeens/Taverns can be dealt with by authorised employees under this policy but the assistance of law enforcement can be requested when needed. If no assistance is forthcoming from law enforcement and or SAPS officials may follow due process by serving the relevant notices via registered post and conducting drive-by inspections.

3.12.3 This policy does not deal with contraventions of the National Building Regulations and Building Standards Act No 103 of 1977. All building related complaints must be referred to the Building Development Management Department for further investigation.

SECTION 4: COMPLAINT CATEGORIES

4.1 Unauthorised activities take many forms because of different social and economic backgrounds. The policy has outlined different categories in order for the Inspector to make informed decisions whilst dealing with Land Use Contravention complaints.

4.2 Important factors guiding the Inspector when conducting inspections and making decisions on Land Use Contraventions refers to:

4.2.1 The nature of the alleged unauthorised activity;

4.2.2 Safety aspects to users, employees, and surrounding residents of the alleged activity;

4.2.3 Direct impact on the surrounding neighbor's, neighborhood and environment.

4.3 After conducting the initial inspections, the Inspector must make a determination of the category the Land Use Contravention falls under. See Table 1 for list of categories, criteria, and time frames.

4.4 **Table 1: Land Use Contravention Category**

Contravention Category	Contravention Descriptions	Remedial Actions	Notice Times Frames	To note
A	In cases where there is a need to move and or relocate people, students, or children. If the use does not fall into any of the above criteria but requires movement of people, the Inspector along with the line manager must make the determination on the matter.	A 30 day cease notice applies but the Inspector may extend such notice for additional 90 days after considering all the facts. If extensions are granted, the owners/offenders must agree in writing and submit a written undertaking that they will cease by such date indicated in the further abovementioned notice.	30 days cease notice Maximum 90 days extension of time	Extensions can be granted after considering all the facts around the use. This together with consultations with the line manager and the complainants will determine whether such extension will be allowed. The Inspector may choose to allow an additional 30 or 60 days with a maximum of 90.
B	Where a Land Use Contravention poses a threat to life or has a material adverse effect on the community, land being used and surrounding environment.	Cease forthwith. The Inspector to approach legal department for urgent interdict application to interdict activity to cease.	Notice to cease immediately.	No extensions to be granted under this category.
C	Where Land Use Contraventions causes an adverse impact to the surrounding neighbourhood, residents, and amenity of the area such as noise nuisance, traffic and parking problems, affecting property values.	A 30 day ceases notice.	30 days to cease and comply. Extensions on notices must be referred to the courts.	If the property owner/alleged offender can prove that they will be relocating or cease by the required date in an extension request, i.e. new signed lease agreement, then a reasonable extension and/or further extension may be considered by the allocated Inspector/s in his/her discretion taking into account the merits and factors of each individual situation.
Contravention Category		Examples		
A		Schools, daycares, old age homes, stay in rehab facilities, etc.		
B		Any use as per category A that poses a danger to life, business using noxious materials such as gasses, chemicals, etc. Agriculture land used for storage or business use where large amounts of fuel or other noxious materials are kept.		
C		House shops, mechanical workshops, guest houses, function facilities, student accommodations, and or any other business not listed in category A & B that in the view of the Inspector causes an adverse impact on the surroundings.		

SECTION 5: COMMUNICATION**5.1 Communication Format**

All communication between the authorised employees and Complainants must take the form of standardised letters approved by the Municipality. All correspondence must be sent via registered post or email and detailed records must be kept at all times throughout the investigation.

For effective and speedy service delivery all communication must follow the below timeframes.

5.2 Table 2: Communication Timeframe Table

Communication Type	Number of Days
Complaint Acknowledgement Letter	Within 4 (four) working days of receipt of complaint
Notice Served Letter	Within 2 (two) working days after the notice was served
Request for further information	Within 2 (two) working days after the last inspection has been conducted
Closing Letter	Sent within 3 (Three) working days after the final inspection and confirmation of matter complied
Court Outcomes Letter	Sent within 3 (Three) working days of court outcome

5.3 Telephonic communication

Telephonic communication regarding cases is strongly prohibited as no records or calls can be recorded. Telephonic calls to Complainants must only be done in cases where no email or physical postal address for registered post exists. If so all conversations must be fully recorded by the authorised employee in the Land Use Contravention folder, i.e. time and date of call and what was discussed.

SECTION 6: APPLICABLE LEGISLATION

The following legislation applies to this policy.

6.1 Spatial Planning and Land Use Management Act, 2013: Section 32 applies to the Enforcement of Land Use Scheme. Section 32. (1) in particular states '*A municipality may pass by-laws aimed at enforcing its land use scheme*'.

6.2 Western Cape Land Use Planning Act, 2014: Part 3, section 68 -74 apply to Enforcement, Offences and Penalties.

6.3 Stellenbosch Municipal Land Use Planning By-Law (2015): Chapter IX, sections 85-99; Enforcement of the Municipality.

SECTION 7: POLICY COMPLIANCE

All authorized officials using this policy are expected to comply with the contents and guidelines provided herein. Employees who fail to comply must be subjected to disciplinary actions by line managers whilst offending parties will face civil or criminal litigation.

SECTION 8: APPROVAL & IMPLEMENTATION

The land use enforcement policy for the Stellenbosch Municipality has been approved by Council on the _____.

The policy comes into effect as of the date indicated above and will remain in place until such time that it is reviewed on an annual basis.

APPENDIX 2



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

File Reference Number:
 Enquiries:
 Contact No:
 Email address:
 Date:

PERSONAL SERVICE/REGISTERED MAIL/E MAIL

Name & Surname Recipient
 Physical Address (registered mail or personal service)
 E mail Address (via e mail)

Dear Sir/Madam

ALLEGED LAND USE CONTRAVENTION ON FARM/ERF/PHYSICAL ADDRESS
REQUEST FOR ACCESS TO PREMISES:

1. Please take note that on DATE a complaint was received against you for: DESCRIBE ACTIVITY
2. The allocated Inspector/s in respect of the Land Use Contravention on the premises was unable to gain access to the premises on DATE, in order to investigate a complaint/enquiry about an alleged Land Use Contravention in terms of the Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning by-Law 2015.
3. Please take note of Section 86(1)(f) of the By-Law, which stipulates:
'A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment if he or she hinders or interferes with an authorised employee in the exercise of any power or the performance of any duty of that employee.'
4. Take further note of Section 93 of the by-Law, which stipulates inter alia:
'(1) an authorised employee may, with the permission of the occupier or owner of land without a warrant and without previous notice, enter upon land or premises or either a building at any reasonable time for the purpose of ensuring compliance with this By-law. (2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of subsection (1). (3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.'
5. The allocated Inspector/s, INSPECTOR DETAILS will inspect your property on DATE. Kindly provide him/her with proper access to the property as required herein. Should the inspection for any valid reason not be possible on DATE at TIME, please inform the Inspector thereof within 5 (five) days of the date of this letter. The Inspector's telephone number is _____ and/or email at _____.
6. The Inspector is available between 08h00 and 16h00, Monday to Friday.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:
Enquiries:
Contact No:
Email Address:
Date:

PERSONAL SERVICE/REGISTERED MAIL/E MAIL

Name and Surname of recipient
Address (registered mail or personal service)
E mail address (via e mail)

Dear Sir/Madam

ALLEGED LAND USE CONTRAVENTION ON ERF/FARM/PHYSICAL ADDRESS
REQUEST FOR ADDITIONAL INFORMATION:

We refer to your complaint with REF NO. and we would like to confirm the following:

1. The allocated inspector has investigated your complaint and such investigation reveals that the abovementioned property is being used for INDICATE THE USE (as per zoning and/or approval) purposes.
2. Such land use is permitted in terms of Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning By-Law 2015
3. However, if you have any evidence which indicates that the property is being used for a purpose other than that set out above or as per your complaint with REF NO., please furnish such evidence to our offices at the above address on or before DATE.
4. On receipt of such further evidence, this matter shall be further investigated. If no further information is received by the date mentioned herein, this matter will be closed.
5. Please take note of the following.
 - a) In order to achieve a successful prosecution, the person who witnessed the land use contravention needs to provide such evidence and give evidence in court. (the allocated inspector/s has not established a land use contravention on the premises and therefore you will need to provide the required evidence in order to proceed effectively)
 - b) Please provide inter alia accurate details of dates and times when the land use contravention happens as you will also be required to provide this evidence in court when requested to do so. Please only provide facts, and not what you suspect. If the activity involves cars, people or staff visiting or coming to and from the premises, please provide all the necessary details.
 - c) Please respect your neighbours right to privacy by not intruding on their personal space. If you require taking pictures, please do so from the comfort of your own premises or municipal areas outside such property's boundaries at which such alleged land use contravention takes place.
 - d) Please provide all evidence in the form of a sworn affidavit.**

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



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Our File Reference Number:
Enquiries:
Contact No:
Email address:
Date:

PERSONAL SERVICE/REGISTERED MAIL/E MAIL

Name and Surname of recipient
Address (registered mail or personal service)
E mail address (via e mail)

Dear Sir/Madam

ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS

CLOSING OF COMPLAINT:

1. The Municipality refers to the complaint with REF_NO. and would like to confirm the following:
 - 1.1. The Municipality wishes to advise that the allocated Inspectors follow up inspection at the premises revealed that the land use contravention at the premises has ceased and/or the property owners/offenders have complied with the conditions of approval in respect of land use rights.
 - 1.2. Please feel free to contact the Municipality if the land use contravention resumes in terms of Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning By-Law 2015.
2. Please note that as for the reasons mentioned above the matter is regarded as closed.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Planning and Economic Development

Our File Reference Number:

Enquiries:

Contact No:

Email address:

Date:

PERSONAL SERVICE/REGISTERED MAIL/PER EMAIL

Name & Surname of recipient

Address (registered mail or personal service)

E mail address (via e mail)

Dear Sir/Madam

ALLEGED LAND USE CONTRAVENTION OF FARM/ERF/PHYSICAL ADDRESS

COMPLAINT ACKNOWLEDGEMENT:

With reference to your complaint received on DATE I wish to advise as follows:

1. Your complaint will be investigated in accordance with the Stellenbosch Municipality Land Use Planning By-Law (2015) and a detailed response will be directed to you in due course.
2. It has been referred to INSPECTOR NAME who will investigate the alleged land use contravention.
3. The Municipality will report back on the complaint within 30 days.
4. Please quote the following reference number for all queries related hereto: Farm 1077 Paarl.
5. You are advised that all communication with you will be done via e-mail unless you notify me in writing of an alternative preferred method of communication.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:
Enquiries:
Contact No:
Email address:
Date:

PERSONAL SERVICE/REGISTERED MAIL/E MAIL

Name and Surname of recipient
Address (registered mail or personal service)
E mail address (via e mail)

Dear Sir/Madam

ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS

COMPLIANCE CERTIFICATE

COMPLIANCE CERTIFICATE: DESCRIPTION OF ACTIVITY

1. Our compliance notice dated refer(s).
2. This compliance certificate is issued in terms of section 91 of the Stellenbosch Municipal Land Use Planning By-law, 2015 to confirm you complied with the aforementioned compliance notice.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:
Enquiries:
Contact No:
Email Address:
Date:

PERSONAL SERVICE/REGISTERED MAIL/E MAIL

Dear Sir/Madam
Physical Address (registered mail or personal service)
E mail Address (via e mail)

ALLEGED LAND USE CONTRAVENTION OF PREMISES FARM/ERF/PHYSICAL ADDRESS

COURT OUTCOME:

We refer to your complaint with REF NO. and we would like to confirm the following:

1. Please be advised that NAME OF OFFENDER appeared in court on DATE , the outcome was as follow:

(INDICATE THE COURT OUTCOME)

(Delete sections not applicable, chose either 2 or 3)

2. You will be informed of any progress after the next court date.
3. This matter will be monitored accordingly, and if the land use contravention continues, further legal action will be instituted.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Planning and Economic Development

Our File Reference Number:

Enquiries:

Contact No:

Email address:

Date:

PERSONAL SERVICE/REGISTERED MAIL/PER EMAIL

Name & Surname of recipient

Address (registered mail or personal service)

E mail address (via e mail)

Dear Sir/Madam

ALLEGED LAND USE CONTRAVENTION OF FARM/ERF/PHYSICAL ADDRESS

COMPLAINT ACKNOWLEDGEMENT:

With reference to your complaint received on DATE I wish to advise as follows:

1. Your complaint will be investigated in accordance with the Stellenbosch Municipality Land Use Planning By-Law (2015) and a detailed response will be directed to you in due course.
2. It has been referred to INSPECTOR NAME who will investigate the alleged land use contravention.
3. The Municipality will report back on the complaint within 30 days.
4. Please quote the following reference number for all queries related hereto: Farm 1077 Paarl.
5. You are advised that all communication with you will be done via e-mail unless you notify me in writing of an alternative preferred method of communication.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



Our Reference Number:

Enquiries:

Contact no:

Date:

PERSONAL SERVICE/REGISTERED MAIL/E MAIL

Name and Surname of recipient

Address (registered mail or personal service)

E mail address (via e mail)

Dear Sir/Madam

NOTIFICATION: ALLEGED LAND USE CONTRAVENTION ITO SECTION 87(2) OF THE STELLENBOSCH LAND USE PLANNING BY-LAW 2015: ERF/FARM/PHYSICAL ADDRESS

This Municipality has reasonable grounds to suspect that you are going to make yourself guilty of an offence(s) in terms of **Section 86 (1)** (make sure the correct section is quoted) of the Stellenbosch Municipal Land Use Planning By-law 2015 ('the By-Law):

'A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both and such imprisonment if he or she –

(b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the Municipality'

It has come to the attention of this office that an (STATE ACTIVITY) is planned on FARM/ERF/PHYSICAL ADDRESS, on the DATE as can be seen by (state where the information was obtained).

Please be informed that the zoning of the property in question is that of ZONING OF PROPERTY only. The property may not be utilised for purposes of (STATE THE ACTIVITY), without the necessary approval in terms of the Stellenbosch Municipal Land Use Planning By-law 2015.

An inspection of the property file indicated that no land use approval was granted (STATE THE ACTIVITY) at the property in question.

You are advised to take note of this warning and to cease any plans of proceeding with this anticipated activity without delay. Failure to comply will make you liable for possible prosecution in terms of the Stellenbosch Land Use Planning By-Law, 2015.

Yours faithfully

For **DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**

Queries: (name & surname of inspector) / Senior Land Use Inspector

Tel: (contact details of inspector)

Email address of inspector



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Our Reference Number:

Enquiries: **Insp. Name & Surname**

Contact No: **Insp. contact details**

Name:

Address:

PERSONAL SERVICE/REGISTERED MAIL

Date:

Dear Sir/Madam

This is a true copy of the notice served on this ____ day
of _____2018, at _____ (time).

On: _____

Served by: **Errol Junior Williams**

Capacity of Server: **Senior Land Use Inspector**

Signature of Server _____

Person Receiving Document: _____ (Sign)

Capacity: _____

In the event the recipient of the notice refuses to sign or accept notice the server must indicate how notice was issued.

NOTIFICATION: ALLEGED LAND USE CONTRAVENTION IN TERMS OF SECTION 87(2) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW 2015: ERF/FARM / PHYSICAL ADDRESS

1. Please take note that on **DATE** an inspection was done on the property.
2. This Municipality has reasonable grounds to suspect that you are guilty of an offence(s) in terms of **Section 86 (1) (b)** (**scrutinise the By Law and confirm which section is applicable in relation to the activity witnessed and complained about**) of the Stellenbosch Municipality Land Use Planning By-law 2015 ('the By-Law).
3. You are hereby instructed to cease the activity without delay in terms of section 87(2) of the Stellenbosch Municipality Land Use Planning By-law, 2015 or within 30 days, the unlawful utilisation of the property being the following: **DESCRIBE THE ACTIVITY**
4. You are further instructed in terms of Section 87(2) of the By-Law to cease the activity, as the case may be, within 30 days.
5. Please take note that by submitting an application in terms of section 87(2)(b) as read with section 87(4) of the By-Law does not indicate that the application will be approved, and if such application is refused, you must cease the unauthorised activity.
6. Please take further note that you may object to this compliance notice by submitting written representations to the municipality within 30 (thirty) days of receipt of this notice.
7. You are hereby warned that in the event that you fail or refuse to comply with this compliance notice, the Municipality shall proceed with legal action against you, which may include inter alia the following:
 - a. You can be prosecuted for and convicted of an offence contemplated in section 86 of the By-Law;
 - b. On conviction of an offence, you will be liable for the penalty as provided for in the By-Law;
 - c. You can be required by an order of court to demolish, remove or alter any building structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned or to cease the activity;
 - d. In the case of contravention relating to a consent use or temporary departure, such approval may be withdrawn; and/or
 - e. In the case of an application of the activity or development parameter, the contravention penalty in the amount as stated in the notice, including any costs incurred by the Municipality, may be imposed on you.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

T: +27 21 808 8111 • F: +27 21 886 6899

Plein Street, Stellenbosch, 7600 • P O Box 17, Stellenbosch, 7599

www.stellenbosch.gov.za



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Reference Number:
Enquiries:
Contact No:
Email address:
Date:

PERSONAL SERVICE/REGISTERED MAIL/PER E MAIL

Name/Surname of recipient
Address (registered mail or personal service)
E mail Address (via e mail)

Dear Sir/Madam

ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS

RESPONSE TO OBJECTION/REPRESENTATION SUBMITTED TO NOTICE:

DESCRIPTION OF ILLEGAL ACTIVITY/PROPERTY DESCRIPTION

1. Our notice dated (_/_/_) and your subsequent written objection/representations to the compliance notice served in terms of section 87 of the Stellenbosch Municipal Land Use Planning By-law refer(s).
(delete which is not applicable)
2. We have considered your representation, and hereby:
 - (a) Suspend or confirm or vary or withdraw the compliance notice or any part of the compliance notice in terms of section 89 of the Stellenbosch Municipal Land Use Planning By-Law of the said legislation; in terms of section 89 of the Stellenbosch Municipal Land Use Planning By-law of the said legislation; and/or
 - (b) Confirm that you have specify time period to comply with any part of the compliance notice that is confirmed or varied.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

Page 1 of 1

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

NONE

7.9	YOUTH, SPORTS AND CULTURE: (PC: M PIETERSEN)
-----	--

NONE

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
-------------	---

7.10.1	REVISED PERFORMANCE MANAGEMENT POLICY
---------------	--

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

21 May 2019 (MayCo) and 29 May 2019 (Council)

1. SUBJECT: REVISED PERFORMANCE MANAGEMENT POLICY

2. PURPOSE

To submit the Revised Performance Management Policy for approval.

3. DELEGATED AUTHORITY

Municipal Council.

Stellenbosch Municipality has been mandated in terms of section 40 of the Local Government Municipal Systems Act, 32 of 2000 (MSA), to manage the development of a performance management system and submit it to Council for adoption.

4. EXECUTIVE SUMMARY

To table the revised Performance Management Policy for consideration and approval by Council. This policy has been revised to be applicable for the 2019/10 financial year to improve service excellence.

5. RECOMMENDATIONS

- (a) that the Mayoral Committee considers the Revised Performance Management Policy for referral to Council; and
- (b) that Council considers the Revised Performance Management Policy to release for public comment in terms of section 21A of the MSA.

6. DISCUSSION / CONTENTS

6.1 Background

The Performance Management Policy was previously known as the Performance Management Framework and served before Council annually since 2015.

Section 8 (2) of the MSA states that “*a municipality has the right to do anything reasonably necessary for, or incidental to, the effective performance of its functions and the exercise of its powers.*”

6.1.1 Legal Context

Section 11(2) of the MSA enables the Municipality to exercise executive and legislative authority to establish and implement a performance management system.

The establishment and implementation of a performance management system is of critical importance as confirmed by Section 3 of the MSA.

Section 38 of the MSA allows A municipality to-

“(a) establish a performance management system that is-

(i) commensurate with its resources;

(ii) best suited to its circumstances; and

(iii) in line with the priorities, objectives, indicators and targets contained in its integrated development plan;

(b) promote a culture of performance management among its political structures, political office bearers and councillors and in its administration; and

(c) administer its affairs in an economical, effective, efficient and accountable manner.”

Section 41 of the MSA confirms the setting of regulations and guidelines which is required by the Performance Management System.

The Revised Performance Management Policy as **APPENDIX 1**.

6.2 Discussion

As legislated and required for good practice, revisions to the Performance Management Policy is encouraged to align to municipal practice and as may be necessitated from time to time.

The recommended revisions to the Performance Management Policy is highlighted in track changes for ease of references. The changes made is minimal, and mainly contains stylistic amendments to improve the flow of the document. In addition certain items which are reported on a monthly basis has been revised to quarterly to streamline the process for the administration. This does not remove the monthly processes, but merely minimises to the administrative compliance, which is not necessitated by legislation.

The Revised Performance Management Policy as **APPENDIX 1**.

6.3 Financial Implications

Costs incurred for advertising.

6.5 Legal Implications

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

6.6 Previous / Relevant Council Resolutions

This policy was revised annually since 2015.

ANNEXURES

Appendix 1: Reviewed Performance Management Policy

FOR FURTHER DETAILS CONTACT:

NAME	Gurswin Cain
POSITION	IDP Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	(021) 808-8174
E-MAIL ADDRESS	Gurswin.Cain@stellenbosch.gov.za
REPORT DATE	9 May 2019

APPENDIX 1



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Performance Management Policy 2019/20

Compiled in terms of the Local Government: Municipal Systems
Act, 2000 (Act 32 of 2000) and Regulations R805

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List of acronyms

AG	: Auditor General
CCR	: Core Competency Requirement
IDP	: Integrated Development Plan
KPA	: Key Performance Areas
KPI	: Key Performance Indicators
LED	: Local Economic Development
MEC	: Member of the Executive Council
MFMA	: Municipal Finance Management Act
MSA	: Municipal Systems Act
MTEF	: Medium Term Expenditure Framework
PDP	: Personal Development Plan
PMS	: Performance Management System
POE	: Portfolio of Evidence
SALGA	: South African Local Government Association
SDBIP	: Service Delivery and Budget Implementation Plan
SFA	: Strategic Focus Area
SMART	: Specific, Measurable, Achievable, Realistic, Time-frame
TL SDBIP	: Top Layer Service Delivery Budget Implementation Plan
WSP	: Work Place Skills Plan

Glossary of terms

- **“accounting officer”**

- (a) in relation to a municipality, means the municipal official referred to in section 60 of the Municipal Systems Act; or
- (b) in relation to a municipal entity, means the official of the entity referred to in section 93, and includes a person acting as the accounting officer

- **“annual report”**

in relation to a municipality or municipal entity, means an annual report contemplated in section 121 of the Municipal Finance Management Act

- **“Auditor-General”**

means the person appointed as Auditor-General in terms of section 193 of the Constitution, and includes a person-

- (a) acting as Auditor-General
- (b) acting in terms of a delegation by the Auditor-General; or
- (c) designated by the Auditor-General to exercise a power or perform a duty of the Auditor-General

- **“basic municipal service”**

means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety or the environment

- **“backlogs”**

A backlog can be defined as quality of service/ goods that have accumulated over time that are still undelivered/unattended/still not produced. The backlogs in rural water, sanitation and electricity have been defined in official census figures, but vary (increase or decrease) from year to year due to migration patterns. Regardless, these backlogs are now being dealt with systematically (refer to baseline).

- **“baseline”**

the accurate and quantitative data at a stated point in time that marks the beginning of a trend.

- **“Councillor”**

means a member of a municipal council

- **“Section 57 employee”**

means a person employed by a municipality as a municipal manager or as a manager directly accountable to a municipal manager;

- **“employer”**

means the municipality employing a person as a municipal manager or as manager directly accountable to a municipal manager and as represented by the mayor, executive mayor or municipal manager as the case may be;

- **“employment contract”**

means a contract as contemplated in Section 57 of the Municipal Systems Act;

- **“external service provider”**

means an external mechanism referred to in section 76(b) of the Municipal Systems Act; which provides a municipal service for a municipality

- **“financial statements”**

in relation to municipality or municipal entity, means statements consisting of at least-

- a statement of financial position;
- a statement of financial performance;
- a cash-flow statement;
- any other statements that may be prescribed; and
- any notes to these statements

- **“financial year”**

means the financial year of municipalities that end on 30 June of each year

- **“input indicator”**

means an indicator that measures the costs, resources and time used to produce an output

- **“integrated development plan”**

means a plan envisaged in section 25 of the Municipal Systems Act

- **“local community” or “community”**

in relation to a municipality, means that body or persons comprising –

- the residents of the municipality
- the ratepayers of the municipality
- any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the municipality

- **“Mayor”**

in relation to –

- a municipality with an executive mayor, means the councillor elected as the executive mayor of the municipality in terms of section 55 of the Municipal Structures Act; or
- a municipality with an executive committee, means the councillor elected as the mayor of the municipality in terms of section 48 of that Act

- **“MEC for local government”**

means the MEC responsible for local government in a province

- **“Minister”**

means the national Minister responsible for local government

- **“municipality”**

when referred to as –

- an entity, means a municipality as described in section 2; and
- a geographical area, means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998)

- **“municipal council” or “council”**

means a municipal council referred to in section 157(1) of the Constitution

- **“municipal entity”**

means –

- (a) a company, co-operative, trust fund or any other corporate entity established in terms of any applicable national or provincial legislation ward which operates under the ownership control of one or more municipalities, and includes, in the case of a company under such ownership control, any subsidiary of that company, a private company referred to in section 86B(1)(a); or
- (b) a service utility.
- (c) a multi-jurisdictional service utility

- **“Municipal Finance Management Act”**

means the Local Government: Municipal Finance Management Act, 2003, and any regulations made under that Act

- **“Municipal Manager”**

means a person appointed in terms of section 82 of the Municipal Structures Act

- **“municipal service”**

has the meaning assigned to it in section 1 of the Municipal Systems Act

- **“Municipal Structures Act”**

means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

- **“Municipal Systems Act”**

means the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000)

- **“Outcome indicator”**

means an indicator that measures the quality and or impact of an output on achieving a particular objective

- **“Output indicator”**

means an indicator that measures the results of activities, processes and strategies of a program of a municipality

- **“parent municipality”**

- (a) in relation to a municipal entity which is a private company in respect of which effective control vests in a single municipality, means that municipality;
- (b) in relation to a municipal entity which is a private company in respect of which effective control vests in two or more municipalities collectively, means of those municipalities;
- (c) in relation to a municipal entity which is a service utility, means the municipality which established the entity; or
- (d) in relation to a municipal entity which is a multi-jurisdictional service utility, means each municipality which is a party to the agreement establishing the service utility

- **“private company”**

means a company referred to in section 19 and 20 of the Companies Act, 1973 (Act No. 61

of 1973)

- **“performance agreement”**

means an agreement as contemplated in Section 57 of the Municipal Systems Act which can be altered during the course of the financial year with the written consent from both the employer and employee. The performance agreement is guided by any change in the organisational structure.

- **“performance plan”**

means a part of the performance agreement which details the performance objectives and targets that must be met and time frame within which these must be met.

- **“prescribe”**

means prescribe by regulation or guidelines in terms of section 120 and **“prescribed”** has a corresponding meaning

- **“political office bearer”**

means the speaker, executive mayor, mayor, deputy mayor or member of the executive committee as referred to in the Municipal Structures Act

- **“political structure”**

in relation to a municipality, means the council of the municipality or any committee or other collective structure of a municipality elected, designated or appointed in terms of a specific provision of the Municipal Structures Act

- **“resident”**

in relation to a municipality, means a person who is ordinarily resident in the municipality

- **“senior manager”**

(a) in relation to a municipality, means a manager referred to in section 56 of the Municipal Systems Act; or

(b) in relation to a municipal entity, means a manager directly accountable to the chief executive officer of the entity

- **“service authority”**

means the power of a municipality to regulate the provision of a municipal service by a service provider

- **“service delivery agreement”**

means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Municipal Systems Act in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality

- **“service delivery and budget implementation plan”**

means a detailed plan approved by the mayor of a municipality in terms of section 53(1)(c)(ii) of the Municipal Finance Management Act for implementing the municipality's delivery of municipal services and its annual budget, and which must indicate –

(a) projections for each month of –

- (i) revenue to be collected, by source; and
- (ii) operational and capital expenditure, by vote;
- (b) service delivery targets and performance indicators for each quarter; and
- (c) any other matters that may be prescribed,
and includes any revisions of such plan by the mayor in terms of section 54(1)(c) of the Municipal Finance Management Act

- **“service utility”**

means a municipal entity established in terms of section 82(1)(c), a body established in terms of section 86H of the Municipal Systems Act

- **“staff”**

in relation to a municipality, means the employees of the municipality, including the municipal manager.

1 Introduction

Performance Management is a process which measures the implementation of the organisation's strategy.

At local government level, performance management is institutionalised through the legislative requirements and policies of a municipality. Performance management provides the mechanism with which to measure targets set by the organisation and its employees to meet its strategic objectives.

The Constitution of South Africa (1996), section 152, dealing with the objectives of local government paves the way for performance management, with the requirements for an "accountable government". The democratic values and principles in terms of section 195 (1) are also linked with the concept of Performance management, with reference to the principles of inter alia:

- the promotion of efficient, economic and effective use of resources;
- accountable public administration;
- to be transparent by providing information;
- to be responsive to the needs of the community; and
- to facilitate a culture of public service and accountability amongst staff.

The Municipal Systems Act (MSA), 2000 requires municipalities to establish a performance management system. The MSA and the Municipal Finance Management Act (MFMA) further requires from the Integrated Development Plan (IDP) to be aligned to the municipal budget and to be monitored through the Service Delivery and the Budget Implementation Plan (SDBIP).

In addition, Regulation 7 (1) of the Local Government: Municipal Planning and Performance Management Regulations, 2001 states that "A Municipality's Performance Management System entails a framework that describes and represents how the municipality's cycle and processes of performance planning, monitoring, measurement, review, reporting and improvement will be conducted, organised and managed, including determining the roles of the different role players."

Section 57 makes the employment of the municipal manager and managers directly accountable to ~~her—the municipal manager~~ subject to a separate performance agreement concluded annually before the end of July. Section 67 regards the monitoring, measuring and evaluating of performance of staff as a platform to develop human resources and to hold municipal staff accountable to serve the public efficiently and effectively. Performance Management, therefore, is not only relevant to the organisation as a whole, but also to the individuals employed in the ~~organization-organisation~~ as well as the external service providers.

This policy therefore describes how the ~~Stellenbosch MM~~ Municipality's performance process, for the organisation as a whole will be conducted, organised and managed. It also has the following objectives:

- Clarify processes of implementation;
- Ensure compliance with legislation;
- Demonstrate how the system will be conducted;

- Define roles and responsibilities;
- Promote accountability and transparency; and
- Reflect the linkage between the IDP, Budget, SDF, SDBIP and individual and service provider performance.

The policy also take into consideration the -currently transition from the old organisational structure to the new organisational structure and supports the process that is underway to update and transfer [key performance indicators \(KPI's\)](#) in line with the new organisational structure.

2 Legislative Framework

2.1 The following legislation forms the foundation for the policy

- Constitution of the Republic Of South Africa (1996);
- Local Government: Municipal Systems Act (MSA) 2000 and its amendments;
- Government Gazette: Regulation gazette No.7146;
- Municipal Financial Management Act (MFMA) No.56 of 2003;
- Municipal Structures Act 1998;
- National Treasury: 2007 Framework for managing performance information;
- White Paper on Local Government (1998);
- Municipal Planning and Performance Regulation 796 (2001);
- Municipal Performance Regulation for Municipal Managers and Managers directly accountable to Municipal Managers (805 of 2006);
- MFMA Circular 11: Annual Reports;
- MFMA Circular 13: SDBIP;
- MFMA Circular 32: Oversight report;
- MFMA Circular 42: Funding of municipal budget; and
- MFMA Circular 54: Municipal budget circular.

3 Objectives and Benefits of a Performance Management System

3.1 Objectives

The objectives of the performance management system are to:

- Facilitate strategy development;
- Facilitate increased accountability;
- Facilitate learning and improvement;
- Provide early warning signals;
- Create a culture of best practices; and
- Facilitate decision-making.

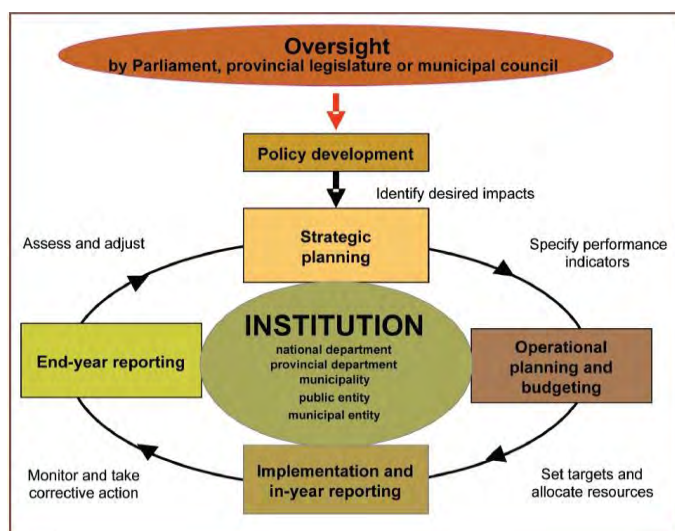
The above objectives are aligned with the [Local Government: Municipal Systems Act, 2000 \(Act No. 32 of 2000\) MSA](#) and the guidelines of the Department of Development Planning and Local Government.

4 Definitions and Key Steps in Performance Management

4.1 The Performance Cycles

The overall planning, budgeting and reporting cycle can be summarised as follows:

Figure 1: Performance Management Cycle



Source: Framework for Managing Programme Performance Information

The performance cycle can be summarised in the following diagram

Each of the above cycles can be explained as follows:

- **Performance Planning** ensures that the strategic direction of the Municipality more explicitly informs and aligns with the IDP planning, activities and resource decisions. This is the stage where Key Performance Areas (KPA's) and Key-Performance Indicators/KPI's are designed to address the IDP objectives.
- **Performance Measuring and Monitoring** is an ongoing process to determine whether performance targets have been met, exceeded or not met. Projections can also be made during the year as to whether the final target and future targets will be met. It occurs during key points in a process – for example, on a quarterly and annual basis.
- **Performance evaluation** analyses why there is under-performance or what the factors were, that allowed good performance in a particular area. Where targets have not been met, the reasons for this must be examined and corrective action recommended. Evidence to support the status is also reviewed at this stage. An additional component is the review of the indicators to determine if they are feasible and are measuring the key areas appropriately.
- **Performance Reporting** entails regular reporting to management, the performance audit committee, council and the public.
- **Performance review/auditing** is a key element of the monitoring and evaluation

process. This involves verifying that the measurement mechanisms are accurate and that proper procedures are followed to evaluate and improve performance. According to section 45, of the ~~Systems Act~~ MSA, results of the performance measurement must be audited as part of the municipality's internal auditing process and annually by the Auditor-General. The Municipality have therefore established frameworks and structures to evaluate the effectiveness of the municipality's internal performance measurement control systems. Areas of weak performance identified at year-end must be addressed during the following years planning phase.

The Performance Process for the entire financial year as follows:

Table 1: Performance Process for the financial year

	Planned Deliverables	Planned Events	Delegation	Report
July	Quarterly SDBIP report of the previous financial year to be finalised by the 12 th calendar day after the end of the quarter under review for the presentation to the Municipal Manager and the Executive Mayor. Monthly SDBIP & user report submitted to the MM by the 14th calendar day after the end of the month under review (Ignite system closure the previous day)	Quarterly SDBIP report: <ul style="list-style-type: none"> • Tabled at Council within one month after the end of the quarter; • Report submitted to Provincial Government and National Government; • Reported to Internal Audit unit; • Placed upon website; • Non-Financial Performance Measures reported to Provincial and National Government. 	Yes, signed quality certificate for quarterly report by MM and Executive Mayor	Quarter 4 report
	Planning, Consultation and Signing of Individual performance agreements, performance plans, managerial competencies and personal development plans with Senior Managers; Publish performance agreements on the website (Directors only); Submit performance agreements to National and Provincial Government. Monthly SDBIP & user report submitted to the MM by the 14th calendar day after the end of the month under review (Ignite system closure the previous day)	Signed agreements uploaded unto Municipal Website: <ul style="list-style-type: none"> - Agreements tabled at Council; Agreements submitted to Provincial Government. 	Municipal Manager in relation to Directors performance agreements; Executive Mayor in relation to the MM's performance agreement.	Upload of agreements of directors and Municipal Manager unto website. Confirm reaching of target unto the PMS system
	Monthly SDBIP & user report submitted to the MM by the 14th calendar day after the end of the month under review (Ignite system closure the previous day)	Interrogation of report by Directors and the Municipal Manager	Approval and signature of MM	Draft Process Plan. Monthly report for June submitted

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	Planned Deliverables	Planned Events	Delegation	Report
	Monthly SDBIP & user report submitted to the MM by the 14th calendar day after the end of the month under review (ignite system closure the previous day)	Interrogation of report by Directors and the Municipal Manager	Approval and signature of MM	Draft Process Plan. Monthly report for July submitted
August	Planning and Preparation of individual performance agreements and development plans by managers and heads of staff up to the 3 rd reporting line.	Signing of individual performance agreements and development plans by managers and heads	Yes, Immediate supervisor	Signed agreements delivered to the IDP/PMS unit
	Preparation of previous financial year annual performance report.	Submission of the performance annual performance report to the Auditor General by 31 August.	Yes, Municipal Manager	Version emailed by 31 August @ 24:00. Hardcopy version due on the 1st of September.
September	IDP and Budget consultation.	Public participation commences to determine the priorities of the new financial year. This priorities should form the basis of the new TL and Departmental SDBIP.	Yes, Municipal Manager	Community priorities
September	Monthly SDBIP & user report submitted to the MM by the 14th calendar day after the end of the month under review (ignite system closure the previous day)	Interrogation of report by Directors and the Municipal Manager	Yes, Municipal Manager	Monthly report for August submitted
October	Quarterly SDBIP report finalised by the 12 th calendar day after the end of the quarter under review for the presentation to the Municipal Manager and the Executive Mayor. Tabling of quarterly report for the attention of MayCo & Council;	<p>Informal Performance review of directors by the Municipal Manager</p> <p>Informal Performance review of managers and heads by immediate supervisors</p> <p>Quarterly SDBIP report:</p> <ul style="list-style-type: none"> • Tabled at Council within one month after the end of the quarter; • Reported submitted to Provincial Government; • Reported to Internal Audit unit • Placed upon website Provincial and National Government; and • Non-Financial Performance Measures reported to Provincial and National Government. 	Yes, signed quality certificate for quarterly report by MM and Executive Mayor.	Quarter 1 report; Signed attendance register as confirmation note for informal performance review with immediate subordinates.
November	TL and Departmental SDBIP review process.	Review sessions scheduled with each Directorate to review performance indicators and targets.	Yes, Municipal Manager.	Revised TL and Departmental SDBIP.

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	Planned Deliverables	Planned Events	Delegation	Report
December	Finalisation of the Draft Annual Report.	Draft Annual Report distributed to each Directorate for final input	Yes, Municipal Manager.	Draft Annual Report
January	Mid-year SDBIP report finalised by the 12th calendar day after the end of the month under review for the presentation to the Municipal Manager and the Executive Mayor.	<p>Informal Performance review of directors by the Municipal Manager</p> <p>Informal Performance review of managers and heads by immediate supervisors.</p> <p>Quarterly SDBIP report:</p> <ul style="list-style-type: none"> • Tabled at Council within 25 days after the end of the quarter; • Reported submitted to Provincial Government; National Treasury and CoGTA; • Reported to Internal Audit unit; • Placed upon website Provincial and National Government; and • Non-Financial Performance Measures reported to Provincial and National Government. 	Yes, signed quality certificate for quarterly report by MM and Executive Mayor	Mid-year report;
	Draft Annual Report	<ul style="list-style-type: none"> • Advertised on the Website • Reported submitted to Provincial Government; National Treasury and CoGTA • Invitation of written submissions from the public • Reported to Auditor General 	Yes, MM and Executive Mayor	Council Minutes which refers Draft report to the MPAC/Oversight Committee
February	Mid-year performance evaluations of the Municipal Manager and Directors	Mid-year performance assessments of the Municipal Manager and Directors conducted on or before 28 February	Yes, MM and Executive Mayor	Mid-year performance evaluation report of the Municipal Manager and Directors submitted to Council
March	Final Annual Report	<ul style="list-style-type: none"> • Tabled at Council; • Report submitted to Provincial Government; National Treasury and CoGTA • Report submitted to the Auditor General • Follow MPAC process as part of Oversight Process • Finalise Oversight Report and table in Council for approval. • Publish approved Annual Report and MPAC oversight report on the Municipal Website 	Yes, MM and Executive Mayor	Council Minutes which refers Final Annual Report and the MPAC Oversight Report with recommendation s; public submissions; AG report; AFS and Internal Audit report.

Planned Deliverables		Planned Events	Delegation	Report
April	Quarterly SDBIP report finalised by the 12th calendar day after the end of the quarter under review for the presentation to the Municipal Manager and the Executive Mayor. Tabling of quarterly report for the attention of MayCo & Council;	Informal Performance review of directors by the Municipal Manager Informal Performance review of managers and heads by immediate supervisors Quarterly SDBIP report: <ul style="list-style-type: none"> • Tabled at Council within 25 days after end of month; • Reported submitted to Provincial Government; • Reported to Internal Audit unit • Placed upon website Provincial and National Government; and • Non-Financial Performance Measures reported to Provincial and National Government 	Yes, signed quality certificate for quarterly report by MM and Executive Mayor	Quarter 3 report; Signed attendance register as confirmation note for informal performance review with immediate subordinates. Monthly report for September submitted
May	Submission of the final IDP to Council.	Finalisation of the IDP and submission to Council.	Yes, MM and Executive Mayor.	Final IDP
June	Finalisation of the TL SDBIP and submission to the Executive Mayor.	Finalisation of the TL SDBIP and submission to the Executive Mayor.	Yes, MM and Executive Mayor.	Approved TL SDBIP.

4.2 Key Steps in Performance Management

The key steps in implementing the performance cycle are as follows:

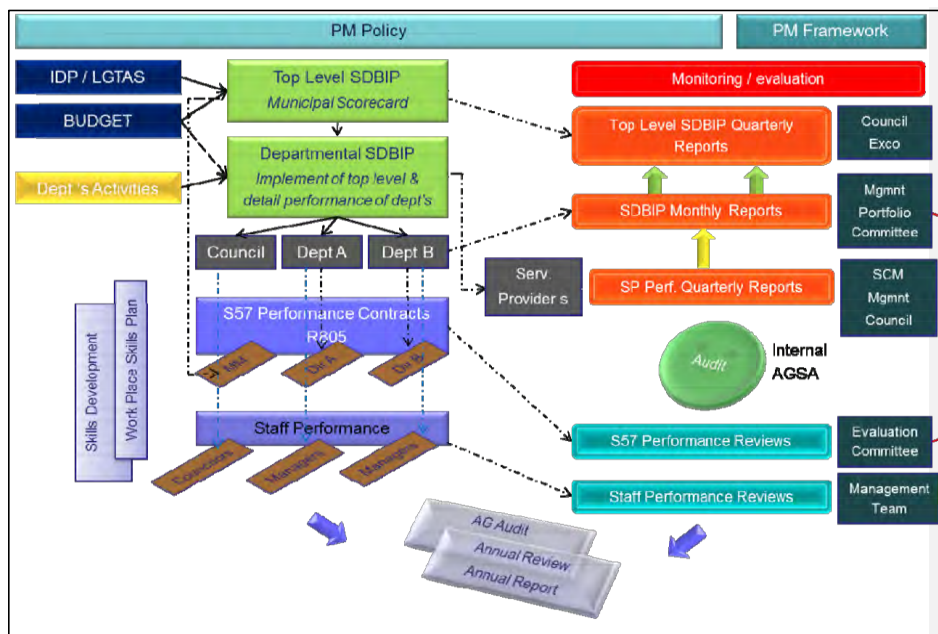
1. IDP consultation and strategic processes to determine
 - Strategic Objectives aligned with the National Agenda and local needs;
 - Establish the Municipal KPAs; and
 - Design Strategic Focus Areas;
2. Prioritise capital projects for budgeting purposes aligned with municipal strategy and approved methodology;
3. Identify key programmes for implementation as part of directorate deliverables;
4. Start with budget processes;
5. Determine organisational KPIs in terms of strategy, budget and MTAS;
6. Obtain baseline figures and past year performance;
7. Set multi-year performance target dates;
8. Determine steps/plans to achieve budget and KPIs;
9. Assign strategic focused KPIs to Senior Management (Top Layer SDBIP);
10. Assign organisational KPIs to directorates and members of management (Departmental SDBIP);
11. Prepare individual performance agreements aligned with budget and SDBIP (Section 57 and management);
12. Prepare performance plans for staff and align work place skills plan with development plans;
13. Provide monthly/quarterly status reports on progress with KPI implementation

14. Evaluate performance on individual (1/2 yearly) and organisational levels (quarterly);
15. Compilation of various performance reports;
16. Auditing of performance report and portfolio of evidence (POEs);
17. Appoint oversight committee to analyse and prepare report on improvement of performance; and
18. Submit year-end report to various stakeholders.

4.3 The Performance Management Model

The following section will explain the methodology of the adopted performance management model as depicted in the diagram below:

Figure 2: Performance Management Model



5 The Service Delivery and Budget Implementation Plan (SDBIP)

The IDP process and the performance management process must be seamlessly integrated. The IDP fulfils the planning stage of performance management. Performance management in turn, fulfils the implementation, management, monitoring and evaluation of the IDP.

The organisational performance will be evaluated by means of a municipal scorecard (Top Layer SDBIP) at organisational level and through the SDBIP at directorate and departmental levels.

The SDBIP is a plan that converts the IDP and budget into measurable criteria on how, where and when the strategies, objectives and normal business processes of the municipality

will be implemented. It also allocates responsibility to directorates to deliver the services in terms of the IDP and budget.

The MFMA Circular No.13 prescribes that:

- The IDP and budget must be aligned;
- The budget must address the strategic priorities;
- The SDBIP should indicate what the municipality is going to do during next 12 months
- The SDBIP should form the basis for measuring the performance against goals set during the budget /IDP processes.

The SDBIP needs to be prepared as described in the paragraphs below and submitted to the Executive Mayor within 14 days after the budget has been approved. The Executive Mayor needs to approve the SDBIP within 28 days after the budget has been approved.

For each indicator the scorecard will require that a responsible official be designated, usually the respective line manager. While this official will not necessarily be accountable for performance on this indicator, they will be responsible for conducting measurements of that indicator, analysing and reporting first to their respective superior who in turn will report to the Municipal Manager and the Executive Mayor on these for reviews.

The municipal performance must be measured monthly and analysed at least quarterly. Municipal performance will be measured during the mid-year review where after the performance scorecard can be adjusted and action plans be developed to address poor performance. The information of the annual review will be included in the Annual Report of the Municipality.

5-25.1 The Municipal Scorecard

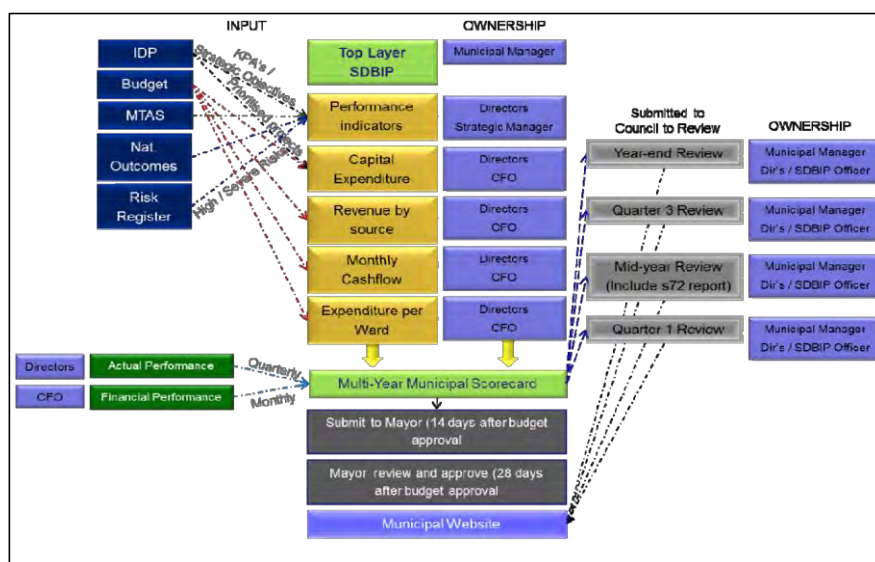
The municipal scorecard (Top Layer SDBIP) must consolidate service delivery targets set by Council / senior management and provide an overall picture of performance for the municipality as a whole, reflecting financial and non- financial performance on its strategic priorities.

The Components of the top-layer SDBIP includes:

- Monthly projections of revenue to be collected for each source;
- Expected revenue to be collected;
- Monthly projections of expenditure (operating and capital) and revenue for each vote
- Section 71 format (Monthly budget statements);
- Quarterly projections of service delivery targets and performance indicators for each vote;
- Non-financial measurable performance objectives in the form of targets and indicators;
- Output NOT input / internal management objectives;
- Level and standard of service being provided to the community;
- Ward information for expenditure and service delivery;
- Detailed capital project plan broken down by ward over three years.

The following diagram illustrates the establishment, components and review of the municipal scorecard (Top Layer SDBIP):

Figure 3: Establishment, components and review of the municipal scorecard



4.45.2 Update Actual Performance

The TL SDBIP will update automatically with the actual results reported in the departmental SDBIP.

The KPI owners should report on the results of the KPI by properly documenting the information in the performance response fields and make reference to where the POE can be found. In the instance of poor performance, corrective measures should be identified and documented. The POE should prove that the KPI was delivered and that the expected outcome / impact has been achieved.

The actual performance should be monitored quarterly in terms of the objectives, KPIs and targets set. In order to measure the outcomes of the KPIs, the outputs and performance evidence (POEs) should be evaluated and **documented**.

It is important to note that the municipal manager needs to implement the necessary systems and processes to provide the POEs for reporting and auditing purposes.

5.2.1 Quarterly Reviews

On a quarterly basis, the Executive Mayor should engage in an intensive review of municipal performance against both the directorate's scorecards and the municipal scorecard, as reported by the Municipal Manager. These reviews will take place in October (for the period July to end of September), January (for the period October to the end of December), April

(for the period January to the end of March) and July (for the period April to the end of June).

The review in January will coincide with the mid-year performance assessment as per section 72 of the Municipal Finance Management Act. Section 72 determines that by 25 January of each year the accounting officer must assess the performance of the municipality and report to the Council on inter alia its service delivery performance during the first half of the financial year and the service delivery targets and performance indicators set in the service delivery and budget implementation plan.

Many of the indicators in the municipal scorecard will only be measurable on an annual basis. The quarterly reviews should thus culminate in a comprehensive annual review of performance in terms of all the scorecards.

The Executive Mayor will need to ensure that targets committed to in the municipal scorecard are being met, where they are not, that satisfactory and sufficient reasons are provided and that the corrective action being proposed is sufficient to address the poor performance.

The review should also focus on reviewing the systematic compliance to the performance management system, by directorates, departments, Portfolio Councillors and the Municipal Manager. The review will also include:

- An evaluation of the validity and suitability of the Key Performance Indicators and recommending must any changes;
- An evaluation of the annual and 5 year targets to determine whether the targets are over stated or understated. These changes need to be considered;
- Changes to KPIs and 5 year targets for submission to council for approval. (The reason for this is that the original KPIs and 5 year targets would have been published with the IDP, which would have been approved and adopted by council at the beginning of the financial year.)
- An analysis to determine whether the Municipality is performing adequately.

It is important that the Executive Mayor not only pay attention to poor performance but also to good performance. It is expected that the Executive Mayor will acknowledge good performance, where directorates or departments have successfully met targets in their directorate / departmental scorecards.

5.2.2 Council Reviews

At least annually, the Executive Mayor will be required to report to the full council on the overall municipal performance. It is proposed that this reporting take place using the municipal scorecard in an annual performance report format as per the Municipal Systems Act. The said annual performance report will form part of the Municipality's Annual Report as per section 121 of the Municipal Finance Management Act.

5.2.3 Public Reviews

The MSA as well as the MFMA requires the public to be given the opportunity to review municipal performance. Section 127 of the MFMA requires that the accounting officer (Municipal Manager) must immediately after the Annual Report is submitted to Council make the report public and invite the local community to submit representations with regards

to the Annual Report.

4.55.3 Roles and Responsibilities

The roles and responsibilities during the TL SDBIP process can be summarised as follows:

Table 2: Responsibilities during the TL SDBIP process

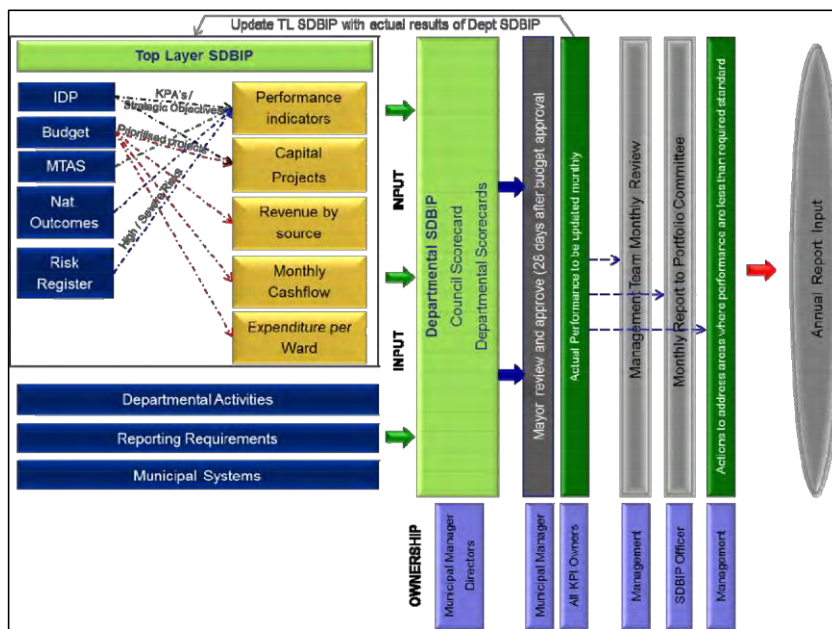
Role Player	Roles and Responsibilities
Executive Mayor	<ul style="list-style-type: none"> • Mayor is responsible for the performance and need to approve the TL SDBIP. • Quarterly review of performance and monitor implementation of corrective action. • Submit the mid-year and annual performance reports to Council.
Mayoral Committee	<ul style="list-style-type: none"> • Support to the Executive Mayor. • Provide strategic awareness and manage the development of the TL SDBIP.
Portfolio Councillor	<ul style="list-style-type: none"> • Monitor the implementation of the strategy. • Review and monitor the implementation of the TL SDBIP at Portfolio Committee level.
Council	<ul style="list-style-type: none"> • Oversight role to ensure that performance management processes are monitored.
Municipal Manager	<ul style="list-style-type: none"> • Drafting of the TL SDBIP • Ensure the implementation of the TL SDBIP. • Monitor the TL SDBIP and ensure that POEs proof performance exists. • Take corrective action where required. • Communicate with the Executive Mayor and Executive Management Team.
Senior Management Team	<ul style="list-style-type: none"> • Manage and report on departmental performance to be cascaded up to the TL SDBIP. • Plan Performance. • Integration role and ensure POEs exists to proof performance.
Internal Audit	Internal audit should quarterly audit the results reported and issue a report to the municipal manager / performance audit committee.
Auditor-General	Auditing of legal compliance and outcomes.
Performance Audit Committee	Independent oversight on municipal performance and legal compliance.

5.35.4 Departmental Scorecards

The directorate and departmental scorecards (detailed SDBIP) will capture the performance of each defined directorate or department. Unlike the municipal scorecard, which reflects on the strategic priorities of the municipality, the SDBIP will provide detail of each outcome for which top management are responsible for, in other words a comprehensive picture of the performance of that directorate/sub-directorate. It will be compiled by senior managers for his/her directorate and will consist of objectives, indicators and targets derived from the Municipality's annual service delivery and budget implementation plan and any annual business or services plan compiled for each directorate or department.

The following diagram illustrates the establishment, components and review of the departmental SDBIP:

Figure 4: Establishment, components and review of the departmental SDBIP



5.45.5 Preparing the Departmental SDBIP

KPIs should be developed for Council, the office of the Municipal Manager and for each Directorate. The KPIs should:

- Address the TL KPIs by means of KPIs for the relevant section responsible for the KPI.
- Add KPIs to address the key departmental activities.
- Each KPI should have clear targets and should be assigned to the person responsible for the KPI. KPIs should be SMART.

The number KPIs developed to address National KPAs, Municipal Strategic Focus Areas (SFAs) and strategic objectives should be spread amongst the aforementioned in terms of National and Local Agendas.

4.65.6 Approval of Departmental SDBIP

The Departmental SDBIP of each Directorate should be submitted to the Municipal Manager for approval by 31 August each year.

4.75.7 Update Actual Performance

An evaluation of the validity and sustainability of the KPIs should be done and the actual performance results of each target should be updated and evaluated on a monthly basis. In order to measure the input/output of the KPIs, the performance results and performance evidence (POEs) should be evaluated and documented. The KPI owners should report on the results of the KPI by documenting the following information on the performance system:

- The actual result in terms of the target set;
- The output/outcome of achieving the KPI;
- The calculation of the actual performance reported. (If %);
- The reasons if the target was not achieved; and
- Actions to improve the performance against the target set, if the target was not achieved.

The municipal manager and his/her senior management team needs to implement the necessary systems and processes to provide the POEs for reporting and auditing.

4.7.15.7.1 Monthly Reviews

The Directorates will update their performance monthly in terms of the SDBIP and report to the Municipal Manager. It is important that Directorates use these reviews as an opportunity for reflection on their goals and programmes and whether these are being achieved. The Portfolio Committee should have a standing agenda item to discuss at their monthly meetings. The SDBIP report submitted should be used to analyse and discuss performance.

5.4.15.7.2 Adjustments to KPIs

KPIs should only be adjusted after the mid-year assessment and/or after the adjustments budget has been approved. KPIs should be adjusted to be aligned with the adjustment estimate and the reason for the change in KPIs should be documented in a report to the Executive Mayor for approval.

Additional KPIs can be added during the year with the approval of the municipal manager. The approval documents should be safeguarded for audit purposes.

4.7.25.7.3 Roles and Responsibilities

The roles and responsibilities during the Departmental SDBIP process can be summarised as follows:

Table 3: Responsibilities during the Departmental SDBIP process

Role Player	Roles and Responsibilities
Executive Mayor	<ul style="list-style-type: none"> Responsible for the KPIs assigned to him/her and his/her committee. The mayor should update performance results monthly.
Mayoral Committee	<ul style="list-style-type: none"> Review the feedback received from Portfolio Councillors/ respective senior manager and monitor overall performance. Support the Executive Mayor.
Portfolio Councillor	<ul style="list-style-type: none"> Support the senior manager to implement the municipal strategy. Review and monitor progress at portfolio level. Report to the Mayoral Committee on performance review and progress. Assist senior management to take corrective action to improve performance.
Municipal Manager	<ul style="list-style-type: none"> Approval of the Departmental SDBIP. Monitor SDBIP and ensure that POEs exist. Review and monitor the implementation on the SDBIP. Ensure that KPIs address the municipal strategy and service delivery requirements. Ensure alignment with the IDP objectives/programmes and budgets. Take corrective actions where required. Communicate with the senior management team on performance progress and reporting. Ensure quarterly internal audit and take necessary action where required. Communicate results to the Portfolio Committee and Mayoral Committee.
All Managers	<ul style="list-style-type: none"> Design KPIs to address the TL SDBIP, operational needs, service delivery improvement and other key departmental activities. Plan performance and set targets. Assign KPIs to KPI owners. Ensure the implementation of the SDBIP. Monitor performance and document POEs. Take corrective action where required. Communicate performance results to the municipal manager and Portfolio Committee.
Internal Audit	<ul style="list-style-type: none"> Internal audit should quarterly audit the results reported and issue a report to the municipal manager / performance audit committee.
Auditor-General	<ul style="list-style-type: none"> Auditing of legal compliance and outcomes.
Performance Audit Committee	<ul style="list-style-type: none"> Independent oversight on municipal performance and legal compliance.

4.85.8 Individual Performance

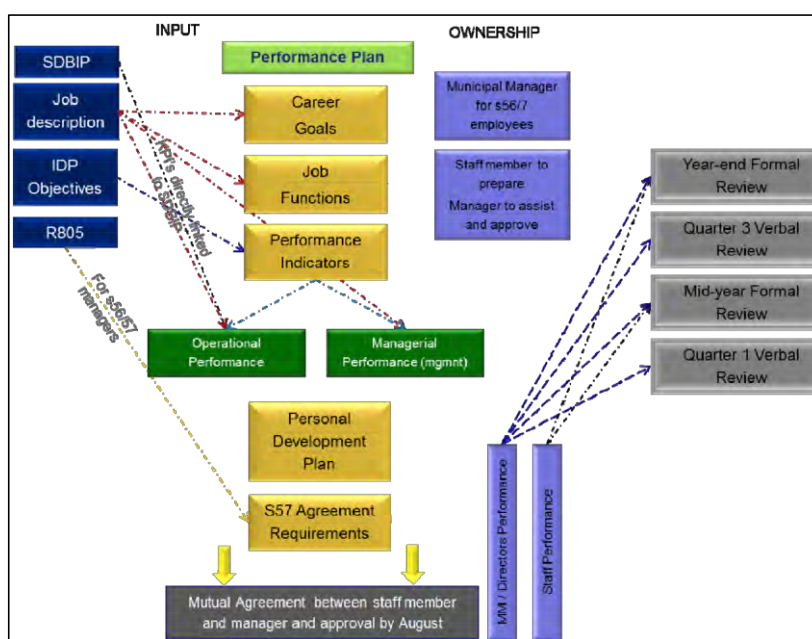
The performance of a municipality is integrally linked to that of staff. It is therefore important to link organisational performance to individual performance and to manage both at the same time, in separate processes. Although legislation requires that the municipal manager, and managers directly accountable to the municipal manager, sign formal performance contracts, it is also a requirement that all employees have performance plans. These should

be aligned with the individual performance plan of the head of the directorate and job descriptions. It is however the responsibility of the employer, to create an environment, which the employees can deliver the objectives and the targets set for them in their performance plans and job descriptions.

Performance contracts should be concluded with the Municipal Manager, Directors, Senior Managers and Managers. The rest of the performance contracts with the rest of the staff will be implemented with a phased in approach.

The following diagram illustrates the individual performance management processes:

Figure 5: The individual performance management processes



The Benefits of Individual Performance are to:

- Ensure alignment of individual goals and objectives with that of the organisation and to co-ordinate efforts in order to achieve those goals;
- Understand what is expected from the incumbents, by when it is expected and to what standard is expected;
- Understand the incumbent's key areas of accountability;
- Determine whether or not performance objectives are being met;
- Make qualified decisions within the incumbents level of competencies; and
- Avail the incumbents of learning and development opportunities to competently meet their performance targets.

5.45.9 Individual Scorecards (Municipal Manager and Section 56 Managers)

The MSA and Regulation 805 of August 2006 (Performance of the Municipal Manager and the Managers reporting directly to the Municipal Manager) require the Municipal Manager and the Managers reporting directly to the Municipal Manager to enter into annual Performance Agreements. The Performance Agreements of the Municipal Manager and other MSA Section 56/57 Managers should be directly linked to their employment contract. Performance will be reviewed quarterly of which the mid-year and year-end performance will be formal evaluations. These Performance Agreements consist of three distinct parts:

- **Performance Agreement:** This is an agreement between the MSA Section 56/57 Manager and the Municipality, which regulates the performance required for a particular position and the consequences of the performance. The Agreement deals with only one aspect of the employment relationship, namely performance. This agreement must be reviewed and renewed annually, subject to the individual's annual performance. This agreement can be altered during the course of the financial year with the written consent from both the employer and employee. The performance agreement is guided by any change in the organisational structure.
- A performance bonus may be paid as agreed in the performance agreement.
- **Performance Plan:** The Performance Plan is an Annexure to the Performance Agreement and stipulates in detail the performance requirements for a single financial year. The SDBIP transcends into the Performance Plan/s of the respective Section 56/57 Managers according to their areas of responsibility.
- **Personal Development Plan:** The plan is an Annexure to the Performance Agreement and addresses the developmental needs/requirements of the manager indicating actions and timeframes.

The list of Core Managerial Criteria are tabled as follows:

Table 4: List of Core Managerial Criteria

Skills	Measurement
Strategic and direction leadership	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate
Programme and project management	Able to understand programme and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives.
Financial Management	Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner.
Change Leadership	Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community.
Knowledge and information management	Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government.
Analysis and innovation	Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives.
People management	Must be able to manage and encourage people, optimise their outputs and effectively manage relationships in order to achieve the municipality's goals.
Communication	Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome.

Skills	Measurement
Governance Leadership	Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships.
Results and quality focus	Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives.

The agreements must be finalised by August every year and be agreed and approved by the respective senior manager. The process on how to prepare performance plans is documented in the Performance Management System Manual.

4.95.10 Individual Scorecards (rest of staff)

The introduction of individual performance is applicable to all staff including those appointed on a temporary basis.

The data obtained from Directorate scorecards (detailed SDBIP), will provide the user with the respective Individual performance contracts for managers reporting to the S57 managers.

Performance Plans are agreed with each employee as part of his/her career development plan and should include the following:

- Qualifications – a record of formal and informal training and experience;
- Job functions – key focus areas for the year;
- Career goals - long term and intermediate career goals;
- Key performance indicators linked to the SDBIP – KPIs in the SDBIP that are the responsibility of the respective manager and KPIs aligned to the job description of the manager.
- Managerial KPIs – the core managerial competencies that the manager will be evaluated on.
- A list of the core managerial competencies (CMCs) is provided for the evaluation of managerial skills.
- Weightings show the relative importance of input or output against another input or output. Every input or output in the performance agreement must be assigned to a weighting. The weightings / ratings and the distribution of the ratings per level need to be determined by the management team in the beginning of each financial year and agreed with the employer or group of employers. (employee or group of employees)
- Development needs and learning plan.

4.105.11 Skills Development Plan

The skills development plan needs to be compiled / updated with the information obtained from the performance agreements and the development plans. The human resources manager together with the respective line manager is responsible to facilitate the implementation of the skills development plan.

4.115.12 Informal and Formal performance reviews

Monthly monitoring of the departmental SDBIP takes place and performance is discussed with

relevant staff as and when required.

Although performance should be managed on a daily basis, performance reviews should be done by the respective supervisor quarterly of which two is formal and two informal. The objective review should be based on actual performance and performance evidence. The responsibility to maintain and present a portfolio of evidence file at the performance assessment is with the subordinate. The supervisor and employee needs to prepare for the review and discuss the performance during a focused performance meeting. The review should be documented on the performance system as set out in the Performance Management System Manual. Feedback should be provided during the review on the employee's ability to render the allocated tasks including measures to improve on set targets

The Mid-year performance evaluations should be completed by end February for the period July to December and August for the period January to June.

Please note that performance and growth is the responsibility of each individual employee and employees should ensure that his / her performance plan is executed. Performance measurement is an ongoing process and should not only be addressed during the formal reviewing sessions.

Performance should be moderated per department per task level / group level after the performance evaluation of all staff has been finalised. The moderation should be conducted in terms of the Performance Management Manual to ensure objectivity and fairness.

Unacceptable performance needs to be addressed and action plans to improve the performance must be prepared and agreed with the employee who did not perform. The performance against the action plans must be reviewed on a monthly basis.

5.5.13 Appeals Process

5.5.15.13.1 Section 56/57-Employees

The Appeals process as prescribed in R805 of August 2006 and as agreed in the employment and performance contracts of the Section 56/57-Managers will be applicable in instances where they are not in agreement with their final performance evaluations.

4.11.15.13.2 Employees reporting to the Directors and the Municipal Manager

Should employees not agree with the contents of their performance agreement after the performance discussions or with the final scores that are allocated to them, they may elect to follow the municipality's normal grievance procedures for the resolution by the Municipal Manager.

5.5.25.13.3 Reward and Recognition

The performance scores will be finalised during the moderation where after it must be approved by the moderation committee (fish-bowl). These scores will be used to recognised excellent performance in terms of the Council's Reward and Recognition Policy (Currently in draft format).

4.125.14 Service Providers

A municipal service can be provided by the Municipality by entering into a Service Delivery Agreement in terms of Section 76(b) of the Municipal System Act with an external service provider. The Municipality is responsible for monitoring and assessing the implementation of the agreement, including the performance of the service provider in accordance with section 41 of the Municipal Systems Act.

This section sets out the guidelines on the monitoring and reporting on the performance of service providers in terms of Chapter 8 of the Municipal Systems Act and Section 116 of the Municipal Finance Management Act.

External Service providers will be evaluated on the following criteria by the service departments on a monthly basis:

Table 5: Criteria to be used in evaluating external service providers

Performance rating	Objective Measures to Assess Service Provider Performance
3	<ul style="list-style-type: none"> - Quality of Service delivery as agreed; Deviations are managed as mutually agreed; - Compliance to most undertakings, duties and obligations and requirements as set out in the Main Agreement and Annexures; - Progress with all projects and new service requests are on target; - All Service failure events during month resolved within agreed time frames and preventative measures are proposed by Service Provider.
2	<ul style="list-style-type: none"> - Quality of Service delivery not in full compliance with Agreement; Requires more management and focus from Service Provider: - Progress with projects and new service requests are on not on target; - Service failure events are not resolved in agreed time frames and preventative measures for implementation are not proposed by Service Provider.
1	<ul style="list-style-type: none"> - Quality of Service delivery totally unacceptable; Consider termination of Agreement and all Services. - Non-compliances, progress with projects and new service requests and service failure events worse than for rating 2; - Commitment from Service Provider to resolve outstanding issues is lacking; - Skills and resources to deliver a quality service are inadequate; - Participation in contract governance, service management and effective communication is lacking or inadequate.

5.5.35.14.1 Notification of Service Providers upon Appointment

All service providers must be informed of:

- The assessment and reporting of the service provider's performance;
- setting of performance criteria in terms of the tender, the required deliverables and service level agreement;
- the exchange of information on service provider performance reports between government units/departments.

5.5.45.14.2 Evaluating the Performance of Service Providers

Thresholds (size and types of service provider contracts in line that need to comply with the requirements of the SCM policy should be allowed to. The thresholds that need to be reviewed include:

- Contracts larger than R200 000; and
- Contracts where the service providers is required to deliver a service (not goods and products).

Contracts must be signed by service providers and sign a service level agreement indicating:

- The services to be delivered;
- the timeframes and
- the evaluation methodology.

The service provider's performance must be assessed in the context of the project as a whole. The respective roles and obligations of the Municipality and service provider under the contract must be taken into account.

Persons preparing or reviewing the performance of a service provider must consider whether satisfactory progress or completion of a project has been affected by any matters which are:

- Outside the service provider's control; or
- The result of some action by the Municipality.

The service provider's performance must therefore be evaluated against set performance criteria, after taking into account matters beyond the service provider's control.

5.5.55.14.3 Prescribed Procedures to Evaluate Service Providers

The following procedures need to be followed:

- The requirements of this policy must be included in the contract of the service provider.
- The performance of the service providers under the contract or service level agreement contracts to be included in a clause must be assessed monthly by the Reporting Officer.
- The assessment must be filed in the contract file or captured onto the database
- The Reporting Officer must complete the Service Provider Assessment Form on the database at the end of each month and on completion or termination of the contract.
- The quarterly assessment must be completed within 15 working days after the end of each quarter.
- The Reporting Officer must provide a copy of the assessment to the Service Provider at the end of each quarterly assessment period and on completion or termination of the contract.
- Supply Chain Management Unit will review the quarterly Service Provider assessments within 20 days after the end of each quarter and submit a summary report to Council.
- The Accounting Officer need to develop the necessary forms and report structures to be utilised to manage the above processes. The forms and reporting requirements need to be reviewed on a regular basis.
- In the instance of under-performance:
 - The Municipality will facilitate support interventions to service providers in the identified areas of underperformance.
 - Service providers who have been identified as under-performing in identified areas must be informed of these support interventions.
 - The impact of support interventions must be monitored by the Reporting Officer.
 - The records of the support interventions must be documented, signed by both parties and appropriately filed.

5.45.15 Evaluation and Improvement of the Performance Management System

The Municipal Systems Act requires the municipality to annually evaluate its performance management system. It is proposed that after the full cycle of the annual review is complete; the Municipal Manager will initiate an evaluation report annually, taking into account the input provided by directorates and departments. This report will then be discussed by the Management Team and finally submitted to the Council for discussion and approval. The evaluation should assess:

- The adherence of the performance management system to the Municipal Systems Act.
- The fulfilment of the objectives for a performance management system.
- The adherence of the performance management system to the objectives and principles.
- Opportunities for improvement and a proposed action plan.

While good and excellent performance must also be constantly improved to meet the needs of citizens and improve their quality of life, it is poor performance in particular that needs to be improved as a priority. In order to do this, it is important that the causal and contributing reasons for poor performance are analysed. Poor performance may arise out of one or more of the following:

- Poor systems and processes;
- Inappropriate structures;
- Lack of skills and capacity;
- Inappropriate organisational culture; and
- Absence of appropriate strategy.

To improve performance, the appropriate response strategy should be chosen:

- Restructuring is a possible solution for an inappropriate structure;
- Process and system improvement will remedy poor systems and processes;
- Training and sourcing additional capacity can be useful where skills and capacity are lacking;
- Change management and education programmes can address organisational culture issues;
- The revision of strategy by key decision-makers can address shortcomings in this regard; and
- Consideration of alternative service delivery strategies should be explored.

Performance analysis is a requirement in order to identify poor performance. The Municipal Manager will implement the appropriate response strategy to improve performance.

56 Governance

The governance structure was established to offer credibility to the overall performance processes. The audit of performance information and system should comply with section 166 of the Municipal Finance Management Act and Regulation 14 of the Municipal Planning and Performance Management Regulations (2001).

6.1 Governance Framework for the Performance Management system

The performance management system is web-based and used for administering the SDBIP which is available on the internet on a 24 hour/7 days a week/356 days a year interval. The maintenance are done on a weekly basis from 14:00 – 18:00 on a Sunday.

6.1.1 Continuous quality control and co-ordination

Directorates are required to co-ordinate and ensure good quality of performance reporting and reviews on an ongoing basis. It is their role to ensure conformity to reporting formats and verify the reliability of reported information, where possible.

The Municipal Manager must review overall performance monthly while the Senior Manager: Governance should support him/her in verifying the performance data and prepare the performance reports.

6.2 Performance investigations

The Executive Mayor or Performance Audit Committee should be able to commission in-depth performance investigations where there is either continued poor performance, a lack of reliability in the information being provided or on a random ad-hoc basis. Performance investigations should assess:

- The reliability of reported information;
- The extent of performance gaps from targets;
- The reasons for performance gaps; and
- Corrective action and improvement strategies.

While the internal audit function may be used to conduct these investigations, it is preferable that external service providers, who are experts in the area to be audited, should be used. Clear terms of reference will need to be adopted by the Executive Mayor for such investigation.

6.3 Internal Audit

Section 165 of the MFMA requires that each municipality must have an internal audit unit however such function may be outsourced.

The municipality's internal audit function will need to be continuously involved in auditing the performance reports based on the organisational and directorate/departmental scorecards. As required by Regulation, they will be required to produce an audit report on a quarterly basis, to be submitted to the Municipal Manager and Performance Audit Committee.

The audit should include an assessment of the:

- functionality of the municipality's performance management system;
- adherence of the system to the Municipal Systems Act; and
- the extent to which performance measurements are reliable.

6.4 Performance Audit Committee

The MFMA and the Municipal Planning and Performance Management Regulations require that the municipal council establish an audit committee consisting of a minimum of three

members, where the majority of members are not employees of the municipality. No Councillor may be a member of an audit committee. Council shall also appoint a chairperson who is not an employee.

The Regulations give municipalities the option to establish a separate performance audit committee whereas the MFMA provides only for a single audit committee. The operation of this audit committee is governed by section 14 (2-3) of the regulations.

According to the regulations, the performance audit committee must:

- review the quarterly reports submitted to it by the internal audit unit.
- review the municipality's performance management system and make recommendations in this regard to the council of that municipality.
- assess whether the performance indicators are sufficient.
- at least twice during a financial year submit an audit report to the municipal council.

It is further proposed that the audit committee be tasked with assessing the reliability of information reported.

In order to fulfil their function a performance audit committee may, according to the MFMA and the regulations,

- communicate directly with the council, municipal manager or the internal and external auditors of the municipality concerned;
- access any municipal records containing information that is needed to perform its duties or exercise its powers;
- request any relevant person to attend any of its meetings, and, if necessary, to provide information requested by the committee; and
- investigate any matter it deems necessary for the performance of its duties and the exercise of its powers.

7 Performance Reporting

Performance must be reported in terms of the MSA, MFMA and the regulations and circulars issued in terms of the aforementioned legislation. These reports include the reports listed below.

7.1 Quarterly Reports

Quarterly reporting of departmental KPIs that is linked to Top Layer KPIs is due on the 12th day after the end of the quarter, irrespective if the due date falls on a weekend. Directors (secondary users) will have the opportunity to review the updates of the relevant directorate between the 8th and 10th day after the end of the quarter. [Supporting proof of evidence should be uploaded to the system to substantiate performance against the key performance indicator.](#)

Reports on the performance of the TL SDBIP should be generated from the system and submitted to Council. This report should also be published on the municipal website.

Actuals are to be updated in relation to the unit of measurement as follows:

Table 6: unit of measurement

Units	If the Unit of measurement is in	The Actual must also be in # unit
Number (#)	Number	Number
Percentage (%)	Percentage	Percentage
Rand (R)	Rand	Rand

7.2 Mid-year Assessment

The performance of the first 6 months of the financial year should be assessed and reported on in terms of section 72 of the MFMA. This assessment must include the measurement of performance, the identification of corrective actions and recommendations for the adjustments of KPIs, if necessary. [Supporting proof of evidence should be uploaded to the system to substantiate performance against the key performance indicator.](#)

The format of the report must comply with the section 72 requirements. This report must be submitted to Council on or before 31 January of each year.

7.3 Annual Performance Report

The annual performance report must be completed by the end of August and submitted with the financial statements. This report must be based on the performance reported in the SDBIP [supported by the relevant proof of evidence](#). Reports should be generated from the system, ~~and~~ reviewed and updated in the performance comments field for reporting purposes.

7.4 Annual Report

The annual report should be prepared and submitted as per MFMA Circular 11. The update of the Annual report commences on the 1st of July annually whereby service departments are required to submit narratives that address the highlights, challenges experienced during the previous financial year

Submission of the First Draft Annual Report to Council: Within 7 months after the end of the financial year.

Section 121(1) states that every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control in accordance with section 129.

Submission of the Final Draft Annual Report to Council: Within 9 months after the end of the financial year.

Section 129. (l) of the Municipal Finance Management Act (MFMA), (Act No 56 of 2003) states that "The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council-

- (a) has approved the annual report with or without reservations;

- (b) has rejected the annual report; or
 (c) has referred the annual report back for revision of those components that can be revised."

8 Legislative Reporting Requirements

The legislative requirements regarding reporting processes are summarised in the following table:

Table 7: legislative requirements regarding reporting processes

Time frame	MSA/ MFMA Reporting on PMS	Section
Quarterly reporting	The municipal manager collates the information and draft the organisational performance report, which is submitted to Internal Audit. The Internal Auditors (IA) must submit quarterly audited reports to the Municipal Manager and to the Performance Audit Committee The Municipal Manager submits the reports to the Council.	MSA Regulation 14(1)(c)
Bi-annual reporting	The Performance Audit Committee must review the PMS and make recommendations to council The Performance Audit Committee must submit a report at least twice during the year a report to Council The Municipality must report to Council at least twice a year. The Accounting officer must by 25 January of each year assess the performance of the municipality and submit a report to the Mayor, National Treasury and the relevant Provincial Treasury.	MSA Regulation 14(4)(a) MSA Regulation 14(4)(a) MSA Regulation 13(2)(a) MFMA S72
Annual reporting	The annual report of a municipality must include the annual performance report and any recommendations of the municipality's audit committee The accounting officer of a municipality must submit the performance report to the Auditor-General for auditing within two months after the end of the financial year to which that report relate The Auditor-General must audit the performance report and submit the report to the accounting officer within three months of receipt of the performance report The Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality The Auditor-General may submit the performance report and audit report of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of the state Immediately after an annual report is tabled in the council, the accounting officer of the municipality must submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province. The council of the municipality must consider the annual report by no later than two months from the date on which the annual report was tabled, adopt an oversight report containing council's comments on the annual report The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual	MFMA S121 (3)(c)(i) & MSA S46 MFMA S126 1(a) MFMA S126 (3)(a)(b) MFMA S127(2) MFMA S127 (4)(a) MFMA S127 (5)(b) MFMA S129 (1) MFMA S130 (1)

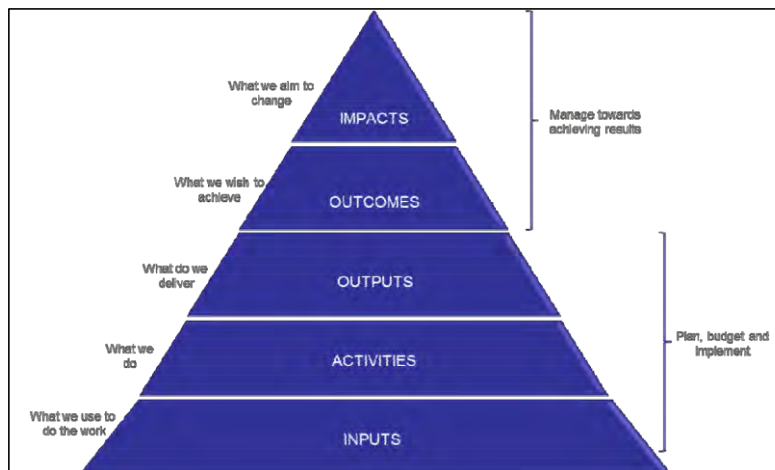
Time frame	MSA/ MFMA Reporting on PMS	Section
	<p>report are to be taken, must be open to the public and any organ of the state</p> <p>The Cabinet member responsible for local government must annually report to Parliament on actions taken by the MECs for local government to address issues raised by the Auditor-General</p>	MFMA S134
Contracts and contract Management	<p>(1) A contract or agreement procured through the supply chain management system of a municipality or municipal entity must-</p> <ul style="list-style-type: none"> (a) be in writing; (b) stipulate the terms and conditions of the contract or agreement, which must include provisions providing for- <ul style="list-style-type: none"> (i) the termination of the contract or agreement in the case of non- or underperformance; (ii) dispute resolution mechanisms to settle disputes between the parties; (iii) a periodic review of the contract or agreement once every three years in the case of a contract or agreement for longer than three years; and (iv) any other matters that may be prescribed. <p>(2) The accounting officer of a municipality or municipal entity must-</p> <ul style="list-style-type: none"> (a) take all reasonable steps to ensure that a contract or agreement procured through the supply chain management policy of the municipality or municipal entity is properly enforced; (b) monitor on a monthly basis the performance of the contractor under the contract or agreement; (c) establish capacity in the administration of the municipality or municipal entity- <ul style="list-style-type: none"> (i) to assist the accounting officer in carrying out the duties set out in paragraphs (a) and (b); and (ii) to oversee the day-to-day management of the contract or agreement; and (d) regularly report to the council of the municipality or the board of directors of the entity, as may be appropriate, on the management of the contract or agreement and the performance of the contractor. <p>(3) A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after-</p> <ul style="list-style-type: none"> (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and (b) the local community- <ul style="list-style-type: none"> (i) has been given reasonable notice of the intention to amend the contract or agreement; and (ii) has been invited to submit representations to the municipality or municipal entity. 	MFMA 116

9 Design of Key Performance Indicators and Targets

8-19.1 Setting Indicators

In setting indicators it is important that one understands the key performance concepts and the relationship between the core performance information concepts illustrated below.

Figure 6: The key performance concepts and the relationship between the core performance information



The following aspects must also be considered:

- The key priorities and objectives of the Municipality set in the IDP, which have been determined during the public participation process at ward committees.
- The scope of sector plans to be evaluated to reach the key priorities and objectives of the Municipality during the next financial year.
- The activities and processes identified in the IDP for achieving the developmental objectives as well as the earmarked resources.
- Baseline and performance standard information for each indicator.
- The risks identified during the risk review of the municipality that needs to be addressed with specific actions.
- The indicators listed in the Municipal Turnaround Strategy (MTAS).
- Compliance and reporting requirements in terms of legislation.
- Core departmental activities that need to be measured to improve municipal effectiveness and efficiency.
- The alignment of departmental activities and capital projects identified in the IDP with the budget.
- Whether measurement tools (system and data) to measure the performance of the indicators are available or can be developed.
- In the event that measurement tools do not exist, then it is advisable that a KPI be set which would measure the design and implementation of such a system. Once the measurement tool has been implemented, then the KPI measuring the output from the tool can then be included in the scorecard.
- The cost involved in setting up measurement tools needs to be considered.

- The time frame for the implementation of measurement tools is also important.
- It is important that the responsibility for the KPI needs to be allocated to the appropriate person who will be required to measure the output/outcome on the KPIs.
- The timeframes for measuring and reporting actual performance against target set.

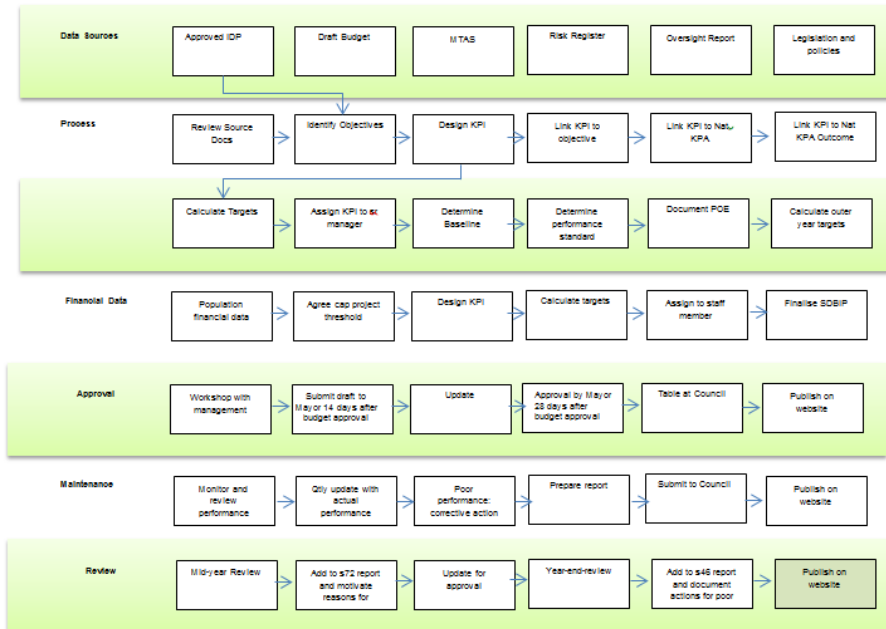
The following steps should be followed to develop a performance indicator:

- Identify the strategic objectives defined in the IDP and the key activities in the department that need to be measured.
- Agree on what you are aiming to achieve by considering the end result (outcome / impact) of each strategic objective and define the critical processes to achieve each of the strategic objectives.
- Specify the outputs, activities and inputs in order to achieve the outcomes and impacts.
- In the instance where performance indicators for individuals needs to be developed you also need to consider key job requirements (job description).
- For each activity, confirm that it will assist in achieving the objectives and determine what the proof of evidence will be that the activity has been delivered.
- Determine what resources you will require to be able to deliver the activity and confirm availability for such resources, e.g. you cannot establish a play park without the necessary financial resources.
- Determine the timeframes by when the activities need to be achieved.
- Decide which department and individual will take responsibility for the activities.
- Draft the KPI by explaining what will be done, how it will be done and what will be achieved.
- Link it to timeframes indicating by when the activity should be delivered as well as to the National KPAs, National Outcomes and the objective to be achieved.
- Formulate how the activity will be measured and what the proof will be that the activity has been delivered (how will the activity be measured).
- Add the baseline for the indicator (the level where we are before we start with the work).
- Determine and add the performance standard for the target (minimum or ideal level of performance).
- Allocate responsibility for delivering the activity to a department and individual (who will be responsible for delivery and reporting on the target).
- Set the targets to be achieved per month / quarter in order to deliver the indicator (targets should as far as possible comply with the SMART principle).
- Agree the finally formulated indicator with the respective department / manager / staff member.

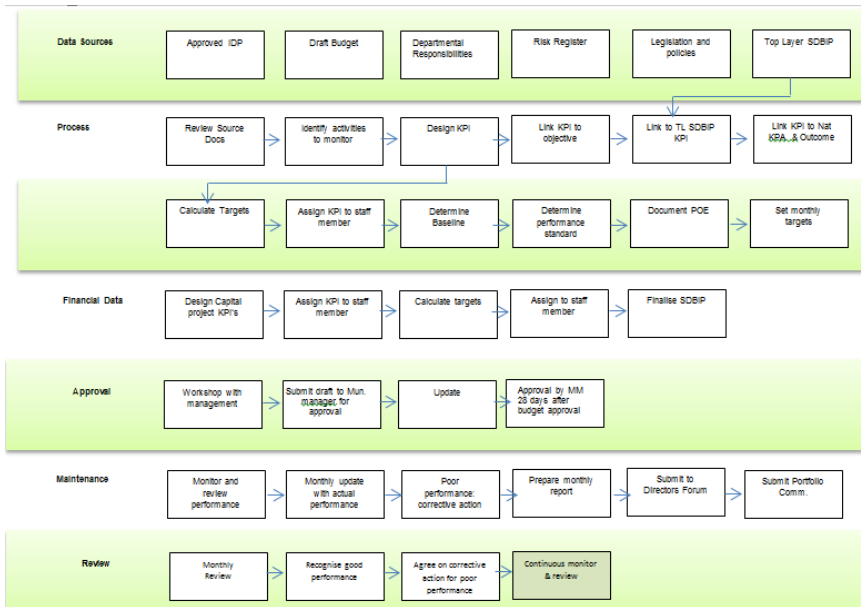
9.19.2 Performance Process Maps

The following process maps summarise the key operational and individual performance processes. These process maps should be read with the sections dealing with these performance processes.

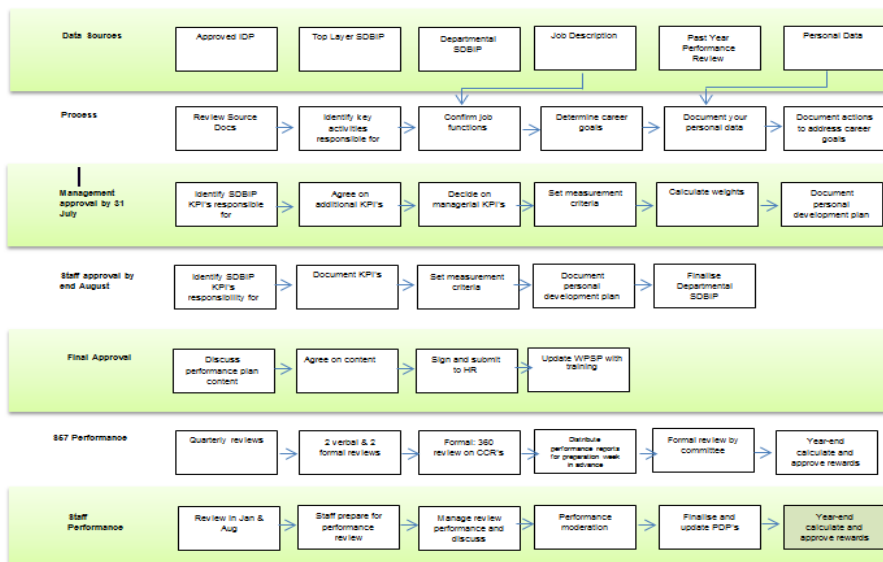
9.1.19.2.1 Top Layer SDBIP



5.1.19.2.2 Departmental SDBIP



9.2.3 Individual Performance



5.29.3 Role and Responsibilities of Stakeholders

The following table sets out a summary of the roles and responsibilities of the various stakeholders in the PMS within each of the management components:

Table 8: Role and Responsibilities of Stakeholders

Stakeholders	Involvement	Benefits
	Administrative Oversight	
Executive Mayor	<ul style="list-style-type: none"> Facilitate the development of a long term Vision regarding IDP and PMS. Mayor is responsible for the performance and need to approve the SDBIP and submit the annual performance report to Council. Approval of municipal manager performance plan and evaluate and report on municipal performance. 	Optimum and equitable service delivery.
Mayoral Committee	Support to the Executive Mayor. Provide strategic awareness and manage the development of the IDP and PMS.	Promotes public awareness and satisfaction.

Stakeholders	Involvement	Benefits
	Administrative Oversight	
Portfolio Councillor	<ul style="list-style-type: none"> Monitor the implementation of the strategy. Review and monitor the implementation of the IDP and the PMS. Evaluate performance of senior management, where applicable. 	Facilitates the process of benchmarking and collaboration with other municipalities.
Council	<ul style="list-style-type: none"> Adopt the PMS policy and approve the IDP. Approve performance rewards Oversight role to ensure that performance management processes are monitored. 	Provides a mechanism for the implementation and review of PMS and IDP achievement.

Stakeholders	Involvement	Benefits
	Implementers	
Municipal Manager	<ul style="list-style-type: none"> Ensure the implementation of the IDP and the PMS. Communicate with the Executive Mayor and Senior Management Team. 	Clarifies goals, targets and work expectations of the executive management team, other senior managers, line managers and individual employees.
Senior Management Team	<ul style="list-style-type: none"> Manage Departmental and individual performance. Review and report on performance. 	Facilitates the identification of training and development needs at different levels in the municipality.
All Other Managers	<ul style="list-style-type: none"> Implement the departmental business / operational plans and monitor the Individual Performance Plans. 	Provides an objective basis upon which to reward good performance and correcting under performance.

Stakeholders	Involvement	Benefits
	Implementers	
Individual Employees	<ul style="list-style-type: none"> Execute individual performance plans. 	Mechanism for early warning indicators to check and ensure compliance.
Reporting Officer (for service provider evaluations)	<ul style="list-style-type: none"> Line Departments Monitor and assess work done or service provided as per the service delivery agreement or contract. Report on the performance of the service 	Ensure quality and effective performance of service providers.
Supply Chain Management	<ul style="list-style-type: none"> Manage the performance monitoring process of service providers. Report on contract management and service provider performance to Council quarterly. Report to Council annually on the performance of service providers. Investigate and report on the impact of the interventions. 	<p>Enhances service delivery and performance.</p> <p>Addresses weak performance timeously.</p> <p>Effective reporting.</p>
Internal Audit	<ul style="list-style-type: none"> Assess the functionality, integrity, effectiveness and legal compliance with the PMS. 	<ul style="list-style-type: none"> Enhances the credibility of the PMS and the IDP enhances the status and role of Internal Audit.

STAKEHOLDERS	INVOLVEMENT	BENEFITS
	OVERSIGHT	
Representative Forums / Ward Committees	<ul style="list-style-type: none"> Inform the identification of community priorities. Public involvement in service delivery of the municipality. 	Provide a platform for the public / communities to inform and communicate with Council.
Auditor-General	Audit legal compliance and performance processes.	Provides warning signals of under-performance which can provide pro-active and timely interventions.
Performance Audit Committee	Independent oversight on legal compliance.	Provides warning signals of under-performance.
MPAC/Oversight Committee	Review Annual Report and suggest corrective action to address shortfalls.	Improved performance

10 Policy Review

This policy will be reviewed as and when required.

611 Conclusion

This policy describes how the municipality's performance process, for the organisation as a whole will be conducted, organised and managed.

It is important to note that a Performance Management Policy is dynamic and will change and develop over time to reflect the unique features of the municipality. The municipality environment is no exception to this phenomenon and this policy lends itself to improvement and positive changes with even more focused alignment to the municipality's strategic objectives and performance levels.

7.10.2	PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 May 2019 (Mayco) and 29 May 2019 (Council)

1. SUBJECT: PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY

2. PURPOSE

To consider an application from the Provincial Department of Transport and Public Works, requesting that Stellenbosch Municipality take over the management of Vaaldraai with the view of township establishment and ultimate transfer of ownership to individual residents / beneficiaries.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

On 2010-04-13 Council considered a request from the Provincial Department of Transport and Public Works to take over the Management of Vaaldraai, with the view of attending to the township establishment and ultimate transfer of land to residents/beneficiaries. Having considered the report, Council (at the time) decided not to approve of the application but to advise the Provincial Government to attend to the township establishment themselves. A new request has now been received, for consideration by Council.

5. RECOMMENDATIONS

- (a) that Council, in principle, agrees to take over the Management of the Vaaldraai Settlement, as an interim arrangement;
- (b) that Council, in principle, agrees to attend to the township establishment of Vaaldraai, subject thereto that additional land be made available, the detail to be agreed upon;
- (c) that before any final decision in this regard is made (i.e. (a) and (b) above) the DP&ED be requested to conduct a feasibility study, which study must also attend to the availability (or not) of bulk infrastructure as well as the identification of additional land to be transferred, taking into account the number of residents/backyard dwellers already on the property; and
- (d) that, following the feasibility study, a progress report be submitted to Council with the view of making a final determination on the matter.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Previous Council resolution

On 2010-04-13 Council considered a request from the Provincial Department of Transport and Public Works to take over the Management of Vaaldraai, with the view of attending to the township establishment and ultimate transfer of land to residents/beneficiaries.

Having considered the request, Council resolved as follows:

- "a) that the relevant Provincial Department be informed to proceed with the Township Establishment process, including the upgrading of infrastructure, at their cost. We would then "take over" the services once township establishment has taken place, after upgrading of services and individual properties have been transferred to occupants; and
- b) that, should Council approve recommendation (a) (supra), the Municipal Manager be authorised to conclude a Service Agreement".

A copy of the agenda item that served before Council is attached as **APPENDIX 1**. The Department was informed accordingly. To date, however, they have not attended to the actual township establishment, as envisaged at the time.

6.1.2 New application

Hereto attached as **APPENDIX 2** a self-explanatory letter received from the Provincial Department of Transport and Public Works, addressed to the Executive Mayor, *inter alia* indicating their willingness to enter into the required agreement(s) to have the property transferred to Stellenbosch Municipality, with the view of township establishment, rendering of services on an interim basis, and eventual transfer of home ownership to the residents (See paragraph 2 of the letter).

Also hereto attached as **APPENDIX 3** a POA issued by the Provincial Government, authorising Stellenbosch Municipality to do a feasibility study.

6.2. Discussion

6.2.1 Location and context

The Vaaldraai Settlement is situated on a portion of Farm 34, Stellenbosch (Elsenburg), as indicated on Fig 1-3, below.



Fig 1. Location and regional context



Fig 2. Location and local context

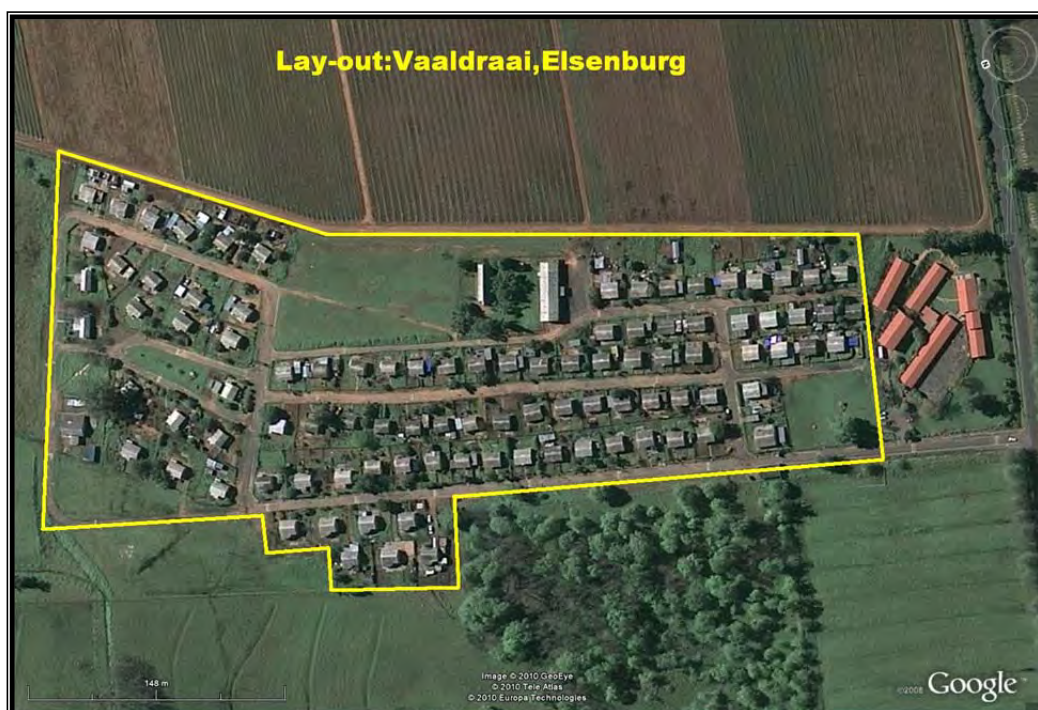


Fig 3. Lay-out of Vaaldraai

6.2.2 Availability of services

Water is currently supplied to the settlement via the Elsenburg reservoir, which is the property of Elsenburg. Should the settlement be taken over, a dedicated line would have to be installed to separate the settlement from the reticulation of the rest of Elsenburg.

The sewage of the settlement is currently purified at the Elsenburg plant. A contract will have to be entered into should the settlement be taken over, to ensure the continuance of this arrangement.

There is no solid waste removal in place from the Municipality at present, but Vaaldraai could be accommodated.

6.2.3 Extent of area

The area consists of 100 houses and a number of open spaces.

6.2.4 Additional land to be transferred to deal with future needs

Should township establishment be approved for Vaaldraai, one can assume that there would be a (future) demand for the extension of the area and to cater for existing back-yard dwellers. Should Council approve the application (in principle), it should be subject to further negotiations regarding additional land to be transferred to Stellenbosch Municipality.

6.3 Financial Implications

The financial implication can only be qualified once the feasibility study has been finalised.

6.4 Legal Implications

None at this stage

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

See par. 6.1 above

6.7 Risk Implications

There are no risks at this stage.

6.8 Comments from Senior Management

None requested at this stage

FOR FURTHER DETAILS CONTACT:

NAME	
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	<i>021-8088025</i>
E-MAIL ADDRESS	
REPORT DATE	<i>16 May 2019</i>

APPENDIX 1

Lucas ab.
an

6.1.1.4 PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP:
VAALDRAAI (ELSENBURG): FROM PROVINCIAL GOVERNMENT OF
THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY

File number : 7/2/2/1
Report by : Office of the Municipal Manager
Compiled by : Manager: Property Management
Delegated Authority : Council

1. PURPOSE OF REPORT

The purpose of this report is to consider an application from the Provincial Department of Transport and Public works, requesting that Stellenbosch Municipality take over the management of Vaaldraai with the view of township establishment and ultimate transfer of ownership.

2. BACKGROUND

2.1 Initial discussions

During initial discussions with the Department of Transport and Public Works (the Department), we have indicated our willingness to take over the responsibility of managing the Vaaldraai Settlement, **on condition that the Department would be responsible for any shortfall** (i.e difference between actual expenditure and income). It was further stated that the taking over of the management would be seen as an **interim arrangement, awaiting township establishment**, with the view of transferring ownership of the houses to current occupants, at which point we would become liable (in terms of the Structures Act) to render services. However, **before township establishment could take place, all services would have to be upgraded to a standard that would meet our demands**. The Department was to take responsibility for such upgrading of services and for the costs relating to the township establishment (rezoning and subdivision).

2.2 Application

A formal application has now been received from the Department, requesting that Stellenbosch Municipality would take over the management of Vaaldraai, as per a Draft Management Agreement. Should Stellenbosch Municipality agree to such request, they will seek the approval of the Provincial Cabinet for the envisaged transfer of ownership of the land to Stellenbosch Municipality, with the view "to promote home ownership of the current occupants". A copy of the application is attached as **APPENDIX 1**.

3. DISCUSSION

3.1 Location and context

The Vaaldraai Settlement is situated on a portion of Farm 34, Stellenbosch (Eisenburg), as indicated on Fig 1-3, hereunder.

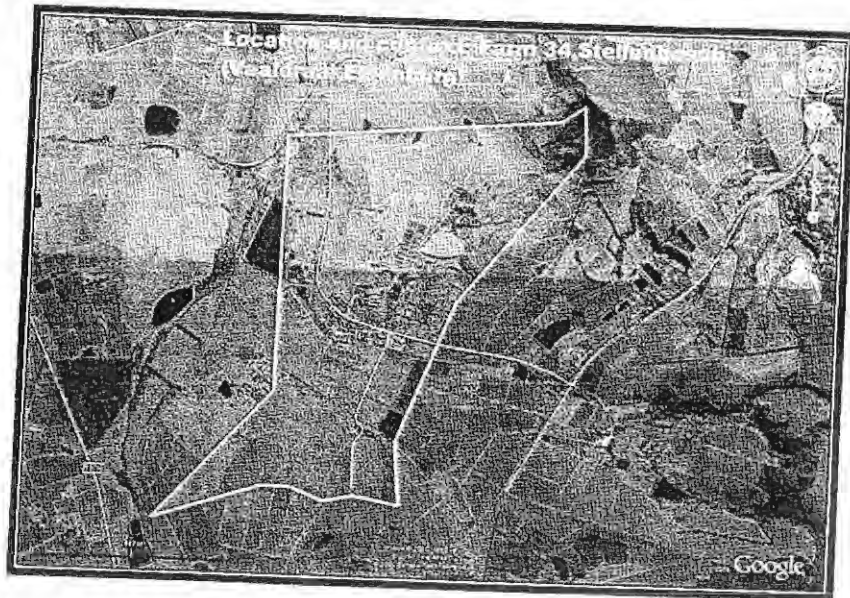


Fig 1. Location and regional context

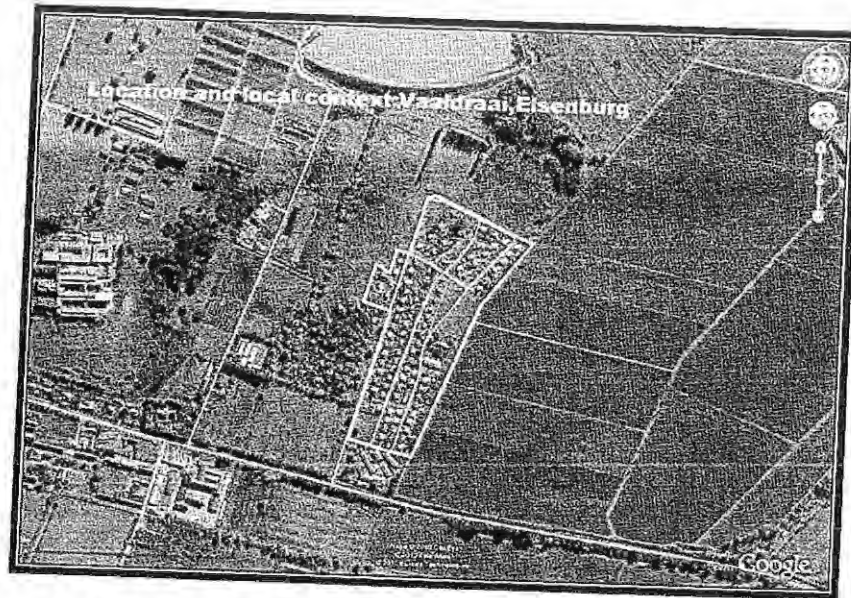


Fig 2. Location and local context



Fig 3. Lay-out of Vaaldraai

3.2 Availability of services

According to the Acting Director: Civil Engineering Services water is currently supplied to the settlement via the Elsenburg reservoir, which is the property of Elsenburg. Should the settlement be taken over, a dedicated line would have to be installed to separate the settlement from the reticulation of the rest of Elsenburg.

The sewage of the settlement is currently purified at the Elsenburg plant. A contract will have to be entered into should the settlement be taken over, to ensure the continuance of this arrangement.

There is no solid waste removal in place from the Municipality at present, but Vaaldraai could be accommodated.

3.3 Extent of area

The area consists of 100 houses and a number of open spaces.

3.4 Draft Memorandum of Agreement

In terms of the Draft Memorandum of Agreement:-

- (a) Stellenbosch Municipality, as local authority within whose jurisdiction Vaaldraai is situated, is the competent authority best suited to manage the property on behalf of the Department (See clause 2);
- (b) Stellenbosch Municipality agrees to manage the property on behalf of the Department, i.e. manage the rental stock and provide services (see clause 3);
- (c) The Department shall pay the Municipality (short-fall in budget) on the following sliding scale:

Year 1	:	100% cost
Year 2	:	67% cost
Year 3	:	33% cost

- (d) The duration of the Agreement would be for 3 years.

The Draft Agreement, however, is silent on the following matters:

- (a) Extent of bulk services to be "taken over";
- (b) Responsibility of the Department pertaining the upgrading of services;
- (c) The responsibility of Stellenbosch Municipality *vis-à-vis* that of the Department, pertaining the Township Establishment to be undertaken;
- (d) Responsibility of the Department pertaining cost associated with Township Establishment;
- (e) The responsibility of the Department regarding payments, should the Agreement be renewed after the initial 3 year term;
- (f) The transfer of ownership to current occupant (principles).

3.5 Problems experienced with similar arrangements

Stellenbosch Municipality has approved 3 similar applications in the past, i.e. Maasdorp, Meerlust and Jonkershoek. Following the approval of these applications (National Department of Public Works), the Department has not yet made available/allocate **any** funds to start with the initial planning process.

3.6 Conditions

Should Council approve the application, it should be subject thereto that:

- (a) A consultant be appointed by the Department to compile a status report on the current state of services as well as an indication of services that need to be upgraded (internal services as well as bulk services);
- (b) Following the report referred to in paragraph (a), the Department stand in for any short-fall in the maintenance budget, and not on a sliding scale as suggested in the current Draft Agreement (see clause 4.2).

Alternatively, the Department should proceed with the Township Establishment process, including the upgrading of infrastructure, at their cost. We would then "take over" the services once township establishment has taken place, after upgrading of services and individual properties have been transferred to occupants.

3.7 Additional land to be transferred to deal with future needs

Should township establishment be approved for Vaaldraai, one can assume that there would be a (future) demand for the extension of the area. Should Council approve the application (in principle), it should be subject to further negotiations regarding additional land to be transferred to Stellenbosch Municipality.

4. COMMENTS BY RELEVANT DEPARTMENTS

4.1 Community Services

On the aerial photo it is clear that there are several open spaces that could/should be managed as such. The Department must bear the costs for the management thereof as Council did not budget for it. I agree that a consultant should first establish the exact state of all the services including amenities available such as halls, cemeteries, a library, recreational facilities, public open spaces, play parks, sports facilities. As soon as town establishment has taken place the residents will look to the Municipality to provide all these facilities. We already received numerous requests for a library at Elsenburg as they are very far from the nearest library in Cloetesville.

The Municipality should not take over unfounded mandates or facilities that is in a bad condition.

4.2 Planning & Development Services

The Planning and Development Directorate has no objection to the application as proposed.

4.3 CFO

None

4.4 Legal Department

None

4.5 Engineering & Technical Services

A status report on the Availability of Services was compiled by Sippel and de Lange, but might be outdated, as it was compiled 5 years ago. This department support the recommendations contained in the report, on condition that a services be upgraded to a standard acceptable to this department.

5. CONCLUSION

Until such time as a status report on services is compiled, it is difficult to make an informed decision.

It is therefore

RECOMMENDED

- (a) that Council, in principle, confirm its willingness to take over the management of Vaaidraai, subject to the following conditions:
 - i) A consultant must be appointed by the Department to compile a status report on the current state of services as well as an indication of services that need to be upgraded (internal services as well as bulk services);
 - ii) Following the report referred to in paragraph (a), the Department must stand in for any short-fall in the maintenance budget, and not on a sliding scale as suggested in the current Draft Agreement (see clause 4.2).
- (b) that alternatively, the Department proceed with the Township Establishment process, including the upgrading of infrastructure, at their cost. We would then "take over" the services once township establishment has taken place, after upgrading of services and individual properties have been transferred to occupants; and
- (c) that, should Council approve recommendation (a) (*supra*), the Municipal Manager be authorized to conclude a Service Agreement.

**FINANCE AND CORPORATE SERVICES COMMITTEE MEETING:
2010-04-13: ITEM 6.1.1.4**

RECOMMENDED

- (a) that the relevant Provincial Department be informed to proceed with the Township Establishment process, including the upgrading of infrastructure, at their cost. We would then "take over" the services once township establishment has taken place, after upgrading of services and individual properties have been transferred to occupants; and
- (b) that, should Council approve recommendation (a) (*supra*), the Municipal Manager be authorized to conclude a Service Agreement.

(-)



DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
 DEPARTEMENT VAN VERVOER EN OPENBARE WERKE
 ISEBE LEZOTHUTHO NEMISEBENZI YOLUNTU

Reference:
 Verwysing: 10/RJ
 Isalathiso:
 Enquiries:
 Navrae: S Hindley
 Imibuzo:

The Actg Municipal Manager
 Stellenbosch Municipality
 PO Box 17
 STELLENBOSCH
 7599

By Fax – No. 021 808 8200

(Attention: Mr P Smit)

Sir

**VAALDRAAI: TRANSFER OF MANAGEMENT AND OWNERSHIP: PROVINCIAL
 GOVERNMENT OF THE WESTERN CAPE (PGWC) TO STELLENBOSCH MUNICIPALITY**

Previous engagements in the above-mentioned regard refer.

In terms of these engagements the following proposals are to be pursued with regard to the future of the Vaaldraai Settlement.

- (1) The Stellenbosch Municipality to take over the management of Vaaldraai from the PGWC, as per the enclosed draft management agreement as soon as possible, but no later than 1 July 2010.
- (2) The Department of Transport and Public Works to seek the approval of the Provincial Cabinet for the envisaged transfer of ownership of the Vaaldraai Settlement to Stellenbosch Municipality with a view to the promotion of home ownership of the current occupants

It will be appreciated if you could obtain your Council's formal resolution in order to take this matter forward.

With kind regards

Actg ASSISTANT EXECUTIVE MANAGER: PROPERTY MANAGEMENT
 DATE: 19 March 2010

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Kamer 4-15, Dorpsstraat 9, KAAPSTAD 8001
 68 Private Bag X9160, KAAPSTAD 8000

Room 4-15, 9 Dorp Street, CAPE TOWN 8001
 68 Private Bag X 9160, CAPE TOWN 8000

☎ (021) 483-5549 @ (021) 483-5144
 E-post/E-mail: hindley@tpw.gov.za

DRAFT DISCUSSION DOCUMENT

1.3 The following expressions bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

1.3.1 "**the Municipality**" means the Stellenbosch Municipality, a municipality constituted in terms of the Local Government Municipal Structures Act of 1998, or its legal successor in title.

1.3.2 "**the Province**" means the Provincial Government Western Cape of 7 Wale Street, Cape Town, as represented herein by its Departments of Transport and Public Works and Agriculture.

1.3.3 "**the Property**" means Vaaldraai situated on a portion of Farm Eisenburg A No 34 Stellenbosch Rural District as indicated on the attached diagram - marked as **Annexure A**.

1.3 In this agreement and in the annexures thereto, the "**agreement**" refers to this agreement and the words "**clause**" or "**clauses**" and "**annexures**" refer to clauses in, and annexures to, this agreement.

1.4 this agreement includes the annexures.

2. COMPETENT AUTHORITY

The parties agree that, as local authority within whose jurisdiction **the Property** is situated, the Municipality is the competent authority best suited to manage **the Property** on behalf of the Province through the administration of leases and the provision of municipal services.

3. MUNICIPALITY'S OBLIGATIONS

3.1 MANAGEMENT OF THE PROPERTY AND ASSETS

3.1.1 There are **100 houses** on **the Property** that are occupied by tenants in terms of lease arrangements concluded between the occupants and the Province. The following other buildings/facilities also situated on **the Property** must also be managed by the Municipality:

- (i) Community Hall
- (ii) Rugby Field

3.1.3 The Municipality agrees to manage **the Property** in a responsible and effective manner, through the management and administration of the houses and other buildings in terms of the lease agreements, which shall include but not be limited to -

- (i) The issuing of invoices/statements for rental and municipal services consumed, in accordance with tariff structures, such as rental and service tariffs, agreed upon between the Municipality and the Province. A list of such tariffs is attached as **Annexure B**.
- (ii) The procurement of prospective tenants for vacant premises that should be forwarded to the Province's Assistant Executive Manager: Property Management for acceptance and approval.
- (iii) The Province will furnish the Municipality with a waiting list, and the people on the waiting list shall be considered as part of the Municipality's integrated waiting list, if and when any of the houses becomes available.

DRAFT DISCUSSION DOCUMENT

- (iv) The Municipality must manage the non-payment of rental and services in terms of its Credit Policy with effect from _____ (date to be agreed upon)

3.2 MANAGEMENT OF SERVICES

3.2.1 The Municipality agrees to render and manage the services in a responsible and effective manner.

3.2.2 The Municipality must draft and submit a budget for the management, acquisition, rendering and disposal of services, which consist of the following:

- (i) Maintenance of roads
- (ii) Maintenance of public open spaces and vacant land on the Property
- (iii) Maintenance of Water Works
- (iv) Procurement and distribution of Water
- (v) Maintenance of Sewer Works and Sewer Network
- (vi) Procurement and distribution of Electricity and Insurance of transformers
- (vii) Refuse removal
- (viii) Provision of a Library Service
- (ix) The prevention of illegal occupation of the Property

3.2.3 The Municipality must submit a reconciliation statement of the budgeted and actual expenditure and income in respect of these services on a monthly basis to the Province until (Subject to negotiation).

3.2.4 Any income derived from municipal services rendered in term of clause 3.2.2, (will be deducted from amounts payable by the Province) must be paid over to the Province on a monthly basis as provided for in clause 3.1.3(i).

4. OBLIGATIONS OF PROVINCE

4.1 The building complexes which the Province will continue to utilise for provincial purposes will remain the responsibility of the Province. The Institutions accommodated in these complexes, as indicated on the attached diagram – marked as Annexure C, shall be liable to the Municipality for the payment of services rendered.

4.2 The Province shall pay the Municipality in terms of the approved budget provided for in terms of clause 3.2.2, on submission of an invoice to the Department Agriculture, on the following sliding scale over three years:

4.2.1 Year one at 100% of costs

4.2.2 Year two at 67% of costs

4.2.3 Year three at 33% of costs

5. DURATION OF AGREEMENT

This agreement shall commence on (to be agreed upon) and shall endure for a period of **three (3) years** (to be agreed upon) until, or for a further period as will be agreed to by both parties in writing.

6. PROVISIONS APPLICABLE HEREIN TO APPLY TO ALL SERVICES

6.1 The Province shall not be liable for the failure of the Municipality to provide electricity or water, or for any defect in equipment servicing the property.

DRAFT DISCUSSION DOCUMENT

- 8.2 The Province shall not be responsible for any damage to, or loss of, any stock in trade, equipment, machines, raw materials, papers, furniture, household goods and effects, clothing, personal effects or other articles, goods and possessions of whatsoever nature kept on **the Property** by reason of rain, hail, earthquake, lightning or fire or by reason of riot, strikes or state enemies or as a result of theft or burglary, with or without force of entry, or through any defective condition or disrepair in **the Property** or through any other cause whatsoever (save for the negligent act of or act of omission or omission amounting to negligence, by the Province or its agents or servants) nor shall the Province be responsible for any personal injury which may be sustained in or about **the Property** by any of the directors, servants, agents, customers, sub-tenants or invitees of the Municipality or by any other person whomsoever, howsoever such injury may be caused (save for the negligent act of or act of commission or omission amounting to negligence by the Province or its agents or servants) and the Municipality hereby indemnifies the Province against any claim of whatsoever nature which may be made against the Province by any of the directors, servants, agents, sub-tenants, customers or invitees of the Municipality or by anyone else whomsoever in respect of personal injuries so sustained or in respect of the loss of, or damage to, anything on the premises, arising from any such cause aforesaid.

7. BREACH

- 7.1 In the event of any party ("guilty party") failing to fulfil any of its obligations in terms of this agreement and remaining in breach for a period of 21 days after the other party ("innocent party") has posted by pre-paid registered post to the guilty party a reminder calling upon it to remedy such breach, the innocent party shall be entitled (without prejudice to any other rights which it may have at law) either to:
- 7.1.1 hold the guilty party to the Agreement and the enforcement of the provisions of this Agreement; or
- 7.1.2 cancel the Agreement and claim for damages suffered by reason of the said breach.

8. CO-OPERATIVE GOVERNANCE

The parties enter into this agreement adhering to the principles of co-operative governance as set out in Chapter 3 of the Constitution. These provisions are, *inter alia*, quoted for ease of reference:

"All spheres of government and all organs of state within each sphere must co-operate with one another in mutual trust and good faith by -

- (a) fostering friendly relations;
- (b) assisting and supporting one another;
- (c) informing one another of, and consulting one another on, matters of common interest;
- (c) co-ordinating their actions and legislation with one another;
- (d) adhering to agreed procedures; and
- (e) avoiding legal proceedings against one another."

9 DISPUTE RESOLUTION

In the event of a dispute between the parties, it is herewith agreed that the dispute resolution procedure as set out in the Intergovernmental Relations Framework Act, 13 of 2005, shall be followed, to resolve the said dispute.

DRAFT DISCUSSION DOCUMENT

10 ADDRESS OF NOTICE

The Province:

(i) The Chief Director: Property Management
Department of Transport and Public Works
9 Dorp Street
Cape Town
80001

(iii) The Head
Department of Agriculture
Eisenburg Road
Eisenburg

The Municipality:

The Municipal Manager

_____ Street

STELLENBOSCH

II GENERAL

This agreement sets out the entire agreement and understanding of the parties with regard to the subject matter hereof.

No party shall be bound by an express or implied term, representation, warranty, promise of the like, not recorded herein.

No addition to, variation or consensual cancellation of this Agreement shall be of any force or effect unless in writing and signed by or on behalf of both parties.

APPENDIX 2



Western Cape
Government

MINISTRY OF TRANSPORT AND PUBLIC WORKS

Our Reference: TPW 12/R-25
Enquiries: Jacqui Gooch, 021 483 2826

The Executive Mayor
Stellenbosch Municipality
14 Plein Street
STELLENBOSCH
7600

ATTENTION: Adv GMM van Deventer

Dear Adv van Deventer

OUTSTANDING MATTERS

Your letter Ref: 16/3/6 dated 2019-02-21 has reference.

1. De Novo

The De Novo site has been allocated by the DTPW to the Department of Human Settlements (DHS) for the development of a human settlement. A Power of Attorney has consequently been issued to enable the DHS to attend to the required planning and repairs to the residences situated on the site. It is currently the intention to transfer custodianship of the property from the DTPW to the DHS, and as a result progress reports should be requested from them.

2. Vaaldraai, Elsenburg, Kromme Rhee & Helderfontein

Elsenburg, Kromme Rhee and Helderfontein are all sites that are still required in terms of the Western Cape Government's service delivery objectives. The DTPW is prepared to enter into appropriate lease agreements with the residents at these properties, with the view to regularizing their tenancy. The DTPW will engage the Stellenbosch Municipality with regard to the rendering of services to these communities.

Insofar as Vaaldraai is concerned, it is hereby confirmed that the WCG is prepared to enter into the required agreement(s) to have the site transferred to the Stellenbosch Municipality, with the view to township establishment, rendering of services by the Municipality as well as eventual transfer of home ownership to the residents.

3. **Regarding the R44 and the R304:**

Traffic congestion problems on these roads are similar to those on numerous other roads in the Province and, unfortunately, Stellenbosch is not unique as far as such traffic congestion is concerned. The Department of Transport and Public Works has to plan for dualling of the main roads leading to and from Stellenbosch. That is what is being done but there are insufficient funds to implement such projects.

With previous projects on the R44 and the R310 neither the municipality nor the public have been cooperative or supportive of planned projects. Public transport is a municipal function which may be supported by the Provincial Government.

Regarding speed limits and traffic congestion in Franschhoek: We have stated before that appropriate speed limits are determined by using accepted national guidelines prepared by traffic engineering specialists. Inappropriate speed limits do not necessarily contribute to safer roads but rather lead to disregard for the law. Law enforcement of appropriate speed limits remains the answer.

Traffic congestion in Franschhoek can only refer to the main road (MR191) through the town. In this, Franschhoek is a victim of its own success. The main road was made an activity spine through the town and is a tourist attraction. However, it is narrow, allows parking on both sides, and heavy vehicles are prohibited from using any other parallel side street and are thereby forced to use the main road to get through the town.

The idea of an alternative route through the town is not practical, affordable or economically justifiable, while a bypass along DR1351 is also not practical. Any other "new" route will have to be proclaimed and expropriated through the town. If the municipality has such a "corridor" in mind, they are welcome to engage with my Head of Department, Ms Jacqueline Gooch. This may, however, spark a major environmental and public outcry.

I have been told that the most logical interim solution to increase mobility, from an engineering point of view, would be to rebuild the main road to better standards and remove all parking from it.

I have been advised by my Head of Department that as far as road matters are concerned there have indeed been many discussions with the municipality over many months regarding various issues. It is not accurate to make the general statement that no feedback or response was received. The Pass and the Wemmershoek road were not mentioned in the letter. However, both these roads have projects in the planning phase.

4. We are unfortunately not able to assist in this matter. It is suggested you contact Mr Dhaya Govender on dhaya.govender@transport.gov.za from National Public Works.

With reference to a new concern raised in your letter please refer to the attached notes on NaTIS equipment matters in preparation for the meeting that I had with the City of Cape Town on Thursday, 7 March 2019. I will prioritise the Stellenbosch requirements in terms of the priority plan referred to in paragraphs 2.1.3 and 2.2.3 of my notes.

I also attach email correspondence between Mr Michael Gallant, Director: Vehicle Administration and Licensing, of my Department and Mr Kevin Kara-Vala of the RTMC as well as an email that he sent to Mr A Royi of Stellenbosch on the matter. Mr Kara-Vala had been copied in on this initial response to Stellenbosch.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dac Grant', written in a cursive style.

MR DAC GRANT

PROVINCIAL MINISTER OF TRANSPORT AND PUBLIC WORKS

Date: *26 March 2019*

APPENDIX 3

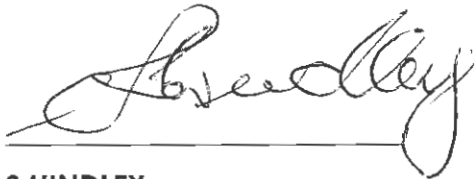
POWER OF ATTORNEY

1. I, the undersigned, **Shane Hindley**, in my capacity as **Head of the Component: Immovable Asset Management** in the **Department of Transport and Public Works** and duly authorised thereto, assign special power of attorney **Stellenbosch Municipality** to act for and on behalf of the **Western Cape Government**, the owner of the property known as **Portion of Farm 34, Stellenbosch** (the property), as its lawful agent with full power and authority and in its name and benefits in fulfilling the following:
 - 1.1 To act as Agent in the name of the Western Cape Government as the owner, in order to do a feasibility study at Vaaldraai.
- 2 Any cost incurred from the actions identified in Clause 1.1 above, will be for the account of the Agent.
- 3 Furthermore, the Agent has free and full access to the property to attain the actions identified in Clause 1.1 above.
- 4 This Power of Attorney may, in the sole and unfettered discretion of the Western Cape Government, be withdrawn at any time.
- 5 I further validate and ratify everything the Agent shall do or purport by virtue of this Power of Attorney on behalf of the Western Cape Government.



Signed at CAPE TOWN on this 16TH day of MAY 2019 in the presence of the undersigned witnesses.


FOR THE WESTERN CAPE GOVERNMENT

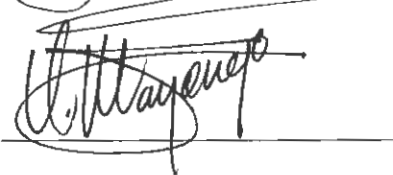


S HINDLEY

HEAD OF COMPONENT: IMMOVABLE ASSET MANAGEMENT

AS WITNESSES

1. 

2. 

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

NONE

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

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

NONE