



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2021-08-13

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2021-08-18 AT 10:00

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

COUNCILLORS FJ Badenhorst
P Crawley (Ms)
J Fasser
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
Q Smit

Notice is hereby given that a Mayoral Committee Meeting will be held via **MS Teams** on **Wednesday, 2021-08-18 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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Confirmation of Minutes: Mayoral Committee Meeting: 2021-07-21



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2021-07-21

MINUTES

MAYORAL COMMITTEE MEETING:

2021-07-21 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2021-07-21
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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)

Councillors: FJ Badenhorst
J Fasser
PR Crawley (Ms)
A Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
Q Smit

Also Present: Councillor WF Pietersen (MPAC Chairperson)
Speaker W Petersen (Ms)

Officials: Municipal Manager (G Mettler (Ms))
Director: Corporate Services (A de Beer (Ms))
Director: Planning and Economic Development (A Barnes)
Director: Community & Protection Services (G Boshoff)
Director: Infrastructure Services (D Louw)
Chief Financial Officer (K Carolus)
Senior Manager: Development Management (S Carstens)
Senior Manager: Local Economic Development (Craig Alexander)
Senior Administration Officer (B Mgcushe (Ms))

1.	OPENING AND WELCOME
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The Chairperson, Executive Mayor, welcomed everyone present to the Mayoral Committee Meeting.

2.	COMMUNICATION BY THE CHAIRPERSON
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Speaker, Munisipale Bestuurder, Burgemeesterskomiteelede, Direkteure

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- I want to start by wishing all our Muslim Councillors, Staff and residents a blessed Eid Al-Adha. From Monday until Friday our Muslim community celebrates the festival of Sacrifice.
- Die gebeure van verlede week in KZN en Gauteng druk swaar op my en ek weet op alle Suid-Afrikaners.
 - o Die geweld en plundertogte wat deur Kwazulu-Natal en ook Gauteng geruk het, het die hele land tot stilstand geruk en ons almal getraumatiseerd gelos en met ook 'n tikkie vrees.
 - o Die nagevolge hiervan, is nie beperk tot die Noordelike dele van ons land nie, en ons gaan dit op verskillende maniere voel en sien in die komende maande en selfs jare.
 - o Ek was egter ontsaglik bly, dankbaar en trots om te sien hoe inwoners regoor die

- land hande gevat het en die boodskap gedra het dat plundery en geweld nie welkom is ons dorpe nie.
- o Ons inwoners staan saam teen boewery en sinnelose geweld.
 - o As munisipaliteit werk ons saam met die SAPD en die Departement van gemeenskapsveiligheid om die situasie plaaslik ook te monitor.
 - o Ek doen 'n beroep op al ons inwoners, dat indien u bewus word van opstokers, om dit nie vir 'n oomblik te duld nie, maar vir ons of die polisie in kennis te stel daarvan.
 - o Moet asseblief nie die reg in eie hande neem nie, maar deel die inligting met ons.
- The third wave the CORONA virus has been more devastating than the first two combined
 - o The Delta variant has become the most predominant strain in the country.
 - o Research has shown that this strain is much more contagious and has left hospitals and health workers overwhelmed.
 - o Many more people have died and almost all of us has lost someone because of this virus.
 - o I urge all our residents to please adhere to the following preventative COVID measures:
 - Avoid large groups
 - WEAR A MASK
 - Sanitize your hands.
 - o I want to encourage all councillors and residents who qualify to please register for the vaccine.
 - o Registration is now open for all residents 35 years old and older.
 - o Priority will still be given to older residents, but most sites, especially administered by private institutions are accepting all residents registered for vaccination.
 - Registration is easy and can be done on the website – <https://vaccine.enroll.health.gov.za> or WhatsApp the word REGISTER to 0600 123 456 or call *134*832#. You can also call 0860 142 142 for assistance with registration.
 - o Vaccination saves lives, please get vaccinated!

3.	DISCLOSURE OF INTERESTS
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NONE

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

Deputy Executive Mayor, Cllr N Jindela – 21 July 2021

Councillor S Peters

– 21 July 2021

5.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meeting held on 2021-06-15 were **confirmed as correct, subject to page 10 of the Mayoral address with the last sentence to read as follows:** *“There are no short cuts”*.

6.	STATUTORY MATTERS
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6.1	APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2021/22
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Collaborator No: 709628
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 21 July 2021

1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2021/22

2. PURPOSE

To inform Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) requires the Mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2021/22 was approved by the Executive Mayor on 23 June 2021, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2021/22 is herewith submitted to Council for notification.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.1

- (a) that Council **TAKE NOTE** of the approved Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22 attached hereto as ANNEXURE A;
- (b) that Council **TAKE NOTE** that the approved TL SDBIP 2021/22 has been made public within 10 working days after the approval of the TL SDBIP 2021/22 and duly submitted to the MEC for Local Government in the Province; and
- (c) that Council **TAKE NOTE** of the performance indicators and targets adjustment as contained in the approved Integrated Development Plan (2017 – 2022) in accordance with the performance indicators and targets contained in the approved TL SDBIP 2021/22 to ensure accurate technical alignment between the IDP 2017 – 2022 and TL SDBIP 2021/22.

6.2	SIGNED PERFORMANCE AGREEMENTS 2021/22 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER
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Collaborator No: 708364
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 July 2021

1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2021/22 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

2. PURPOSE

To submit to Council, for notification, the following:

- (a) Signed Performance Agreements 2021/22 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

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

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

The Performance Agreements 2021/22 was developed in consultation with the Municipal Manager and each Director and signed on 07 July 2021.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.2

that the signed Performance Agreements 2021/22 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager be noted by Council.

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	06 July 2021

6.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 July 2021

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

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2020/2021 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2020/2021) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during June 2021.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.3

that the deviations as listed for the month of June 2021, be noted.

6.4	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2020 - 30 JUNE 2021)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 July 2021

1. SUBJECT:OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2020 - 30 JUNE 2021)

2. PURPOSE

To submit to Executive Management a report for the period 01 July 2020 - 30 June 2021 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (2) (i) & 4 of the SCM Policy 2020/2021 determines that the Accounting Officer must within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

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

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.4

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

FOR FURTHER DETAILS CONTACT:

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

6.5	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 April 2021 - 30 June 2021)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 July 2021

1. **SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 April 2021 - 30 June 2021)**

2. **PURPOSE**

To submit to Executive Management a report for the period 01 April to 30 June 2021 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. **FOR DECISION BY MUNICIPAL COUNCIL**

Section 6 (3) & 4 of the SCM Policy 2020/2021, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. **EXECUTIVE SUMMARY**

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

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.5

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

6.6	TABLING OF THE REMAINING CORE COMPONENTS OF THE ANNUAL REPORT 2019/20
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Collaborator No: 710066
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 July 2021

1. SUBJECT: TABLING OF THE REMAINING CORE COMPONENTS OF THE ANNUAL REPORT 2019/20

2. PURPOSE

- a) To table to Council the remaining core components of the Annual Report 2019/20 for consideration and to be released for public comment.
- b) Furthermore, it is also the purpose of this submission to, after consideration of the remaining core components of the Annual Report 2019/20 by Council, to refer it to the Municipal Public Accounts Committee (MPAC) to fulfil the role of an Oversight Committee and make to make a recommendation to Council as contemplated in terms of Section 129(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Draft Annual Report 2019/20 was referred by Council, on 31 March 2021, to the MPAC which fulfilled the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee were informed by the MFMA Circular 32 of 2006.

Committee members, including the two co-opted members, have scrutinised the Draft Annual Report 2019/20 and requested, where required, responses from the relevant Directorates. The Annual Report 2019/20 was objectively reviewed by the MPAC Members to ascertain whether the Annual Report 2019/20 is a true and accurate reflection of the municipality's performance for the 2019/20 financial year. The public were also invited to attend a public hearing to submit any representations on the Annual Report 2019/20. The public hearing was held on 15 April 2021.

At the time of deliberating on the Annual Report 2019/20, the report from the Auditor General of South Africa (AGSA), as contemplated in terms of Section 121(3)(b) and (d), was not yet available.

The Annual Report 2019/20 was approved by Council on 26 May 2021 with the following reservation that, as soon as the AGSA's report for the 2019/20 becomes available, that it be submitted to the MPAC and Council for consideration.

The AGSA's report was signed on 13 July 2021 (**ANNEXURE A**). The Audit and Performance Audit Committee (APAC) also concluded its annual report and is also herewith submitted to Council for consideration (**ANNEXURE B**).

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.6

- (a) that Council takes note of the remaining core components of the Annual Report 2019/20;
- (b) that Council takes note that the Municipal Manager will make the remaining core components of the Annual Report 2019/20 public for comment on the official website of the Stellenbosch Municipality and at the offices of the municipality for a period of 21 days; the public will be invited through the local print media to provide written inputs / comments; and
- (c) that Council notes the remaining core components of the Annual Report 2019/20 **(ANNEXURE A and B)** be referred to the MPAC for consideration and to make recommendations to Council as contemplated in terms of Section 129(1) of the MFMA.

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

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	PROPOSED LEASE AGREEMENT: ERF 1281, CORNER CHURCH AND REYNEVELD STREETS, STELLENBOSCH: KNAR PROPERTIES (PTY) LTD
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

21 July 2021

1. SUBJECT :PROPOSED LEASE AGREEMENT: ERF 1281, CORNER CHURCH AND REYNEVELD STREETS, STELLENBOSCH: KNAR PROPERTIES (PTY) LTD

2. PURPOSE

To consider an application from KNAR Properties (Pty) Ltd, to enter into a Lease Agreement with Stellenbosch Municipality, in terms whereof they would be able to use a portion of Council-owned property for outdoor dining purposes.

3. DELEGATED AUTHORITY

In terms of delegation LEG 15 the Municipal Manager, on recommendation of the Director: Corporate Services, has the delegated authority to consider applications for encroachments onto Council owned land or public spaces. Following discussions between the Executive Mayor and the Director: Corporate Services, it was agreed that, until such time as a new Encroachment Policy is in place, all outdoor dining applications will be dealt with as Lease Agreements.

In terms of the approved System of Delegations the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated Authority to consider applications for Lease Agreements, up to a contract value not exceeding R10M and not exceeding a period of 10 years.

4. EXECUTIVE SUMMARY

An application to use a portion of the street reserve for Outdoor Dining purposes has been received from the owner of erf 1281, Stellenbosch. The application is in line with the provisions /requirements of the Outdoor Dining Policy, and is supported by the Engineering Department, following various discussions between them and the Applicant.

The Executive Mayor, together with the Executive Mayoral Committee, must now consider the application

EXECUTIVE MAYORAL COMMITTEE: 2021-07-21: ITEM 7.2.1**RESOLVED**

- (a) that the land as indicated on Fig 1 and 2, measuring approximately 113m². in extent, be identified as land not needed to provide the minimum level of basic municipal services during the period that the rights are awarded;
- (b) that a lease agreement for a period of 3 years be approved with the specific conditions that it be used for outdoor dining purposes as per the agreement to be concluded.
- (c) that the application to use a portion of Council-owned land for outdoor dining purposes be approved, subject thereto; -
- a) that an Application for a Temporary Departure be approved by the Planning and Economic Development Department; and
- b) further subject to the conditions imposed by the Engineering Department namely:
- b i) The Municipality concludes an lease agreement with the applicant, detailing the conditions of approval.
- b ii) The leased area is zoned as road reserve and cannot be enclosed to exclude the public, the municipality or other services provider from accessing the area.
- b iii) The deck must be constructed within the leased area and as per Drawing No.: Concord R11 OPT2 -Meraki1-100 01 Terrace.pdf
- b iv) During the construction phase as well as during its operational phase, the deck must not hinder pedestrian movements on the sidewalk.
- b v) The deck remains the property of the applicant, the applicant must:
- Attend to maintenance and repairs of the deck.
 - Ensure public risk and liability insurance is in place to cover 3rd party claims.
- b vi) Council is indemnified against all possible 3rd party claims.
- b vii) The municipality or other public service provider must not be prohibited from maintaining, repairing, upgrading and / or installing new public services with-in the leased area.
- b viii) The deck must be constructed and installed in manner that aids removal and re-installation as and when required.
- b ix) The desk or portion of the deck must therefore be removable to gain access to the leased area, as and when required by the Municipality or other public service provider.
- b x) For planned maintenance, repairs, upgrades or new installations, the applicant will be provided with a 5-day written notice, to remove the deck or portion of the deck for the Municipality or any public service provider to gain access.
- b xi) For emergency works the applicant will be required to remove the deck or portion of the deck immediately for the municipality or other public service provider to gain access.

- b xii) The applicant to re-install the deck once the works on the public services are complete.
- b xiii) The cost for the removal and re-installation for the deck will be for the account of the applicant.
- b xiv) The municipality reserves the right to end the lease agreement when the leased area is required for municipal services.
- (c) that the Municipal Manager be authorised to conclude a Lease Agreement for a period of three (3) years, with the option of renewal.
- (d) that the municipal Manager be authorised to determine the rental amount and escalation.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management and Municipal Building Maintenance
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2020-07-14

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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7.5.1	REVISED ELECTRICITY TARIFFS FOR 2021/22 FINANCIAL YEAR
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Collaborator No: 710065
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 21 July 2021

1. REVISED ELECTRICITY TARIFFS FOR 2021/22 FINANCIAL YEAR

2. PURPOSE OF REPORT

This report seeks Council's approval to adopt a revised set of electricity tariffs for 2021/22 after the NERSA confirmation dated 06 July 2021

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Council at its budget meeting adopted the electricity tariffs based on a guideline increase of 14.59% given by NERSA. Application was made to NERSA to increase the tariffs (Annexure A) accordingly and a response from NERSA was sent to the Municipality on 06 July 2021 whereby some of the tariffs were not approved (**ANNEXURE B**).

NERSA had public hearings on the Eskom tariff application and only approved the 2021/22 tariff increases on 06 July 2021.

Tariffs that were not approved by NERSA were Block 4 – Domestic Lifeline and Reactive Energy for Small Scale Embedded Generation (SSEG) (**ANNEXURE B**)

Stellenbosch Municipal intends to appeal NERSA's decision on the Reactive Energy for Small Scale Embedded Generation (SSEG) tariff.

Furthermore, the Department omitted the Availability Fee for Vacant serviced erven during submission to Council however the tariff was included with the application to NERSA.

Given the above, a revised set of electricity tariffs (**ANNEXURE C**) were re-developed for application in the 2021/22 financial year for Council's consideration and approval.

EXECUTIVE MAYORAL COMMITTEE: 2021-07-21: ITEM 7.5.1

RESOLVED

that this item be withdrawn from the agenda.

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>16 July 2021</i>

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

7.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))
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7.7.1	REPORT ON PROGRESS WITH THE PREPARATION OF A LOCAL SPATIAL DEVELOPMENT PLAN FOR THE ADAM TASS CORRIDOR
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Collaborator No: 708438
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 21 July 2021

1. SUBJECT: REPORT ON PROGRESS WITH THE PREPARATION OF A LOCAL SPATIAL DEVELOPMENT PLAN FOR THE ADAM TASS CORRIDOR

2. PURPOSE

To update Council of the progress with the preparation of a local spatial development framework (LSDF) for the Adam Tas Corridor.

3. DELEGATED AUTHORITY

Mayoral Committee

4. EXECUTIVE SUMMARY

The possible development of the Adam Tas Corridor was first identified as a catalytic project in the Municipal Spatial Development Framework which was approved by Council in November 2019. The municipal manager approved the commencement of the drafting of the LSDF on 20 March 2020.

The LSDF is required to develop a coherent spatial vision for the defined ATC area, which supports key municipal strategic directives and objectives of the wider ATC initiative. This spatial framework will assist in guiding decision-making on development applications to enable the progressive realization of the vision and will contribute to identifying key implementation actions to achieve the objectives of the ATC.

Following a public tender process (Tender No: BSM 01/21), the Built Environment Partnership was appointed by Stellenbosch Municipality in January 2021 to assist with the preparation of a Local Spatial Development Framework (LSDF) for the Adam Tas Corridor (ATC). Albeit the Stellenbosch Municipality will lead the project – and remains accountable for it – the Municipality is undertaking the project with the support of and in partnership of the Western Cape Government (WCG).

An overall project ATC LSDF Project Plan, indicating *inter alia* work focus per phase, deliverables and time frames was submitted by the consultants. In summary:

A six-month process is envisaged.

Work is largely based on and commences with a review of work completed before.

The updated urban development framework/ design concept and yields will lead the work.

The primary target – to ensure actual development as planned – is the development of an Implementation Framework which includes recommendations on how

development rights are to be established and allocated, and the associated landowner/ public sector commitments and processes.

Parallel processes are also underway under the auspices of the Stellenbosch Institute of Advanced Study (STIAS) – a founding partner of the initiative – which may add significant value to preparation of the LSDF.

These include:

Work by a “mobility” team exploring movement improvements in Stellenbosch, and specifically servicing the ATC.

Work by a “beneficiation” team exploring how to prepare the private sector and landowners to partner and contribute to the ATC in a manner which serves projects objectives.

The service provider team shall interact with these teams with a view to add value to the LSDF.

The emerging working vision for the ATC became clearer and is as follows:

An ATC developed as:

A proactive intervention to address needs in Stellenbosch, including fixing the mistakes of the past and enabling equitable access to urban opportunity for all citizens.

An integrated, inclusive environment for living, work, and enjoyment.

A pro-active partnership between the public, private, and community sectors in response to citizen needs and national, provincial, and municipal policy.

A place which embodies and expands our best knowledge of what constitutes good, equitable, and efficient settlement.

A “new town in town” in Stellenbosch; integrating currently fragmented parts of the town, exploiting underutilized resources, and based on non-motorized and public transport.

The development of the ATC area seeks the following strategic outcomes:

A vibrant, compact, and efficient urban district, respectful of the environment and history.

Increased access to livelihood opportunity for ordinary citizens.

Seamless integration with surrounding areas.

Financial sustainability.

Active partnership between stakeholders.

A clear development process with speedy decision-making.

A summary of the project plan is attached as Table 1 below.

Month 1: PROJECT START-UP	Month 2: COMPARATIVE ANALYSIS	Month 3: DRAFT LSDF DEVELOPMENT	Month 4: DRAFT LSDF DEVELOPMENT (CONTINUED)	Month 5: PUBLIC PARTICIPATION	Month 6: PROJECT CLOSE-OUT
<ul style="list-style-type: none"> Contracting/ Inception Report Public participation approach Opportunities/ constraints Working vision/ principles 	<ul style="list-style-type: none"> Updated urban design concept (including precincts) Approach to accommodating inclusionary housing Environmental fixes Conservation fixes Infrastructure constraints and opportunities Market potential analysis Landowner engagements 	<ul style="list-style-type: none"> Bulk calculations and distribution Understanding of infrastructure enhancements required to serve land use/ bulk High-level transport enhancements to serve bulk 	<ul style="list-style-type: none"> Draft LSDF, including: <ul style="list-style-type: none"> Land use/ bulk Built form and public space framework Movement framework Green network Conservation framework Infrastructure framework (including electrical, water, sewage, and stormwater) Provisional phasing plan Provisional lead projects Provisional economic impact assessment 	<ul style="list-style-type: none"> Presentation materials for public participation 	<ul style="list-style-type: none"> Implementation framework Final LSDF and Implementation Framework (including summaries)

Table 1. Summary and progress of project plan.

Attached to the report as **ANNEXURE 1** a presentation on the ATC prepared for discussion with the project team for information.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 7.5.1

that the Mayoral Committee and Council take note of the progress with the drafting of the LSDF for the Adam Tas Corridor.

FOR FURTHER DETAILS CONTACT:

NAME	ernabe de la bat Pr Pln 696/1992
POSITION	Manager: Spatial Planning
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8653
E-MAIL ADDRESS	ernabe.delabat@ Stellenbosch.gov.za
REPORT DATE	28 May 2021

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

7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR J FASSER)
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NONE

7.10	MUNICIPAL MANAGER
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7.10.1	JOINT STATEMENT BY ALL POLITICAL PARTIES REPRESENTED IN THE COUNCIL OF THE STELLENBOSH MUNICIPALITY
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Collaborator No:

IDP KPA Ref No: Valley of Opportunity

Meeting Date: 21 July 2021

1. SUBJECT: JOINT STATEMENT BY ALL POLITICAL PARTIES REPRESENTED IN THE COUNCIL OF THE STELLENBOSH MUNICIPALITY

2. PURPOSE

To present all political parties in Council to endorse a joint statement on possible unrest and to request calmness and stability.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Mr Ivan Meyer, Minister of the Western Cape Provincial Agriculture, at an Extended Cabinet Meeting requested that the speaker with the relevant party leader represented in Council issue a joint statement on possible unrest and to request calmness and stability. Attached statement for endorsement.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 7.10.1

that Council endorse the attached joint statement

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 11:10

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
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6.1	SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2022/23
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Collaborator No: 711481
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 18 August 2021

1. SUBJECT: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2022/23

2. PURPOSE

To table to Council for consideration:

- (a) The Time Schedule / Process Plan 2022/23 of key activities and deadlines for the annual review, amendment and adoption of the Integrated Development Plan (IDP), Budget and Spatial Development Framework (SDF) processes, attached as **ANNEXURE A**.
- (b) The Online Public Participation Meeting Schedule for September 2021 and November 2021, attached as **ANNEXURE B**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

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

The SDF / IDP / Budget Time Schedule 2022/23 endeavours to outline the key strategic activities and consultative processes that will contribute to the finalisation of the SDF, IDP and Budget revisions to be implemented in the 2022/23 financial year.

The SDF / IDP / Budget Time Schedule 2022/23 is, therefore, compiled in terms of Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No.56 of 2003) (MFMA), which states that “the mayor of a municipality must –

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

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

The SDF / IDP / Budget Time Schedule 2022/23 is also compiled in terms of Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) (MSA).

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

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

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

5. RECOMMENDATIONS

- (a) that Council adopts the SDF / IDP / Budget Time Schedule for 2022/23 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA, to guide the annual review, amendment and adoption of the Integrated Development Plan, attached as **ANNEXURE A**;
- (b) that Council approves the Online Public Participation meeting schedule for September 2021 and November 2021 (should the Local Government Elections be held in February 2022), attached as **ANNEXURE B**;
- (c) that the SDF / IDP / Budget Time Schedule / Process Plan for 2022/23 be placed on the municipal website, municipal notice boards and libraries, notifying the public and municipal stakeholders of the planned process;
- (d) that if amendments to the SDF / IDP / Budget Time Schedule / Process Plan for 2022/23 must be made as a result of further liaison and directives from other role players, inter alia, COGTA and the Western Cape Government: Department of Local Government, the Executive Mayoral Committee is given the mandate to introduce the amendments and to notify Council accordingly.

6. DISCUSSION

6.1 Background

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

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

The Mayor of a municipality must –

- (a) coordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;
- (b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for–

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

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

The SDF / IDP / Budget Time Schedule 2022/23 also takes cognizance of the regulatory framework for the review, amendment and approval of the SDF, IDP, Budget and the Service Delivery and Budget Implementation Plan (SDBIP). The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP and Budget. The importance of synchronising the timelines for the revision of the IDP and Annual Budget with those of the SDBIP, is captured in Section 41 of the MSA, which states that:

Section 41:

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

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

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

The 2022/23 implementation year proves to be a very challenging and unique. The date of the Local Government Elections is set for 27 October 2021. However, this date is subject to a court review and may be extended to February 2022. Therefore, in order for the municipality to ensure that the development of the IDP during the election year continue smoothly, it is important that the process be managed carefully to ensure compliance with legislation.

The following **two processes** are proposed and encapsulated in the SDF / IDP / Budget Time Schedule / Process Plan 2022/23:

The IDP is a 5 – year strategic plan linked to the term of council. Under normal circumstances, in which the local government elections are normally held in April / May of a specific year, the norm has been that the first year of such a new council is primarily

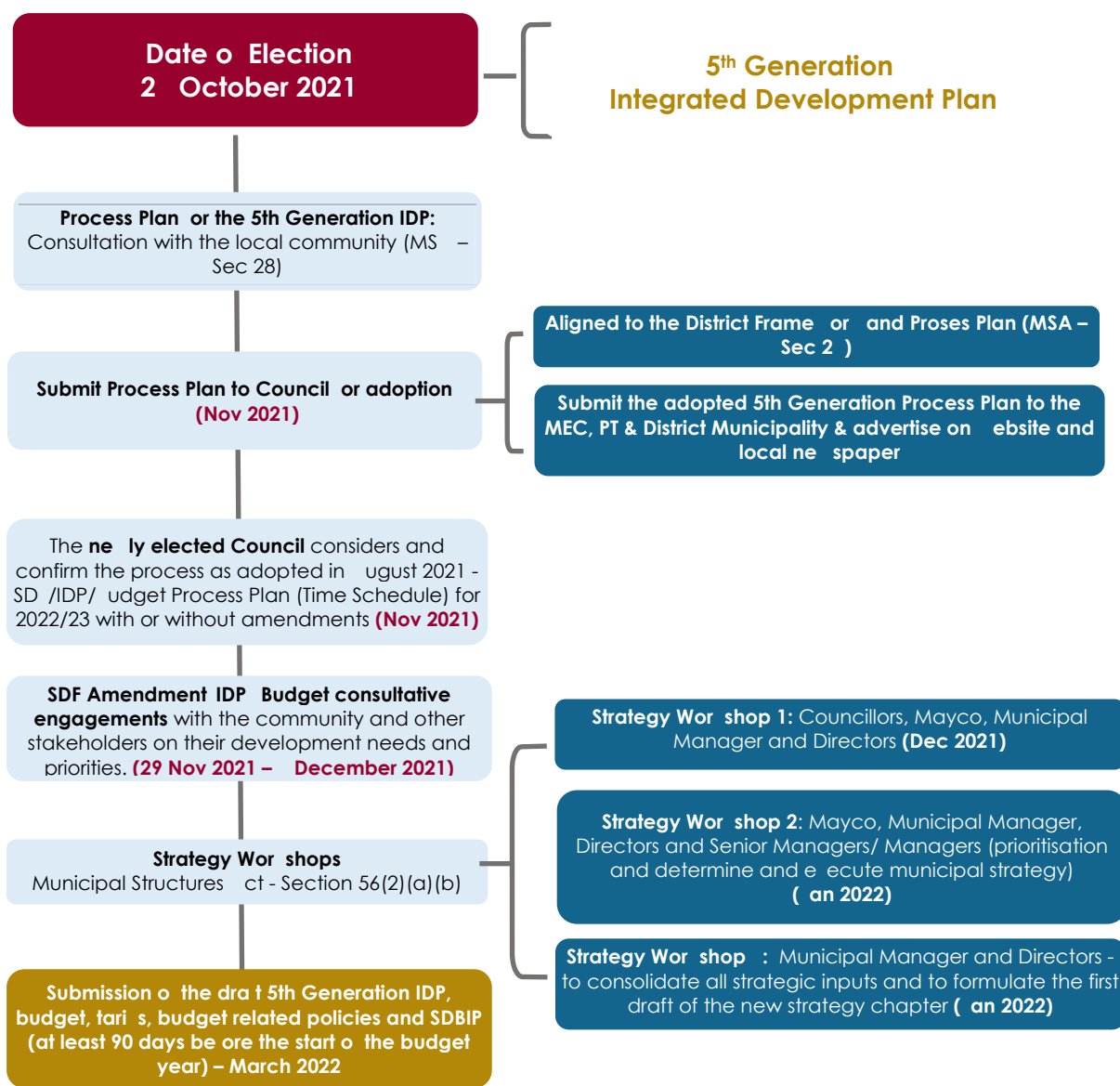
confined to implementing the last year of the previous Council's IDP and Budget. The newly elected council will then start the process in August of that specific year to develop their 5 – year IDP with the start of implementation in the second year. This process mostly leads to an overlap of the last year of the outgoing council into the new council.

In the extraordinary circumstances of the COVID–19 pandemic, the date of the Local Government Election has been Gazette for **Wednesday, 27 October 2021**. The date of elections, being set for 27 October 2021, ignites different process scenarios to be considered, to ensure adherence to legislated timeframes for the review and adoption of the IDP.

According to Section 28(1) of the MSA, each municipal council must adopt an IDP after the start of its elected term within a prescribed period. An election represents the start of a 5 – year IDP development process. In this instance, it will be the 5th Generation IDP. The MSA, Section 25(3) does allow the new municipal council to adopt the IDP of the preceding council, with or without amendments.

With the date of election, Gazetted for **27 October 2021**, the following process (**Scenario 1**) will be followed (see annexure A attached: key activities for scenario 1 highlighted in light blue).

Scenario 1: 5th Generation IDP by the new Council



Public Participation Process to consult the Draft IDP, SD IP and Budget
(5 – 29 April 2022)

MAYCO
To consider the 5th Generation IDP, Budget and SD IP (at least 30 days before the start of the budget year) – **0 May 2022**

Council meeting to adopt the SDF Amendment, 5th Generation IDP, Performance Management Measures and targets and the budget (at least 0 days before the start of the budget year)

Place the IDP, multi-year budget, all budget-related documents and all budget-related policies on the website & Submission to MEC, PT, DM

After the date for the local government election was Gazetted, for 27 October 2021, the Electoral Commission of South Africa, has launched an application to the Constitutional Court for the date of election to be deferred to not later than February 2022. The application was made on an urgent basis, to gain certainty on the preparations for the local government elections.

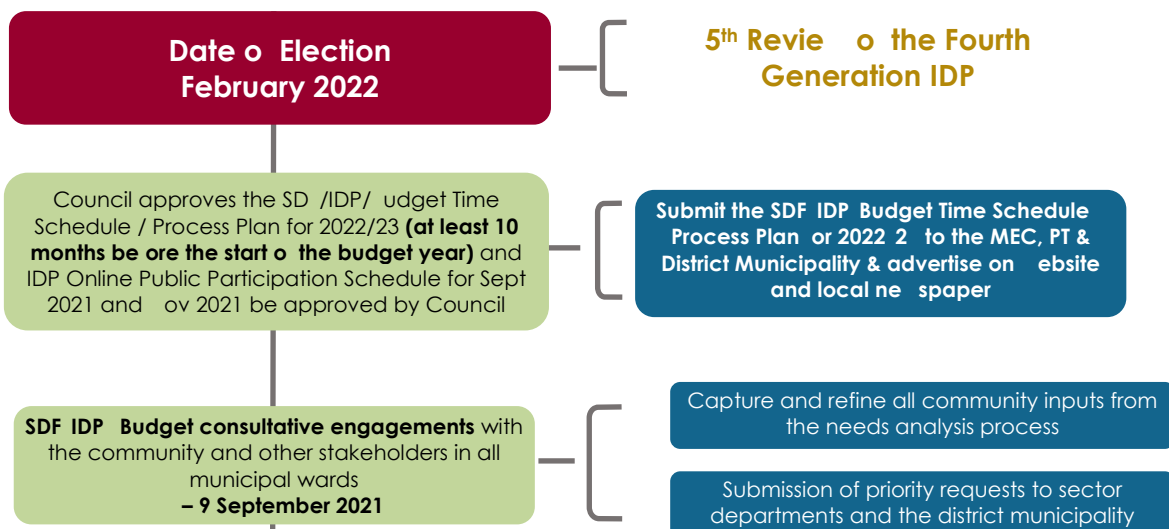
In the event that the date of Local Government Election is deferred to **February 2022**, the outgoing council have an obligation to comply with legislation, for an IDP and Budget to be approved by June 2022. The new council will be advised to consider the existing adopted IDP from the previous council and make amendments, if so required.

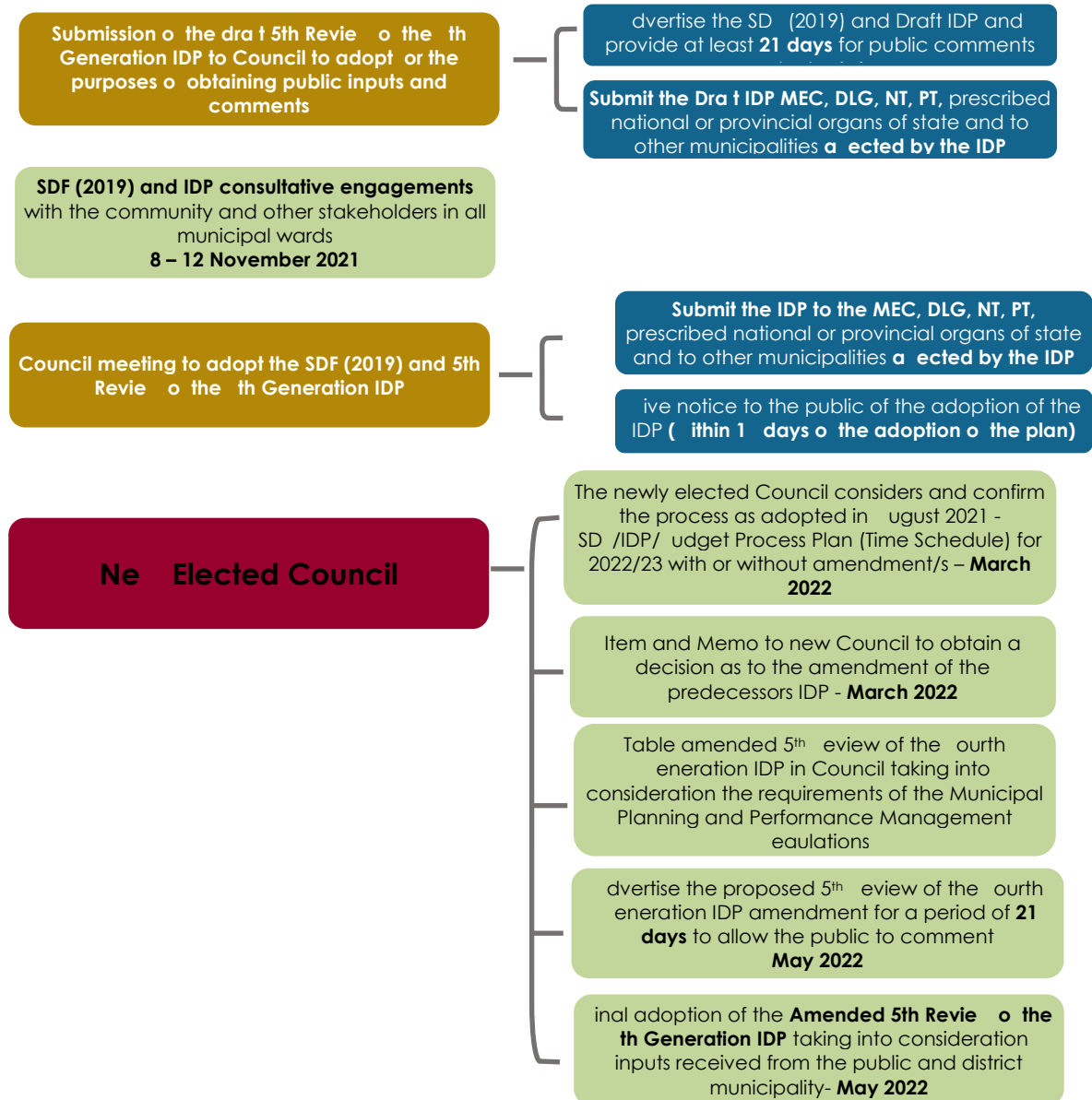
The following process (**Scenario 2**) will be followed, (see annexure A attached: key activities for scenario 2 highlighted in light green)

NOTE: Council should take notice that the Online Public Participation Schedules for September 2021 and November 2021 (attached as Annexure B) are link to *Scenario 2* only, should the Local Government Elections be held in February 2022.

However, Should the Local Government elections be held on 27 October 2021, there will be no public participation in September 2021. Therefore, an Online Public Participation schedule will be submitted to the new Council for purposes of developing the 5th Generation IDP (public participation in November 2021 and April 2022)

Scenario 2: 5th Review of the Fourth Generation IDP 2017 – 2023





6.2 Financial Implications

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

6.3 Legal Implications

In accordance with Section 21(b) of the MFMA “the mayor of a municipality must –

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

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

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

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

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

Section 41 of the MSA also states that:

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

6.4 Staff Implications

This report has no additional staff implications to the Municipality.

6.5 Risk Implication

This report has no direct risk implications for the Municipality.

6.6 Previous / Relevant Council Resolutions:

Item 8.1 of the 37th Council Meeting held on 24 August 2020.

6.7 Comments from Senior Management

6.7.1 Director: Community and Protection Services

Supported

6.7.2 Chief Financial Officer

Supported

6.7.3 Director: Infrastructure Services

Supported

6.7.4 Director: Corporate Services

Supported

6.7.5 Director: Planning and Economic Development

Supported

6.7.6 Comments from the Municipal Manager

Supported

ANNEXURES

Annexure A: SDF/IDP/BUDGET TIME SCHEDULE/PROCESS PLAN FOR 2022/23

Annexure B: ONLINE PUBLIC PARTICIPATION MEETING SCHEDULE FOR SEPTEMBER 2021 AND NOVEMBER 2021

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8025
E-MAIL ADDRESS	Geraldine.Mettler@ Stellenbosch.gov.za
REPORT DATE	August 2021

ANNEXURE A

SDF IDP BUDGET TIME SCHEDULE PROCESS PLAN FOR 2022/23

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

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
JULY 2021										
1	Make public the projections, targets and indicators as set out in the SD IP 2021/22 (no later than 1 days after the approval of the SDBIP) and submit to National and Provincial Treasuries (no later than 10 days after the approval of the SD IP)		M/M - Sec 53(3)(a) M - Reg 20(2)(b)					0 July 2021		Manager: IDP/PMS/PP
2	Make public the Performance Agreements 2021/22 of the Municipal Manager and Managers directly accountable to the Municipal Manager (no later than 1 days after the approval of the SDBIP)		M/M - Section 53(3)(b):					10 July 2021		Manager: IDP/PMS/PP
3	Commence with the preparation of roll-Over budget for the 2021/22 financial year		M/M - Sec 28(2)(e) M - Reg 23(5)				30 July 2021			Snr Manager: Financial Management Services
	Submit quarterly report for period ending 30 June 2021 on implementation of the budget and financial state of affairs of the Municipality to Council		M/M - Sec 52(d) M/M - Sec 71(1) M - Reg 29						28 July 2021	Snr Manager: Financial Management Services
AUGUST 2021										
5	Place 4th quarter Performance report 2020/21 on website (must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, whichever occurs first)		M/M - Section 75 (2) MS 21(b)					02 August 2021		Snr Manager: Financial Management Services
6	Submit 4th quarter Performance reports 2020/21 - SD IP and Finance Performance reports to National and Provincial Treasury		MPPM - Reg 13						02 August 2021	Snr Manager: Financial Management Services
7	Internal consultations with departments on Sector Plans for integration into the 5th review of the 4th generation Integrated Development Plan (IDP)	Local government election, February 2022	MS Section 26	2 - 31 August 2021						Manager: IDP/PMS/PP together with all Departments

ACTIVITY TASK		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
8	Departmental SD /IDP/ Budget Work Sessions to review and provide feedback on projects, key initiatives and programmes from the 2021/22 Community IDP Needs List and identified actions emanating from the 2020/21 community engagement and sector plan analysis		not applicable	2 - 31 August 2021						Manager: IDP/PMS/PP together with all Departments
9	Executive Mayor and Mayoral Committee recommend that SD /IDP/ Budget Time Schedule / Process Plan for 2022/23 (at least 10 months before the start of the budget year) and the IDP Online Public Participation Schedule for September 2021	Local government election, February 2022	M M - Sec 21(1)(b) MS - Sec 29	18 August 2021						Manager: IDP PMS PP
10	The Committee recommendations need to specify the request for the amendment of the MSD and the intent to not establish a Intergovernmental Steering Committee for the purpose of amending the MSD .		MS Regulations - Chapter 2 Section 3(1) L P - Section 11(a) (b) MP L - Chapter 2 Section 3(1)		18 August 2021					Manager: Development Planning
11	Executive Mayor and Mayoral Committee considers the 2021/22 Capital Roll-Over Budget		M M - Sec 28(2)(e) M - Reg 23(5)				18 August 2021			Chief Financial Officer
12	Council considers the 2021/22 Capital Roll-Over Budget (to be tabled before 25 August 2021)		M M - Sec 28(2)(e) M - Reg 23(5)				2 August 2021			Chief Financial Officer
13	Council considers the SD /IDP/ Budget Time Schedule / Process Plan for 2022/23 (at least 10 months before the start of the budget year) and IDP Online Public Participation Schedule to be approved by Council	Local government election, February 2022	M M - Sec 21(1)(b) MS - Sec 29	2 August 2021						Manager: IDP PMS PP
14	Place 2021/22 Capital Roll-Over Budget on website (must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, whichever ever occurs first)		M M - Sec 75(2) MS - Sec 21(b)				27 August 2021			Snr Manager: Financial Management Services

ACTIVITY TAS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
15	Place advertisement to notify the public of the approved SD /IDP/ Budget Time Schedule/ Process Plan 2022/23 and IDP Online Public Participation Schedule on the website, local newspapers and notice boards	Local government election, February 2022	MS - Sec 21, 21 , 28(3)	31 August 2021						Manager: IDP/PMS/PP
16	Place advertisement to notify the public of the proposal to amend the MSD . Provincial gazette, two local newspapers, website notice boards.		MS - Sec 28(3) 29 MP L - Chapter 2 Section 2(a)		31 August 2021					Manager: Development Planning
17	Submit the adopted SD /IDP/ Budget Time Schedule/ Process Plan 2022/23 to the M C for Local government and Provincial Treasury	Local government election, February 2022	MS - Sec 21, 21 , 28(3)	31 August 2021						Manager: IDP/PMS/PP
18	Submit the intention to amend the MSD and the process to be followed in the amendment confirm that the ISC process will not be undertaken.		MP L - Chapter 2 Section 2(b)		31 August 2021					Manager: Development Planning
19	Submit annual financial Statements (S) and annual Performance report (P) 2020/21 to the auditor - general for auditing (the accounting officer of a municipality must prepare the annual financial statements of the municipality and within 2 months after the end of the financial year to which those statements relate, submit the statements to the Auditor - General for auditing)		M M - Sec 126 (1)(a) MS - Sec 46 (1) (2)					1 August 2021	1 August 2021	Chief Financial Officer Manager: IDP PMS PP
SEPTEMBER 2021										
20	District IDP Managers Forum: Process Plan/ District Framework Consultation		MS - Section 24	1 September 2021						Manager: IDP/PMS/PP
21	SDF IDP Budget consultative engagements with the community and other stakeholders in all municipal wards	Local government election, February 2022	Chapter 4 MS		- 9 September 2021					Manager: IDP PMS PP
22	Capture and refine all community inputs from the needs analysis process	Local government election, February 2022	not applicable	10 - 15 September 2021						Manager: IDP/PMS/PP

ACTIVITY TAS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
23	Submission of priority requests to sector departments and the district municipality	Local government election, February 2022	Not applicable	16 September 2021						Manager: IDP/PMS/PP
24	Provincial IDP Managers Forum		MS - Section 24	16 September 2021						Manager: IDP/PMS/PP
25	Establishment of Project Committee - Terms of reference - MSD		MP L - Chapter 2 Section 4(1), (2) Section 8(1)		16 September 2021					Municipal Manager Manager: DM DP appointed officials from municipal departments - IDP, Engineering, Housing etc.
26	Annual (2020/21) Performance Assessments for Municipal Manager and Managers directly accountable to the Municipal Manager	Local government election, 2 October 2021	MPPM - Reg 13 21- 17/01/2014					24 September 2021		Manager: IDP/PMS/PP
27	Review of Long Term Financial Plan		MS - Section 26(a)					1 September 2021 - January 2022		Chief Financial Officer
OCTOBER 2021										
28	District IDP Managers Forum: Process Plan/ District Framework Consultation Session		MS - Section 24	6 October 2021						Manager: IDP/PMS/PP
29	Executive Mayor and Mayoral Committee submit the draft 5th Review of the 4th Generation IDP to Council for consideration by Council	Local government election, February 2022	MS - Sec 30 34(a)(i)(ii)	13 October 2021						Manager: IDP/PMS/PP
30	Departmental SD /IDP/ Budget Work Sessions to review the MSD for incorporation within the draft status quo report.		Not applicable		01 - 15 October 2021					Manager: Development Planning together with all Departments
31	Draft status quo report setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to Council for adoption.		MP L - Chapter 2 Section 7(1)(a)		01 - 31 October 2021					Manager: DP with Project Steering Committee
32	Directorates complete template for 2022 - 2025 Capital and Operational Budget for Budget Prioritisation		MS - Section 26(h)					25 October 2021		Snr Manager: Financial Management Services

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
33	Complete tariff setting exercise for 2022/23		M M Section 71				25 October 2021			Snr Manager: Financial Management Services
	Submit quarterly report for period ending 30 September 2021 on implementation of the budget and financial state of affairs of the Municipality to Council		M M - Sec 52(d) M M - Sec 71(1) M - Reg 28						2 October 2021	Snr Manager: Financial Management Services
5	Submission of the draft 5th review of the 4th generation IDP to Council to be released for the purposes of obtaining public inputs and comments	Local government election, February 2022	MS -Sec 34	2 October 2021						Manager: IDP/PMS/PP
	advertise the SD (2019) and Draft IDP and provide at least 21 days for public comments and submissions	Local government election, February 2022	MS - Sec 21	29 October 2021	29 October 2021					Manager: IDP/PMS/PP and Snr Manager: Spatial Planning
37	Strategic Integrated Municipal Engagements (SIM)			30 October 2021						Manager: IDP/PMS/PP
38	The formulation of disaster strategies: Prevention and mitigation strategies, vulnerability reduction strategies, Capacity building, Contingency building, emergency preparedness.		DM Act, o 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			30 October 2021				Manager: Fire and Disaster
39	Operationalise disaster management in the municipality by means of identifying projects such as setting up the relevant structures.		DM Act, o 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			30 October 2021				Manager: Fire and Disaster

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
NOVEMBER 2021										
40	Review current budget related policies and compile newly needed budget related policies		M M - Sec 21 M - Part 3				1 November 2021			Snr Manager: Financial Management Services
41	Submit 1st quarter Performance reports 2021/22 - SD/IDP and Finance Performance reports to National and Provincial Treasury								1 November 2021	Snr Manager: Financial Management Services
42	Place first quarter Performance report 2021/22 on website (must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, whichever ever occurs first)		M M - Sec 75(2) MS - Sec 21(b)				2 November 2021			Snr Manager: Financial Management Services
43	Submit the Draft 5th Review of the 4th Generation IDP to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by the IDP	Local Government Election, February 2022	MS - Sec 29(3)(b) MS - Sec 32(1)	05 November 2021						Manager: IDP/PMS/PP and Manager: Spatial Planning
44	SD status quo report adoption by Council		MS Regulations - Chapter 2 section 3(6) L P - Section 13(1)(a) MP L - Chapter 2 Section 3(b) 7(1)(b)		To be confirmed either October or early November - prior to action 31					Manager: DM
45	District IDP Managers Forum		MS Section 24	6 November 2021						Manager: IDP/PMS/PP
46	Consultative engagements with the community and other stakeholders in all municipal wards on the SD (2019) and Draft 5th Review of the 4th Generation IDP	Local Government Election, February 2022	Chapter 4 MS	8 - 12 November 2021						Manager: IDP PMS PP and Manager: Spatial Planning
47	Process Plan or the 5th Generation IDP: Consultation with the local community	Local Government Election, 2 October 2021	MS - Sec 28	1 - 22 November						Manager: IDP PMS PP and Manager: Spatial Planning
48	Submit inputs for 2021/22 Operating and Capital adjustments budget to Manager: budgeting and Costing		M M - Section 21 28				11 November 2021			11 Directorates

ACTIVITY TAS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
49	SD amendments - Public, Provincial Minister District Municipality submit comments within 60 days of receiving the amendment		MS regulations - Chapter 2 Section 3(4)(b) SPL M Section 20(3)(b) MP L - Chapter 2 Section 7(1)(c)		22 November - 24 January 2022					Manager: DM
50	Council considers the Draft annual report 2020/21 before advertising it for public comment		M M - Sec 127					2 November 2021		Manager: IDP PMS PP and Chief Financial Officer
51	District Municipality submit the 5th Generation Process Plan and District framework to Mayco and Council	Local government election, 2 October 2021	M M - Sec 127(5)(a) MS - Sec 21	2 November 2021						Manager: IDP PMS PP
52	Submit 5th Generation IDP Process Plan to Council for adoption	Local government election, 2 October 2021	MS - Sec 28	2 November 2021						Manager: IDP PMS PP and Chief Financial Officer
5	The newly elected Council considers and confirm the process as adopted in August 2021 - SD /IDP/ Budget Process Plan (Time Schedule) for 2022/23 with or without amendments	Local government election, 2 October 2021	M M - Sec 21(b) MS - Sec 29	2 November 2021						Manager: IDP PMS PP and Chief Financial Officer
5	District Public Participation sessions for 5th Generation IDP	Local government election, 2 October 2021		November December						Manager: IDP PMS PP
55	SD project team to draft the amendment to the MSD and submit it to Council to approve the publication thereof for public comment and to request comment from the Provincial Minister and the District Municipality.		MS regulations - Chapter 2 section 3(6) L P - Section 13(1)(a) MP L - Chapter 2 Section 3(b) 7(1)(b)		1 October - 29 November 2021					Manager: DM Project Steering Committee
5	SDF Amendment IDP Budget consultative engagements with the community and other stakeholders on their development needs and priorities.	Local government election, 2 October 2021	MS - Chapter 4 Sec 29(1)(b)(i)	29 November - December 2021						Manager: IDP PMS PP

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
5	Identify all plans and planning requirements binding on the municipality in terms of national and provincial legislation	Local government election, 2 October 2021	MS - Sect 29(1)(c)	29 November - December 2021						Manager: IDP PMS PP
58	Submit the Draft Annual Report 2020/21, within five (5) days via e-mail and hard copy to the National Treasury, the Eastern Cape Department of Local Government, the Eastern Cape Provincial Treasury and the Auditor General		M M - Section 127(5)(b)					0 November 2021		Manager: IDP PMS PP
59	SD amendment notice of the proposed MSD amendments in the gazette and media (inform public, Provincial Minister District Municipality)		MS - Chapter 4 Section 21(1) (2) SPL M Section 20(3)		29 November 2021					Manager: DM Project Steering Committee
60	Submit the adopted 5th Generation IDP Process Plan to the M C for Local Government and Provincial Treasury and the District Municipality	Local government election, 2 October 2021	MS - Sec 21, 21 , 28(3)	0 November 2021						Manager: IDP PMS PP
61	Place advertisement to notify the public of the approved 5th Generation IDP Process Plan on the website, local newspapers and notice boards	Local government election, 2 October 2021	MS - Sec 21, 21 , 28(3)	30 November 2021						Manager: IDP/PMS/PP
62	Place advertisement in local newspapers to notify the public and other stakeholders to submit written comments on the Draft Annual Report 2020/21		M M - Sec 127(5)(a) MS - Sec 21					30 November 2021		Manager: IDP/PMS/PP

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
DECEMBER 2021										
	Strategy Workshop: Mayco, Municipal Manager and Directors	Local government election, February 2022	MS, Act 117 of 1998 Section 56(2)(a)(b)	2 - 3 December 2021	2 - 3 December 2021					Municipal Manager
64	District IDP Managers Forum		MS - Sec 24	3 December 2021						Manager: IDP/PMS/PP
65	District Public Participation Forum		MS - Sec 24	8 December 2021						Manager: IDP/PMS/PP
66	Capture and refine all community inputs from the needs analysis process and sector/s engagement	Local government election, 2 October 2021	Not applicable	6 December - 8 December 2021	6 December - 8 December 2021					Manager: IDP/PMS/PP DP
67	Submission of priority requests to sector departments and the district municipality	Local government election, 2 October 2021	Not applicable	9 December 2021	9 December 2021					Manager: IDP/PMS/PP DP
68	Table the draft annual report 2020/21 to the MP/C to consider and evaluates the content of the annual report 2020/21		M/M 127 - 129 (1)					December 2021		Manager: IDP PMS PP
69	Public Hearing: Consultation on the draft annual report 2020/21 with the local community		M/M - Sec 127(5) M/M - Sec 127(6)					9 December 2021		Manager: IDP PMS PP
70	Provincial IDP Managers Forum		MS - Sec 24	10 December 2021						Manager: IDP/PMS/PP
71	Strategy Workshop 1: Councillors, Mayco, Municipal Manager and Directors	Local government election, 2 October 2021	MS Section 56(2)(a)(b)	14 -15 December 2021	14 -15 December 2021					Municipal Manager
72	Feedback from officials confirming internal arrangements if the content of the annual report 2020/21 are credible, reliable and accurate. (Modification to the report before tabling it to Council)		M/M Sec 121 - 122					10 December 2021		Manager: IDP/PMS/PP
73	District Municipality (DM): Project alignment between the DM and Local Municipalities (LMs)		MS - Sec 24	17 December 2021						Manager: IDP/PMS/PP

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
74	Design of disaster management projects:		DM Act, s 57 of 2002, Section 53(1)(a-d), Section 53(2)(a)			30 December 2021				Manager: Fire and Disaster
ANUARY 2022										
75	Project committee to consider the comments and representations received from the public and the Provincial Minister on the MSD amendments		SPL M Section 20(3)(c) MP L Section 7(1)(d), 7(2)		1 January - 31 January 2022					Manager: DM Project Committee
76	Project committee to consider the extent of changes in MSD and advise if re-advertisement is required		SPL M Section 20(3)(c) MP L Section 7(1)(d), 7(2)		T.C.					Manager: DM Project Committee
77	Project committee to compile amended MSD and memorandum to Council highlighting reasons for the proposal alignment with District Municipality's framework for Integrated Planning.		MS Regulations - Chapter 2 Section 3(2) District framework for IDP requirement - MS Section 27		1 January - 31 March 2022					Manager: DM Project Committee
78	District IDP Managers Forum		MS - Sec 24	5 January 2022						Manager: IDP/PMS/PP
79	District IDP/ Budget Consultation meetings with stakeholders.	Local government election, February 2022	M.M. - Sec 22(a) MS - Sec 21 MPPM - Reg 15(3)	10 January 2022 - 10 March 2022						Manager: IDP PMS PP
80	Strategy Workshop 2: Mayco, Municipal Manager, Directors and Senior Managers/ Managers (prioritisation and determine and execute municipal strategy)	Local government election, 2 October 2021	MS Section 56(2)(a)(b)	11 January 2022	11 January 2022					Municipal Manager
81	Strategy Workshop 1: Municipal Manager and Directors - to consolidate all strategic inputs and to formulate the first draft of the new strategy chapter.	Local government election, 2 October 2021	Not applicable	12 January 2022	12 January 2022					Municipal Manager
82	MCO considers and adopts 2021/22 adjustments Budget and Draft Revised SD IP 2021/22		M.M. - Sec 28 M - Part 4				1 January 2022	1 January 2022		Snr Manager: Financial Management Services and Manager: IDP PMS PP

NO	ACTIVITY TASK DESCRIPTION	LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
				IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
8	M CO meeting to considers the 5th review of the 4th generation IDP	Local government election, February 2022	MS - Sec 30(c)	1 January 2022				1 January 2022		Manager: IDP/PMS/PP
84	District Public Participation Forum		MS - Sec 24	20 January 2022						Manager: IDP/PMS/PP
85	Provincial IDP Managers Forum		MS - Sec 24	21 January 2022						Manager: IDP/PMS/PP
86	Submit Mid-year Performance assessment report 2021/22 to Executive Mayor		M/M - Sec 72					25 January 2022		Manager: IDP/PMS/PP
87	Submit Mid-year budget assessment report 2021/22 to Executive Mayor		M/M - Section 72(1)(b) M - reg 35				25 January 2022			Chief financial Officer
88	Submit Mid-year budget and Performance report 2021/22 to Provincial Treasury, National Treasury and Department of Local Government by 25 January 2021		M/M - Section 72(1)(b) M - reg 35				25 January 2022			Manager: IDP/PMS/PP and Chief financial Officer
89	Submit quarterly report for period ending 31 December 2021 on implementation of the budget and financial state of affairs of the Municipality to Council		M/M - Sec 52(d) M/M - Sec 71(1) M - reg 29						2 January 2022	Chief Financial Officer and Manager: IDP/PMS/PP
90	Submit Mid-year budget and Performance assessment reports 2021/22 to Council		M/M - Section 72(1)(b) M - reg 35				2 January 2022		2 January 2022	Snr Manager: Financial Management Services
91	Council considers the 2021/22 adjustments budget and Draft revised TLSD IP 2021/22		M/M - Sec 28 M - Part 4 MS - Sec 28 29				2 January 2022			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
92	Council considers Oversight report and annual report 2020/21 for approval		M/M - Sec 129					2 January 2022		Manager: IDP/PMS/PP
93	Council meeting to adopt the SD (2019) and 5th review of the 4th generation IDP	Local government election, February 2022	MS - Section 30(c)	2 January 2022	2 January 2022					Manager: IDP/PMS/PP and Snr Manager: Spatial Planning
94	Make public the Mid-year budget and Performance report 2021/22 in the local newspaper and on municipal website		M/M - Section 75 (2) MS - Sec 21(b)				31 January 2022			Chief financial Officer and Manager: IDP/PMS/PP
95	Annual (2020/21) and Mid-year (2021/22) Performance assessments for Municipal Manager and Managers directly accountable to the Municipal Manager	Local government election, February 2022	MPPM - reg 13 21- 17/01/2014					31 January 2022		Manager: IDP/PMS/PP

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
9	Place S CO D quarter Performance report 2021/22 on website		M M - Section 75 (2) MS - Sec 21(b)				1 January 2022			Snr Manager: Financial Management Services
97	Place advertisement for the Oversight report and the annual report 2020/21 to be released for information which must be placed on the municipal website within five (5) days after it is approved		M M - Sec 129(3) M M - Sec 75					31 January 2022		Manager: IDP/PMS/PP
98	Ensure that the Oversight report and annual report 2020/21 are made available at all municipal offices and libraries for information		M M - Sec 129(3)					31 January 2022		Manager: IDP/PMS/PP
99	Give notice to the public of the adoption of the 5th review of the 4th generation IDP (within 1 days of the adoption of the plan)	Local government election, February 2022	M - eg 18 MS - Sec 25(4)(a)(b)	31 January 2022	31 January 2022					Manager: IDP/PMS/PP
100	Submit the annual report and Oversight report 2020/21 to the provincial legislature as per circular		M M - Sec 132(1) (2)						31 January 2022	Manager: IDP/PMS/PP

ACTIVITY TASK		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
FEBRUARY 2022										
101	advertise the approved adjustments budget 2021/22 and revised SD IP 2021/22 and submit budget and Schedules to National Treasury and Provincial Treasury as required per legislation (within 10 working days)		M M - Sec 28(7) MS - Sec 21 M - Part 4				03 February 2022	03 February 2022		Snr Manager: Financial Management Services and Manager: IDP/PMS/PP
102	Place the 5th review of the 4th generation IDP on the website	Local government election, February 2022	MS - Sec 21 and 21	03 February 2022						Manager: IDP/PMS/PP
103	Submit a copy of the approved 5th review of the 4th generation IDP to the M C for L (within 10 days of the adoption of the plan)	Local government election, February 2022	MS - Section 32	04 February 2022						Manager: IDP/PMS/PP
104	Give notice to the public of the adoption of the 5th review of the 4th generation IDP (within 1 days of the adoption of the plan)	Local government election, February 2022	MS Sec 25(4)(a)(b)	09 February 2022						Manager: IDP/PMS/PP
105	Technical Integrated Municipal Engagements (TIM)		MS - Chapter 5	25 February 2022						Municipal Manager
106	L MTC 2 - Provincial Sector Departments inform municipalities of provincial budgetary allocations		MS - Chapter 5	25 February 2022						Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
107	Compilation of the Disaster Management Plan		DM Act, of 57 of 2002, Section 53 (1)(a-d) Section 53(2)(a))			28 February 2022				Manager: Fire and Disaster

ACTIVITY TAS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
MARCH 2022										
108	District IDP Managers Forum		MS - Sec 24	9 March 2022						Manager: IDP/PMS/PP
109	Provincial Public Participation Forum		MS - Sec 24	11 March 2022						Manager: IDP/PMS/PP
110	District Public Participation Forum		MS - Sec 24	24 March 2022						Manager: IDP/PMS/PP
111	District Municipality submit Draft 5th Generation IDP to Council	Local government election, 2 October 2021	M M - Sec 16(2) MS - Sec 25 (b)(c) M - Part 3	2 March 2022						Manager: IDP PMS PP
112	Review the Municipality's performance management system (PMS) - submit revised Performance Management Policy to Council		MPP - Reg 3(4)(b) Reg 11(2)					31 March 2022		Manager: IDP/PMS/PP
113	Submission of the draft budget, tariffs, budget related policies and SD IP (at least 90 days before the start of the budget year)		M M - Sec 16(2) MS - Sec 25 (b)(c) M - Part 3				1 March 2022	1 March 2022		Manager: IDP PMS PP and Snr Manager: Financial Management Services
114	Submission of the Draft 5th Generation IDP , budget, tariffs, budget related policies and SD IP (at least 90 days before the start of the budget year)	Local government election, 2 October 2021	M M - Sec 16(2) MS - Sec 25 (b)(c) M - Part 3	1 March 2022			1 March 2022	1 March 2022		Manager: IDP PMS PP and Snr Manager: Financial Management Services
APRIL 2022										
115	Submit the budget to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by budget		M M - Sec 22(b) M - Reg 20				01 April 2022			Snr Manager: Financial Management Services
116	Submit the Draft 5th Generation IDP , Draft SD IP 2022/23 and Draft Budget to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by the IDP and budget	Local government election, 2 October 2021	M M - Sec 22(b) MS - Sec 29(3)(b) MS - Sec 32(1) M - Reg 20	05 April 2022	05 April 2022		01 April 2022			Manager: IDP/PMS/PP and Manager: Spatial Planning and Snr Manager: Financial Management Services Manager:

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
117	advertise the SD Amendment and Draft 5th generation IDP, Draft SD IP 2022/23, Draft budget and other required documents and provide at least 21 days for public comments and submissions	Local government election, 2 October 2021	M M - Sec 22(a) MS - Sec 21 MPPM - reg 15(3)	05 April 2022	05 April 2022		05 April 2022	05 April 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
118	The district municipality launch a public participation process through a series of public hearings on the IDP and budget	Local government election, 2 October 2021	M M - Sec 22(a) MS - Sec 21 MPPM - reg 15(3)	05 - 29 April 2022						Manager: IDP PMS PP
119	Public Participation Process to consult the Draft 5th generation IDP, Draft SD IP 2022/23 and Draft budget	Local government election, 2 October 2021	M M - Sec 22(a) MS - Sec 21 MPPM - reg 15(3)	05 - 29 April 2022	05 - 29 April 2022		05 - 29 April 2022	05 - 29 April 2022		Manager: IDP PMS PP and Snr Manager: Financial Management Services
120	Table an item / memo on the Draft Amendment of the 5th review of the 4th generation IDP in Council taking into consideration the requirements of the Municipal Planning and Performance Management Regulations	Local government election, February 2022	MS - Sec 34(b) MPP - reg 3	29 April 2022						Manager: IDP PMS PP
121	The newly elected Council considers and confirm the process as adopted in August 2021 - SD /IDP/ budget Process Plan (Time Schedule) for 2022/23 with or without amendments	Local government election, February 2022	M M - Sec 21(b) MS - Sec 29	29 April 2022						Manager: IDP PMS PP and Snr Manager: Financial Management Services
122	Submit quarterly report for period ending 31 March 2022 on implementation of the budget and financial state of affairs of the Municipality to Council		M M - Sec 52(d) M M - Sec 71(1) M - reg 29						29 April 2022	Snr Manager: Financial Management Services
123	Submit 3rd quarter Performance reports 2021/22 - SD IP and Performance reports to National and Provincial Treasury		MPPM - reg 13						29 April 2022	Snr Manager: Financial Management Services

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
MAY 2021										
124	Place 3rd quarter Performance report 2021/22 on website		M/M - Sec 75(2) MS - Sec 21(b)						03 May 2022	Manager: IDP/PMS/PP
125	advertise the proposed amendments to the 5th review of the 4th generation IDP amendment for a period of 21 days to allow for the public to comment	Local government election, February 2022	MS - Sec 21	03 May 2022						Manager: IDP/PMS/PP
126	MCO meeting to consider the 5th generation IDP, Draft budget and Draft SD IP 2022/23 (at least 30 days before the start of the budget year)	Local government election, 2 October 2021	M/M - Sec 24	18 May 2022			18 May 2022	18 May 2022		Manager: IDP PMS PP and Snr Manager: Financial Management Services
127	SIM / LMT C 3 IDP and budget assessments by Provincial Treasury and Department of Local government		MS Chapter 5 M/M	31 May 2022	31 May 2022		31 May 2022	31 May 2022		Manager: IDP/PMS/PP and Snr Manager: financial Management Services
128	District Municipality adopt the 5th generation IDP	Local government election, 2 October 2021	M/M - Sec 24	26 May 2022						Manager: IDP PMS PP
129	Final adoption of the amended 5th review of the 4th generation IDP taking into consideration inputs received from the public and district municipality	Local government election, February 2022	MS Sec 25(3)(b)	1 May 2022						Manager: IDP PMS PP
130	Council meeting to adopt amended SD, 5th generation IDP, Performance Management Measures and targets and the budget (at least 30 days before the start of the budget year)	Local government election, 2 October 2021	M/M - Sec 24	1 May 2022	1 May 2022		1 May 2022	1 May 2022		Manager: IDP PMS PP and Snr Manager: Financial Management Services
JUNE 2022										
131	Place the 5th generation IDP, multi-year budget, all budget-related documents and all budget-related policies on the website	Local government election, 2 October 2021	M/M - Sec 22 and 75(1)(2) MS - Sec 21 and 21	03 June 2022			03 June 2022			Manager: IDP/PMS/PP and Snr Manager: financial Management Services

ACTIVITY TASKS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP/PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
132	Place the multi-year budget, all budget-related documents and all budget-related policies on the website		MM - Sec 22 and 75 MS - Sec 21 and 21				03 June 2022			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
133	Submit a copy of the approved 5th generation IDP and amended SD to the M.C for L (within 10 days of the adoption of the plan)	Local government election, 2 October 2021	MS - Section 32	09 June 2022	09 June 2022					Manager: IDP/PMS/PP
134	In addition to the above, the MM must submit the written notice of the decision to amend the MSD with reasons, the amended MSD a report setting out the response of the municipality to the comments submitted during public participation.		L.P - Section 14		09 June 2022					Manager: DP
135	Submit approved budget to national and Provincial Treasuries (both printed and electronic formats)		MM - Sec 24(3) M - Reg 20				09 June 2022			Snr Manager: Financial Management Services
136	Submit a copy of the amended 5th review of the 4th generation IDP to the M.C for Local government (within 10 days of adoption)	Local government election, February 2022	MS - Section 32	09 June 2022						Manager: IDP/PMS/PP
137	Give notice (within 14 days of adoption of amended MSD) in the media and Provincial gazette		SPL M - Section 20(1) M.P.L - Chapter 2 Section 7(3)		09 June 2022					Manager: DP
138	Give notice to the public of the adoption of the 5th generation IDP and budget (within 14 days of the adoption of the plan) and budget (within 10 working days)	Local government election, 2 October 2021	M - Reg 18 MS - Sec 25(4)(a)(b) MM - Sec 75(1)	10 June 2022			10 June 2022			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
139	advertise the approved amended 5th review of the 4th generation IDP and make copies available for public inspection at specified places (within 14 days of adoption)	Local government election, February 2022	MS - Sec 25(4)(b)	10 June 2022						Manager: IDP/PMS/PP
140	Submit to the Executive Mayor the TL SD IP 2022/23 (no later than 1 days after the approval of an annual budget)		MM - Sec 69(3)(a)					10 June 2022		Manager: IDP/PMS/PP

ACTIVITY TAS		LOCAL GOVERNMENT ELECTIONS	LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION			IDP PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
141	Executive Mayor takes all reasonable steps to ensure that the SD IP is approved (within 28 days after approval of the budget)		M M - Sec 53(1)(c) (ii)					28 June 2022		Manager: IDP/PMS/PP
JULY 2022										
142	Within 30 days from the date of receipt of the amended MSD, the M C for Local Government must determine if the amended MSD complies with the MS, amendments are in line with development plans strategies and public participation process in line with Section 29 of the MS		MS - Section 32(2)		10 July 2022					Manager: DP
143	If non-compliance is determined with regard to the amended MSD, the Council must consider the proposal for adjustments or object		MS - Section 32(2), (3), (4)		After 10 July 2022					Manager: DP
144	Make public the projections, targets and indicators as set out in the TL SD IP (no later than 1 days after the approval of the SDBIP) and submit to National and Provincial Treasuries (no later than 10 working days after the approval of the SD IP)		M M Section 53(3)(a) M Reg 19					10 July 2022		Manager: IDP/PMS/PP
145	Make public the performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (no later than 1 days after the approval of the SDBIP)		M M Section 53(3)(b)					10 July 2022		Manager: IDP/PMS/PP
146	Compile a Process Plan or the adoption of the 5th Generation IDP for consultation with the local community	Local Government Election, February 2022	MS - Sec 28		1 - 21 July					Manager: IDP PMS PP
147	Secure mandates for MSD annual review process		MS - Section 34(a) MS - Section 28(1)		July - August 2022					Manager: Spatial Planning

ANNEXURE B



STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ONLINE PUBLIC PARTICIPATION MEETING SCHEDULE 0 – 09 SEPTEMBER 2021

The Stellenbosch Municipality encourages participatory democracy and invites all members of the public, in accordance with the approved Integrated Development Plan (IDP) Process Plan, to participate in the planning process of the review of the Integrated Development Plan for the 2022/23 financial year.

Due to the health and safety concerns of the Covid-19 pandemic, members of the community are requested, to attend the meetings online through one of the links which will be made available on the municipal website and social media platforms.

Members of the community and other interested and affected parties are encouraged to attend the online public participation meeting for their ward/area, as scheduled below.

The links to the Online Public Participation Meetings is **FREE** of charge. Therefore, no mobile data is required on the device used to access the Online Public Participation links. This initiative is to allow all community members equal access to the online public participation platform.

Should you wish to submit your inputs verbally during the Online Public Participation Meeting, please reserve your place as the MS Teams platform can only allow 250 participants in the meetings. Members of the community can use the following link to register: idp@stellenbosch.gov.za. Please provide the municipality with your name, surname and which ward meeting you would like to attend.

However, should you only wish to follow the meeting and to provide written questions / submissions, the live link provides unlimited access to participants and you will be accommodated on this link.

ONLINE PUBLIC PARTICIPATION SCHEDULE: SEPTEMBER 2021

DATE AND TIME	WARDS	Meeting Type	DIRECTORS & SENIOR MANAGER'S VENUE	ONLINE CAPACITY (public)	TIMES
Monday, 0 September 2021	1	IDP public participation meeting (community needs analysis)	Stellenbosch Council Chambers	250 online participants	18:00 – 20:00
	2				
	3	IDP public participation meeting (community needs analysis)	Stellenbosch Town Hall/ Plein Street Library Hall	250 online participants	18:00 – 20:00
	4				
Tuesday, 0 September 2021	5	IDP public participation meeting (community needs analysis)	Stellenbosch Council Chambers	250 online participants	18:00 – 20:00
	6				
	21				
	7, 8, 9, 10, 11 and 22	IDP public participation meeting (community needs analysis)	Stellenbosch Town Hall/ Plein Street Library Hall	250 online participants	18:00 – 20:00
Wednesday, 08 September 2021	12, 13, 14 and 15	IDP public participation meeting (community needs analysis)	Stellenbosch Council Chambers	250 online participants	18:00 – 20:00
	16	IDP public participation meeting (community needs analysis)	Stellenbosch Town Hall/ Plein Street Library Hall	250 online participants	18:00 – 20:00
	17				
Thursday, 09 September 2021	18	IDP public participation meeting (community needs analysis)	Stellenbosch Council Chambers	250 online participants	18:00 – 20:00
	19				
	20	IDP public participation meeting (community needs analysis)	Stellenbosch Town Hall/ Plein Street Library Hall	250 online participants	18:00 – 20:00

Geraldine Mettler
Municipal Manager



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ONLINE PUBLIC PARTICIPATION MEETING SCHEDULE 08 - 12 NOVEMBER 2021

The Stellenbosch Municipality encourages participatory democracy and invites all members of the public, in accordance with the approved Integrated Development Plan (IDP) Process Plan, to participate in the planning process of the review of the Integrated Development Plan for the 2022/23 financial year.

Due to the health and safety concerns of the Covid-19 pandemic, members of the community are requested, to attend the meetings online through one of the links which will be made available on the municipal website and social media platforms.

Members of the community and other interested and affected parties are encouraged to attend the online public participation meeting for their ward/area, as scheduled below.

The links to the Online Public Participation Meetings is **FREE** of charge. Therefore, no mobile data is required on the device used to access the Online Public Participation links. This initiative is to allow all community members equal access to the online public participation platform.

Should you wish to submit your inputs verbally during the Online Public Participation Meeting, please reserve your place as the MS Teams platform can only allow 250 participants in the meetings. Members of the community can use the following link to register: idp@stellenbosch.gov.za. Please provide the municipality with your name, surname and which ward meeting you would like to attend.

However, should you only wish to follow the meeting and to provide written questions / submissions, the live link provides unlimited access to participants and you will be accommodated on this link.

ONLINE PUBLIC PARTICIPATION SCHEDULE: NOVEMBER 2021

DATE AND TIME	WARDS	Meeting Type	DIRECTORS & SENIOR MANAGER'S VENUE	ONLINE CAPACITY (public)	TIMES
Monday, 08 November 2021	1	IDP public participation meeting (Draft IDP)	Stellenbosch Council Chambers	250 online participants	18:00 – 20:00
	2				
	3	IDP public participation meeting (Draft IDP)	Stellenbosch Town Hall/ Plein Street Library Hall	250 online participants	18:00 – 20:00
	4				
Tuesday, 09 November 2021	5	IDP public participation meeting (Draft IDP)	Stellenbosch Council Chambers	250 online participants	18:00 – 20:00
	6				
	7, 8, 9, 10, 11 and 22	IDP public participation meeting (Draft IDP)	Stellenbosch Town Hall/ Plein Street Library Hall	250 online participants	18:00 – 20:00
Wednesday, 10 November 2021	12, 13, 14 and 15	IDP public participation meeting (Draft IDP)	Stellenbosch Council Chambers	250 online participants	18:00 – 20:00
	16	IDP public participation meeting (Draft IDP)	Stellenbosch Town Hall/ Plein Street Library Hall	250 online participants	18:00 – 20:00
	17				
Thursday, 11 November 2021	18	IDP public participation meeting (Draft IDP)	Stellenbosch Council Chambers	250 online participants	18:00 – 20:00
	19				
	20	IDP public participation meeting (Draft IDP)	Stellenbosch Town Hall/ Plein Street Library Hall	250 online participants	18:00 – 20:00
	21				
Friday, 12 November 2021	Sector Engagement		Stellenbosch Council Chambers	250 online participants	10:00 – 15:00

Geraldine Mettler
Municipal Manager

6.2	ADJUSTMENTS BUDGET (ROLL-OVER) 2021/2022
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 August 2021

1. SUBJECT:ADJUSTMENTS BUDGET (ROLL-OVER) 2021/2022

2. PURPOSE

To present the adjustments budget roll-over for the 2021/2022 financial year to Council for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

EXECUTIVE SUMMARY

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

4. RECOMMENDATIONS

- (a) that the Adjustments Budget for 2021/2022 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

5. DISCUSSION / CONTENTS

5.1. Background/ Legislative Framework

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

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

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

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

5.2 Discussion

This adjustments budget addresses the spending of funds that were unspent and committed at the end of the 2020/21 financial year where the under-spending could not

reasonably have been foreseen at the time of concluding the annual budget of the current financial year.

Capital Adjustments Budget

Council approved a Capital Budget for the 2021/2022 financial year amounting to R406 053 915 in May 2021. This adjustments budget effectively changes the Amended budget by means of the inclusion of the roll-overs from the 2020/2021 financial year.

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

- Proof that the project tender was published and the period for tender submissions closed before 30 June 2021.
- Detailed reference numbers of the Supply Chain Management process followed needs to be provided.
- Evidence that all projects linked to an allocation will be fully utilised by 30 June 2022.

Details of the proposed adjustments are reflected in APPENDIX 2.

Operating Revenue Adjustments Budget

The approved Operating Revenue Budget for the 2021/2022 financial year amounted to R 2 125 604 578 in May 2021. This adjustments budget effectively changes the amended budget by means of the inclusion of the grant roll-overs from the 2020/2021 financial year.

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

Operating Expenditure Adjustments Budget

Council adopted an Operating Expenditure Budget for the 2021/2022 financial year amounting to R 2 017 490 423 in May 2021. This adjustments budget changes the approved budget by means of the inclusion of the roll-overs from the 2020/2021 financial year.

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

5.3 Financial Implications

Financial impact is reflected in the appendices.

5.4 External Loan roll over from 2020/2021

Council approved the debt agreement in terms of Section 46 (2) of the Municipal Finance Management Act (Act No 56 of 2003) on 23 June 2021.

The specific loan capital projects formed part of the information statement in terms of S46(3) and the loan funding can only be utilised for these identified projects.

The details of the proposed adjustments are reflected in **APPENDIX 2**.

5.5 Legal Implications

The item is compliant with the relevant legislative framework.

5.6 Staff Implications

None

5.7 Previous / Relevant Council Resolutions:

43rd Council Meeting on 26 May 2021 - Item 8.3

5.8 Risk Implications

None

5.9 Comments from Senior Management:

The item was not circulated for comment except to the Municipal Manager

5.9.1 Municipal Manager:

Supports the recommendations

ANNEXURES

Appendix 1: Executive summary

Appendix 2: Adjustments Budget

Appendix 3: Budgeting and Reporting Regulations: Schedule B

Appendix 4: Other supporting documents

Appendix 5: Quality certificate

(APPENDICES WILL BE DISTRIBUTED UNDER SEPARATE COVER)

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	<i>Senior Manager: Financial Management Services</i>
DIRECTORATE	FINANCIAL SERVICES
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E-MAIL ADDRESS	<i>Monique.Steyl@ Stellenbosch.gov.za</i>
REPORT DA/TE	12 August 2021

6.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2021
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Collaborator No: 711528
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 18 August 2021

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATION

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

6. DISCUSSION / CONTENTS

6.1 Background/Legislative Framework

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

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

(i) in an emergency;

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

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

(iv) acquisition of animals for zoos; or

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

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

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

6.2 Discussion

Reporting the deviations as approved by the Accounting Officer for July 2021:

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 01/22	14 July 2021	Waste Mart (Pty) Ltd	Hiring of refuse compactors, as and when required	Emergency	<p>Due to the prevalence of COVID 19 cases in our collection team, there is now a need for hiring of refuse compactors together with team members to ensure uninterrupted service delivery.</p> <p>The department needs a minimum of 2 trucks plus team members hired per day to address the shortfall of trucks and staff due to staff's COVID 19 cases causing absenteeism.</p> <p>The department is also in the process of finalising a tender for the provision of this service.</p>	R 3 692 01

6.3 Financial Implications

As per table above.

6.4 Legal Implications

The regulation applicable is:

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

6.5 Staff Implications:

No staff implications

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

That the market may not be tested.

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

6.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.8.1 Municipal Manager

Supports the recommendations.

FOR FURTHER DETAILS CONTACT:

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

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

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

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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7.5.1	STATUS REPORT ON THE GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

18 August 2021

1. SUBJECT:STATUS REPORT ON THE GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES

2. PURPOSE

To inform Council about the progress with the augmentation of the electricity energy supplies to Stellenbosch Municipality in order to drastically reduce the impact of Electricity Loadshedding on Stellenbosch Municipality

3. DELEGATED AUTHORITY

For notification by the Municipal Council

4. EXECUTIVE SUMMARY

Under previous circumstances, the Constitution, did not allow Local Government to enter into the generation of electricity and the Electricity Regulation Act did not allow municipalities to purchase electricity from any company other than Eskom. Through the promulgation of Electricity Regulation Act Regulations, in 16 October 2020, this changed and municipalities are now allowed to generate electricity and purchase electricity from other electricity providers than Eskom.

Stellenbosch Municipality is in the position to make use of internal research entities, Stellenbosch University and the Council for Scientific and Industrial Research (CSIR) as well as the Western Cape Government to facilitate the investigations into viability and feasibility of the following possible projects and other similar possibilities:

- a. Rooftop Solar Panel Generation of Electricity
- b. Methane Mining of the Landfill Site and utilising methane to power engines which in turn generates electricity through generators
- c. Storage of Electricity with batteries/capacitor in order store cheap electricity at night and to use this during expensive slots within the day
- d. Allowing the public to generate electricity and sell this to the municipality
- e. Purchasing Electricity from registered Independent Power Providers (IPPs)
- f. Investigating the generation of electricity on a large scale with the view of onward selling of this electricity to willing buyers outside the jurisdiction of Stellenbosch Municipality.

5. RECOMMENDATIONS

- (a) that Council notes the status of the Alternate Electricity Energy investigations and studies being performed and in particular:
 - (i) Memorandums of Understanding entered into with:

-
- a. University of Stellenbosch
 - b. Council of Scientific & Industrial Research (CSIR)
 - c. Western Cape Government (WCG)
 - (ii) Service Levels Agreements entered into with:
 - a. University of Stellenbosch
 - b. Council of Scientific & Industrial Research (CSIR)
 - c. Western Cape Government (WCG)
 - (b) that Council notes the commencement with the following projects:
 - (i) Rooftop Solar Photo Voltaic Investigation
 - (ii) Energy Master Plan creation

6. DISCUSSION / CONTENTS

6.1 Background

Previously it was reported to Council.

Under previous circumstances, the Constitution, did not allow Local Government to enter into the generation of electricity and the Electricity Regulation Act did not allow municipalities to purchase electricity from any company other than Eskom. Through the promulgation of Electricity Regulation Act Regulations, in 16 October 2020, this changed, and municipalities are now allowed to generate electricity and purchase electricity from other electricity providers than Eskom.

Stellenbosch Municipality is in the position to make use of internal research entities, Stellenbosch University and the Council for Scientific and Industrial Research (CSIR) as well as the Western Cape Government to facilitate the investigations into viability and feasibility of the following possible projects and other similar possibilities:

- a. Rooftop Solar Panel Generation of Electricity
- b. Methane Mining of the Landfill Site and utilising methane to power engines which in turn generates electricity through generators
- c. Storage of Electricity with batteries/capacitor in order store cheap electricity at night and to use this during expensive slots within the day
- d. Allowing the public to generate electricity and sell this to the municipality
- e. Purchasing Electricity from registered Independent Power Providers (IPPs)
- f. Investigating the generation of electricity on a large scale with the view of onward selling of this electricity to willing buyers outside the jurisdiction of Stellenbosch Municipality.

6.2. Discussion

- 6.2.1 Memorandum of Understanding (MOU) as well as an equivalent Service Level Agreement (SLA) Signed with the University of Stellenbosch and the Council for Scientific and Industrial Research (CSIR). The MOU is attached as Annexure A.

An MOU was created on the 24th of February 2021 with the Mission to achieve the creation of a situation where Stellenbosch Municipality reduces the impact of Load Shedding on the Municipality through the Generation of alternative forms of energy in order to convert this to electricity. The Vision would be to negate all forms of load shedding such that energy does not form an impediment to Business and Public of the Municipality of Stellenbosch. This will be achieved by a trilateral agreement consisting of:

- a. The Stellenbosch University (SU), with its extensive knowledge base, plays a key role in the development of human potential and scientific advancement.
- b. The CSIR has a very important branch within Stellenbosch and contributes massively to the scientific health within South Africa as a whole and Stellenbosch in particular.
- c. The SM through its mission to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens wishes to ensure the uninterrupted supply of energy.

This is to be achieved by mainly the following:

“The parties undertake –

- 4.1 to consult with each other from time to time in regard to any assistance or advice which any party may require in connection with the fulfilment of the obligations and the granting of the exemptions;
- 4.2 promptly to provide each other with any information and documentation required in connection with the fulfilment of the obligations and the granting of the exemptions; and
- 4.3 generally to exercise good faith and to co-operate in their dealings with each other.”

- 6.2.2 Memorandum of Understanding (MOU) as well as an equivalent Service Level Agreement (SLA) Signed with the Western Cape Government (WPG). The MOU is attached as **ANNEXURE B**

The Western Cape Government through its mission of creating the conditions for sustainable economic and employment growth therefore plays an enormous role within Stellenbosch. Note that a separate MOU was concluded with the WCG, and signed on 16 July 2021, in order to facilitate their independence when dealing with relevant procurement matters in terms of this drive. This MOU was signed on A Municipal Energy Resilience (MER) is created as follows:

- a. Fast tracking the implementation of renewable energy projects in municipalities across the province towards enabling economic growth through improving energy security, reducing business costs, building business confidence and attracting investment.

- b. Improving the resilience of municipal revenue and enabling the balancing of energy security with a new, more reliable, more secure and less expensive future electricity pricing strategy to sustain and grow the economy.
- c. Improving the energy resilience of municipalities through facilitating energy infrastructure development (public and private) for economic growth.
- d. Supporting the post-COVID-19 economic recovery and resilience plan, addressing resource resilience, investment, ease of doing business and infrastructure.

6.2.3 Commencement of the Project of Municipal Energy Resilience

Within the Current Stellenbosch Municipal Environment there basically the following main scenarios of electricity generation that can be considered:

- a. Solar Photo Voltaic Generation of Electricity
- b. Mining of Methane Gas from the Landfill Site and utilising the burning of Methane Gas to Generate Electricity through a methane driven engine. Note that the Methane Gas is to be flared in terms of legislation in any case and the additional adding of a generator would therefore be benefitable.
- c. Reducing the Organic Waste to Landfill, which is also not a legal requirement and where an Anaerobic Digestion process can be used to convert waste to energy and generate electricity.
- d. Full Waste-to-Energy process where all waste is converted to energy
- e. Calling for proposals of various forms of electricity to be generated at large scale within the boundaries of Stellenbosch and concluding a Private Public Partnership with the Municipality, whereby the Municipality purchases such electricity from the Private Party Generator
- f. Creating a partnership with Public of Stellenbosch Municipality to generate electricity within their homes and selling their excess electricity to the Municipality.
- g. Storing electricity energy to be used when needed and to store at cheap abundant times to expensive scarce times.
- h. Various forms of smaller energy generation processes such is using electricity generation to reduce water pressures

6.2.4 Investigation and Studies into the Legal and Financial Process in order Generate Electricity legally and within the Financial Economy of the Municipality of Stellenbosch

Together with Consultants appointed by the Western Cape Government, various investigation processes will be launched into the viability of all the various possibilities of electricity generation and also into all the prescriptive legal processes that have to be followed.

The generation of Electricity must be viable to support the Business and Public of the Stellenbosch Municipality

6.2.5 Energy Projects Commenced with as an Initially Commencement of the MER

- a. Solar PV Electricity Generation

The investigation into the creation of a 4000 m² Solar Panel Photo Voltaic projects upon building roofs within the Municipality of Stellenbosch has been commenced with by the University of Stellenbosch. The project will attempt to commence with the generation of 400 kW of electricity through the converting of solar energy to electricity energy. The investigation of this project is nearing completion and once completed, tender will be called for prospective suppliers to install such a generating scheme for the Municipality.

b. Energy Master Plan

The Municipality has an updated Electricity Master Plan which determines how the Electricity Network of the Stellenbosch Municipality is to be expanded as Development grows within the Municipality as per the Spatial Development Framework requirements approved by the Municipality.

In dealing with the SDF normally, only one source of energy would be chosen and that would be Eskom. If various other sources of electricity are also going to be used, then a plan needs to exist on how the various different forms of energy and different positional sources of energy is going to be conveyed through the Master Plan Network. This Energy Master Plan investigation is being performed by the CSIR and is therefore an important cog in the electricity energy gearbox of the Municipality.

6.3 Financial Implications

This report has financial implications to the municipality but will only become known once some assessments have been done. Listed projects may also have security of supply benefits as well as savings due to generating own electricity. Various budgets have been created for the projects mentioned above.

6.4. Legal Implications

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

6.5. Staff Implications

No staff positions are affected at this point in time

6.6. Previous / Relevant Council Resolutions

"40TH COUNCIL MEETING: 2021-01-27: ITEM 11.5.1 RESOLVED (nem con)

- (a) that Council approves the investigation into alternate methods of electricity generation and purchases;*
- (b) that Council approves the joint investigation to be done by University of Stellenbosch, Council for Scientific and Industrial Research (CSIR), and the Western Cape Government;*
- (c) that Council accepts the initiating of the following processes as may be required:*
 - i. Municipal Systems Act, Section 78(1) processes*
 - ii. Municipal Finance Management Act, Section 33 investigation processes*
 - iii. Electricity Regulation Act, Section 13; and*

(d) *that Council considers the funding of such investigations and implementation”*

6.7. Risk Implications

Risks such as sufficient electricity supply and proper funding balancing are being mitigated.

6.8. Comments from Senior Management:

6.8.1. Director: Infrastructure Services

WRITER OF REPORT

6.8.2. Director: Corporate Services

Commented. Adjustments were made related to comments

ANNEXURES

Annexure A: Memorandum of Agreement entered into between: University of Stellenbosch, Council of Scientific and Industrial Research and Stellenbosch Municipality

Annexure B: Memorandum of Agreement entered into between: Western Cape Government and Stellenbosch Municipality

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8815
E-MAIL ADDRESS	deon.louw@ Stellenbosch.gov.za
REPORT DATE	2 August 2021

ANNEXURE A

MEMORANDUM OF UNDERSTANDING

Between

UNIVERSITY OF STELLENBOSCH
(Hereinafter referred to as SU)

And

COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH
(Hereinafter referred to as CSIR)

And

MUNICIPALITY OF STELLENBOSCH
(Hereinafter referred to as SM)



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1. INTERPRETATION.....	2
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1. INTERPRETATION

In this memorandum of understanding –

- 1.1 "contract area" means the geographical area of jurisdiction of the Municipality of Stellenbosch as appears on the map annexed as schedule A
- 1.2 "COVID-19" means Corona Virus Disease of 2019
- 1.3 "CSIR" means the Council for Scientific and Industrial Research established through an Act of Parliament in 1945, with continued existence under the Scientific Research Council Act, No 46 of 1988, as amended;
- 1.4 "distribution area" means the geographical area in respect of which the Stellenbosch Municipality Distributes Electricity
- 1.5 "DMRE" means the Department of Mineral Resources and Energy;
- 1.6 "effective date" means date of signing of this memorandum of understanding;
- 1.7 "ERA" means the Electricity Regulation Act, Act 4 of 2006, as amended;
- 1.8 "Eskom" means Eskom Holdings Limited, a public company incorporated in terms of the Companies Act, registration number 2002/015527/06;
- 1.9 "IPP" means Independent Power Producer
- 1.10 "living laboratory" providing a working entity of systems and services upon which organised educational, consultative, and scientific intuitions can study, investigate and test various solutions to improve the system and service delivery of such an entity.
- 1.11 "load shedding" means the act or practice of temporarily reducing the supply of electricity to an area to avoid overloading the generators
- 1.12 "MOA" means Memorandum of Agreement
- 1.13 "MOU" means Memorandum of Understanding



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1.14 "NERSA" means the National Energy Regulator of South Africa referred to in section 2 of the Electricity Act or its successor-in-law.

1.15 "SU" means the Stellenbosch University

1.16 "SM" means the Stellenbosch Municipality established in terms of section (4) of the Establishment Notice (P.N. 489/2000) "as amended".

1.17 "Town" means the Municipal Area of Stellenbosch Municipality

1.18 "WGC*" means the Western Cape Government as a Province of the Republic of South Africa as established by the Constitution of the Republic of South Africa.

2. THE CONSTITUTION

2.1 In terms of The Constitution, Section 41(1)(h):

"41. (1) All spheres of government and all organs of state within each sphere must:

.....

h. co-operate with one another in mutual trust and good faith by -

- i. fostering friendly relations;*
- ii. assisting and supporting one another;*
- iii. informing one another of, and consulting one another on, matters of common interest;*
- iv. co-ordinating their actions and legislation with one another;*
- v. adhering to agreed procedures; and*
- vi. avoiding legal proceedings against one another."*

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3. ENERGY DEVELOPMENT

- 3.1 There are several issues facing South Africa's Electricity Providing ability, one of which is the providing of sufficient electricity energy to allow the rapid recovery of the South African Economic Sector. The industry is under severe electricity loading constraints due the lack of sufficient generating surpluses. For this reason the DMRE has promulgated Regulations within the ERA to allow municipalities to generate electricity as well as the purchase of electricity energy from IPPs.
- 3.2 Stellenbosch Municipality has identified the impact of the shortage of the national available electricity energy and wishes to investigate and implement measures to lower the shortage of electricity energy and negate the need to go into load shedding within the municipal area through:
- 3.2.1 Facilitating economic recovery and development
 - 3.2.2 Facilitating the provision of a Basic Form of Electricity Energy to all its Indigent Inhabitants at a cost-effective basis to the municipality.
 - 3.2.3 Providing electricity to all its other consumers on a cost-effective basis with equitable tariffs, providing reliable and high-quality supply and services to consumers.
 - 3.2.4 Providing cost and time reflective tariffs to all classes of consumers in order to recover effectively time-based costs
 - 3.2.5 Becoming a working example of the successful usage of renewable electricity energy in synchronism with the current available Eskom electricity energy supply
 - 3.2.6 Becoming a working example of the successful and cost-effective generation of renewable electricity energy, both by itself and by its consumers
 - 3.2.7 Becoming a living laboratory to the SU, CSIR and WCG for the investigation and experimentation of all possible measures to relieve the national shortage of electricity energy, charging of effective tariffs and utilising the most effective energy source at the right times of the day, day of the week and season of the year.



4. ROLES OF THE PARTIES

- 4.1 That SU, with its extensive knowledge base, plays a key role in the development of human potential and scientific advancement.
- 4.2 The CSIR has a very important branch within Stellenbosch and contributes massively to the scientific health within South Africa as a whole and Stellenbosch in particular.
- 4.3 The Western Cape Provincial Government through its mission of creating the conditions for sustainable economic and employment growth therefore plays an enormous role within Stellenbosch. A separate MOU will be concluded with the WCPG in order to facilitate their independence when dealing with relevant procurement matters in terms of this drive.
- 4.4 The SM through its mission to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens wishes to ensure the uninterrupted supply of energy.
- 4.5 Stellenbosch University, Council for Scientific and Industrial Research and Stellenbosch Municipality express herewith their understanding:
- 4.5.1 That the parties have a responsibility individually and jointly, to address the challenges facing Stellenbosch and to work towards a better future for all its inhabitants, temporary or permanent in the process of supplying uninterrupted and cost-effective provision of energy sources
- 4.5.2 That the exercise of the parties' joint responsibilities can best flow through collaborative efforts under the auspices of the combined effort to investigate, develop, assess, promote and collaborate the provision of Energy
- 4.5.3 That addressing the problems and optimizing the opportunities of Stellenbosch can best be done by adopting the core principle of sustainability in all spheres of activity, whether that be educational, social, economic, technological, infrastructural or ecological
- 4.5.4 That the parties will pursue international interaction and initiatives to their mutual benefit

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Accordingly, Stellenbosch University, Council for Scientific and Industrial Research and Stellenbosch Municipality herewith commit themselves:

To a vision of Stellenbosch as a sustainable University/Town, Technological and Economical Wise Hub and

To a mission of "Reinventing Stellenbosch" as Uninterruptable Energy Providing Unit.

And agree:

To pursue this vision and mission collaboratively through continuing and formalizing within their respective structures the regular utilisation of resources to be the Energy Intelligence of South Africa

To work in a non-partisan manner with local business and industry, non-governmental and community organizations towards sustainable energy development

To draw on the intellectual capital available at the University and CSIR and the civic infrastructure of the SM in capacity-building and addressing the energy developmental needs of the SM

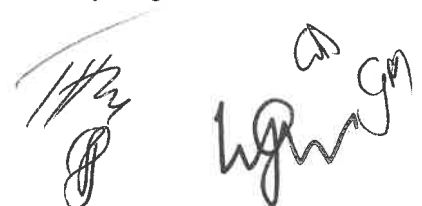
To set up such joint projects as required and feasible

That these initiatives will form an integral part of the Integrated Development Plan of Stellenbosch Municipality

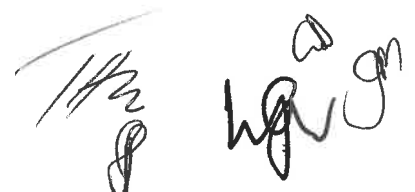
5. GOOD FAITH, CO-OPERATION & CONFIDENTIALITY

The parties undertake –

- 5.1 to consult with each other from time to time in regard to any assistance or advice which any party may require in connection with the fulfilment of the obligations and the granting of the exemptions;
- 5.2 promptly to provide each other with any information and documentation required in connection with the fulfilment of the obligations and the granting of the exemptions; and
- 5.3 generally to exercise good faith and to co-operate in their dealings with each other
- 5.4 to use the Disclosing Party's Confidential Information only to give effect to the Disclosing Purpose;



- 5.5 to hold in strict confidence and not to publish or disclose to any unauthorised third parties any of the Confidential Information of the Disclosing Party without the prior written consent of the Disclosing Party;
- 5.6 to use the same degree of care (and in any event not less than reasonable care) to safeguard the confidentiality of the Disclosing Party's Confidential Information that it uses to protect its own information of like kind;
- 5.7 to limit any disclosure of such Confidential Information only to those of its employees and professional advisors who have a specific need –to- know to access such Confidential Information and either entered into a written agreement which impose, or are otherwise bound by the same restrictions as those imposed upon it by virtue of this agreement;
- 5.8 not to disclose or reveal to any third party, whomsoever, either the fact that discussions or negotiations are taking, or have taken, place between the Parties; the content of any such discussions, or other facts relating to the Disclosing Purpose;
- 5.9 The Party receiving the Confidential Information ("**Recipient Party**") shall not be liable to the Party disclosing the Confidential Information ("**Disclosing Party**") for disclosure of Confidential Information received under this Agreement where:
- 5.9.1 such Confidential Information is part of the public domain;
- 5.9.2 such Confidential Information is subsequently lawfully obtained by the Recipient Party from a third party who is established as a lawful source of the information, without breach of this Agreement by the Recipient Party; such Confidential Information was known by the Recipient Party prior to its disclosure by the Disclosing Party and such prior knowledge can be proven by the Recipient Party;
- 5.9.3 the Disclosing Party has provided its prior written consent to the disclosure of such Confidential Information;
- 5.9.4 Confidential Information which the Recipient Party is obliged to disclose in terms of a court order, subpoena, other legal process and/or regulation . (In the event, however, that the Recipient Party

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is required by legal process to disclose any of the Confidential Information, covered by this clause (*Confidentiality*), it shall provide the Disclosing Party with prompt notice of such requirement so as to enable the Disclosing Party to seek a protective order or waive compliance with the provisions of this clause. In the event that a protective order or other remedy is obtained, the Recipient Party shall use all reasonable efforts to ensure that only the Confidential Information covered by such order or other remedy is disclosed. Whether or not a protective order or other remedy is obtained or the Disclosing Party has waived compliance with the provisions of this Agreement, the Recipient Party shall take all reasonable steps to ensure that only that portion of the Confidential Information that it is legally required to disclose is so disclosed.)

- 5.9.5 on termination of this agreement, to act with the Disclosing Party's Confidential Information in accordance with a Notice delivered to it by the Disclosing Party, and if no such Notice is delivered to the Recipient, to destroy the Disclosing Party's Confidential Information in a similar manner to which it would destroy its own Confidential Information.
- 5.9.6 on termination of this agreement, to act with the Disclosing Party's Confidential Information in accordance with a Notice delivered to it by the Disclosing Party, and if no such Notice is delivered to the Recipient, to destroy the Disclosing Party's Confidential Information in a similar manner to which it would destroy its own Confidential Information.

6. IMPLEMENTATION

Implementation is sought at the earliest possible time after effective approval from executive component of each party has been obtained. Measures shall be implemented through the concluding of MOAs both in steering projects and the effective designing, planning and implementing these projects. Financing shall be based on a user pays principle



SIGNED AT _____ ON THE _____ DAY OF _____ 2021

AS WITNESSES: C

1. 
.....
2. 
.....

For and on behalf of

STELLENBOSCH UNIVERSITY

Per: 

Rector and Vice-Chancellor

warranting that he or she is duly authorised thereto


SIGNED AT _____ ON THE _____ DAY OF _____ 2021

AS WITNESSES:

1. 
.....
2. 
.....

For and on behalf of

COUNCIL FOR SCIENTIFIC INDUSTRIAL RESEARCH

Per: 

DR BETHUEL SEHLAPELO
SMART PLACES
CSIR

warranting that he or she is duly authorised thereto


SIGNED AT _____ ON THE _____ DAY OF _____ 2021

AS WITNESSES:

1. 
.....
2. 
.....

For and on behalf of

STELLENBOSCH MUNICIPALITY

Per: 

Executive Mayor Stellenbosch

warranting that he or she is duly authorised thereto


JM

Schedule A
Area of Stellenbosch Municipality

Map of the Stellenbosch Municipality's area of jurisdiction



ANNEXURE B

MEMORANDUM OF UNDERSTANDING

Between

**THE WESTERN CAPE GOVERNMENT VIA ITS
DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM**

(Herein represented by MS JO-ANN JOHNSTON in her capacity as DEPUTY DIRECTOR-
GENERAL: STRATEGIC ECONOMIC ACCELERATORS AND DRIVERS)

(hereinafter DEDAT)

And

STELLENBOSCH MUNICIPALITY

(Herein represented by MS GARALDINE LEZETTE METTLER in her capacity as
MUNICIPAL MANAGER)

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PREAMBLE

- A. South Africa has an electricity security, supply and resilience crisis, indicated by blackouts and rotational load shedding, due to shortages in reliable generation capacity at Eskom. Municipalities are also under financial pressure to maintain electricity revenues due to electricity sales losses as a result of load shedding, lost potential revenue due to stifled economic growth and consumers who can afford to self-generating and defecting from the supply grid.
- B. The economy is affected by all the above (load shedding is estimated to cost the country's economy R500 million per stage per day and the Western Cape's economy R75 million per stage per day) as well as increasing and uncertain electricity prices and the growing risk to exports, (which are critical to the Western Cape's economic recovery plans) of carbon border adjustments of foreign markets.
- C. To address the ongoing energy security challenges and to ensure that Western Cape municipalities are at the forefront of taking advantage of the existing and upcoming energy opportunities, DEDAT is leading a Municipal Energy Resilience (MER) initiative. This initiative, which is aligned with the Western Cape target of having 500 MW renewable energy produced in the Province by 2025 will be undertaken in collaboration with the Department of Local Government, Provincial Treasury and select Western Cape municipalities.
- D. At a National level, there are significant changes underway in the electricity sector, including a move towards increasing the generation capacity outside of Eskom and enabling municipalities, through the promulgation of Regulations to the Electricity Regulation Act (Act 4 of 2006, as amended), to generate electricity, to purchase electricity energy from Independent Power Producers (IPPs) and to wheel IPP power over municipal grids.

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NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. Definitions

- 1.1. **“Candidate municipalities”** means the Western Cape municipalities selected through a municipal readiness evaluation process which used a set of criteria to determine the capabilities and the extent to which municipalities are able to implement initial renewable energy projects;
- 1.2. **“COVID-19”** means the COVID-19 pandemic, also known as the coronavirus pandemic, which is currently still an ongoing pandemic of coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- 1.3. **“DEDAT”** means the Western Cape Department of Economic Development and Tourism;
- 1.4. **“DMRE”** means the Department of Mineral Resources and Energy;
- 1.5. **“Eskom”** means Eskom Holdings Limited, a public company incorporated in terms of the Companies Act, registration number 2002/015527/06;
- 1.6. **“IPP”** means Independent Power Producer;
- 1.7. **“Load shedding”** means the act or practice of temporarily reducing the supply of electricity to an area to avoid overloading the electricity generating plants;
- 1.8. **“MER”** initiative means the Municipal Energy Resilience initiative;
- 1.9. **“MOU”** means Memorandum of Understanding;
- 1.10. **“Parties”** means the Department of Economic Development & Tourism at the Western Cape Government and Stellenbosch Municipality;
- 1.11. **“Pioneering projects”** means projects that will test multiple pioneering renewable energy technologies and scales, cost options, investment required etc. with a view to

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implementing these in select Western Cape municipalities and acting as catalysts to further renewable energy project implementation;

- 1.12. **“Province”** means the Western Cape Province of the Republic of South Africa as established by the Constitution of the Republic of South Africa;
- 1.13. **“Stellenbosch Municipality”** means the local municipality established in terms of section (4) of the Establishment Notice (P.N. 489/2000) “as amended”; and
- 1.14. **“WCG”** means the Western Cape Government.

2. Purpose of the MOU

2.1. The Municipal Energy Resilience (MER) initiative is aimed at the following:

- 2.1.1. Fast tracking the implementation of renewable energy projects in municipalities across the province towards enabling economic growth through improving energy security, reducing business costs, building business confidence and attracting investment.
- 2.1.2. Improving the resilience of municipal revenue and enabling the balancing of energy security with a new, more reliable, more secure and less expensive future electricity pricing strategy to sustain and grow the economy.
- 2.1.3. Improving the energy resilience of municipalities through facilitating energy infrastructure development (public and private) for economic growth.
- 2.1.4. Supporting the post-COVID-19 economic recovery and resilience plan, addressing resource resilience, investment, ease of doing business and infrastructure.

2.2. DEDAT is the lead department from the WCG, working in collaboration with the Department of Local Government (DLG) and Provincial Treasury (PT) as well as other WCG departments.

2.3. A municipal readiness evaluation tool was developed to identify potential municipalities for the implementation of pioneering, rapidly deployable renewable energy projects. The results of this evaluation identified Stellenbosch Municipality as a potential candidate.

- 2.4. Stellenbosch Municipality has identified the impact of the shortage of nationally available electricity and wishes to investigate and implement measures to lower the shortage of electricity and negate the need for load shedding.

3. Objectives of the MOU

The primary objectives of this MOU are to:

- 3.1. Facilitate the cooperation and collaboration by the Parties towards the exploration, identification, funding, development and implementation of initiatives and projects that will lead to improved energy resilience of the municipality and the Province;
- 3.2. Facilitate collaborative provision, pooling or securing of resources to enable the implementation of jointly approved renewable energy projects; and
- 3.3. Enable the WCG to prioritise support to those candidate municipalities that are willing to collaborate and work with the Provincial Government in preparing, developing, implementing and maintaining renewable energy projects.

Hence this MOU provides a framework for:

- 3.4. The strategic partnership between WCG and Stellenbosch Municipality wherein the two Parties will work collaboratively and in partnership towards implementing the MER initiative.
- 3.5. Clarifying the manner in which the Parties will co-operate with each other towards the realisation of the MER initiative's aims and the municipality's goals;
- 3.6. Co-ordinating the performance of the Parties' respective roles and responsibilities; and
- 3.7. Committing to provide each other with information and documentation required in connection with the fulfilment of the aims of this MOU timeously.

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4. Principles

The Parties:

- 4.1. Commit, subject to the terms and conditions as set out in this MOU, to work collaboratively on areas of mutual interest related to energy resilience in order to deliver on their respective mandates;
- 4.2. Respect the right of both Parties to continue to enter into agreements with other stakeholders outside of the scope of this MOU;
- 4.3. Recognise that while the WCG sets the strategic direction and plans for energy resilience in the Province and is responsible for driving the economic recovery component of the Western Cape's post COVID-19 recovery plan, municipalities have the constitutional mandate to ensure that all citizens have access to affordable and safe energy services and drive / support local economic development. Both parties will therefore work to include each other in relevant consultative structures and to help facilitate each other's mandate;
- 4.4. Commit to undertake one or more collaborative projects in line with the objectives of the MOU and to develop appropriate channels of communication and interaction to enable implementation of joint projects;
- 4.5. Commit to provide, pool or jointly secure resources to enable the implementation of jointly approved projects;
- 4.6. Commit to fully co-operate with each other in order to give full effect to the intent and purpose of this MOU and to take all the necessary steps to implement the terms, conditions and import of this MOU;
- 4.7. Commit to communicating with each other before speaking about MER projects and the respective parties, to the media; and
- 4.8. Exercise good faith in their dealings with each other.

5. Roles and responsibilities

DEDAT is responsible to:

- 5.1. Lead, oversee and facilitate the alignment of the MER initiative with the Western Cape Government's Provincial Strategic Plan and Vision Inspired Priorities.
- 5.2. Provide oversight of any WCG-funded elements of the MER initiative in Stellenbosch Municipality.
- 5.3. Provide support towards the alignment of Stellenbosch Municipality's renewable energy projects with the objectives of the MER initiative.
- 5.4. Establish and run a Provincial MER Steering Committee, consisting of representatives from key Provincial Departments which shall guide and oversee the MER initiative.
- 5.5. Where resources allow, be represented on both the Stellenbosch Municipality's MER Steering Committee (or other designated existing structure) and MER Project Team.
- 5.6. Appoint a senior DEDAT official as the MER liaison with the municipality's energy resilience coordinator.
- 5.7. Procure, manage or provide support in the procurement of professional consulting, advisory and / or technical services in support of the MER initiative at provincial and municipal level, as required.
- 5.8. Consolidate a pipeline of renewable energy projects and programmes to enable evaluation, prioritisation and communication of the pipeline development.
- 5.9. Identify the most catalytic renewable energy projects and programmes together with the candidate municipality.
- 5.10. Drive the process to take these prioritized renewable energy projects and programmes from feasibility to implementation.
- 5.11. Support and guide municipalities with respect to liaison and communication with national stakeholders when required.

- 5.12. Provide funding and / or co-funding and / or access external funding to support the execution of any Pioneering Projects, subject to the relevant budget approvals and separate agreements regulating the execution of these projects.
- 5.13. Provide project updates through municipal circulars and / or District Co-ordinating Forums to ensure awareness and learning among all Western Cape municipalities.

Stellenbosch Municipality's is responsible to:

- 5.14. Establish a MER Steering Committee (or designate an existing structure to perform the functions envisaged for the MER Steering Committee) that should include mandated decision makers and allow for WCG representation. The committee (or designated existing structure) will make recommendations to the Council regarding project prioritisation and funding for renewable energy projects in the municipality towards advancing successful implementation of the energy projects, to be regulated by agreements entered into between the relevant parties, in accordance with the necessary approvals.
- 5.15. The MER Steering Committee (or designated exiting structure) will establish a Programme/ Scope of the Municipal Energy Resilience drive to overcome energy shortages of the Municipality. The Steering Committee will provide a collaborative approach to the project design and implementation of the MER project with functions including:
- 5.15.1. To approve and ensure implementation of and compliance with the MER Initiative Plan, to be distributed at a later stage;
- 5.15.2. To provide a platform to share information, lessons learnt and progress amongst participating stakeholders and all three spheres of government;
- 5.15.3. To create a forum that ensures all individuals/stakeholders/government Departments participating in the MER Initiative are focused on; mandated, delegated and accountable for agreed outcomes for the initiative;
- 5.15.4. To serve as a forum for the identification, consideration and resolution of key issues arising from the MER Initiative workstreams or other significant issues brought forward by stakeholders or spheres of government;
- 5.15.5. To provide oversight of the MER Project Team performance;

5.15.6. To monitor budget availability for and spending on the MER Initiative, so as to ensure any contributing stakeholders and spheres of government have adequate accountability in place; and

5.15.7. To ensure that coordinated reporting is being completed by the MER Project Team.

5.16. Establish a MER Project Team in Stellenbosch Municipality (including representation of and mandated roll players from all relevant functions (such as Finance, Infrastructure Services, Corporate Services and other officials) and allow for WCG representation, with the following abbreviated functions:

5.16.1. Reports to and receives direction from Stellenbosch Municipality MER Steering Committee;

5.16.2. Participates in and approves project plans and deliverables related to the MER Initiative

5.16.3. Participates in and provides information for the development of a provincial integrated resource plan (IRP) as required

5.16.4. Manages, reviews, and prioritises the project work plans related to the MER Initiative with objective to stay on time and on budget

5.16.5. Provides status and progress reviews to Stellenbosch Municipality MER Steering Committee

5.16.6. Manage and supervise the following project resources:

- Senior technical staff
- Technical project managers
- Team leads
- Team members

5.16.7. Brings pertinent issues to the Stellenbosch Municipality MER Steering Committee as needed

5.16.8. Monitors contract compliance

5.16.9. Conducts risk management analysis

5.17. Appoint a senior official as the municipality's energy resilience coordinator and MER liaison with DEDAT.

- 5.18. Provide DEDAT and its MER initiative service providers with access to all required information available on the proposed renewable energy projects, to assist with the analysis of the projects.
- 5.19. Prioritize pioneering renewable energy projects, including incorporating them into the Integrated Development Plan and appropriate budgets of Stellenbosch Municipality and committing to their implementation.
- 5.20. Provide the necessary capacity for the development and implementation of renewable energy projects where possible, and work with DEDAT towards accessing external funding for these projects and further provide funding (or co-funding), to be regulated by agreements entered into between the relevant parties, in accordance with the necessary approvals.
- 5.21. Communicate with the WCG before communicating to national government stakeholders.

6. Commencement and Duration

- 6.1. This MOU shall come into effect on the Effective Date and shall, unless terminated earlier in terms hereof, terminate on 31 June 2025 (“the Termination Date”).
- 6.2. The Parties may, in writing, extend this MOU on such terms and conditions as agreed.
- 6.3. In the event that any Party wishes to cancel this MOU before the Termination Date, the Party that wishes to cancel shall first consult the other Party and provide written reasons for the intended cancellation. The Parties agree to, as far as possible, act and consult in good faith to prevent the premature cancellation of this MOU.

7. Confidentiality and Disclosure

- 7.1. Either Party shall treat all information and records furnished to it by the other Party as confidential. A Party shall not disclose this information to any third party without the Disclosing Party’s prior written consent.

8. Intellectual Property Rights

8.1. Any Intellectual Property rights emanating directly or indirectly from this MOU, or from any assignments contemplated in this MOU, shall be dealt with in terms of the Intellectual Property Rights from the Publicly Financed Research and Development Act, 51 of 2008.

9. Dispute Resolution

9.1. Any dispute regarding the interpretation, application or implementation of this MOU shall be resolved amicably through consultation and negotiation between the Parties at the level of the Provincial MER Steering Committee, with representation from Stellenbosch Municipality. Should the dispute not be resolved, either Party may, without further obligation, cancel the MOU by giving the other Party thirty (30) days' written notice.

10. Key Contacts

FOR DEDAT

Name: Heini Nel

Designation: Deputy Director

Telephone: 021 483 5037

E-mail Address: heini.nel@westerncape.gov.za

FOR STELLENBOSCH MUNICIPALITY

Name: Deon Louw

Designation: Director: Infrastructure Services

Telephone: 021 808 8213

E-mail Address: Deon.Louw@stellenbosch.gov.za

11. Addresses

The Parties choose as their *domicilium citandi et executandi* for the purpose of giving or sending any notice provided for or necessary in terms of this MOU, the following addresses:

DEDAT

Attention: The Head of Department
Address: 12th Floor, Waldorf Building, 80 St Georges Mall
Cape Town
8001

STELLENBOSCH MUNICIPALITY

Attention: Municipal Manager
Address: Town House Complex
Plein Street
Stellenbosch
7600

THUS DONE AND SIGNED AT CAPE TOWN ON THE 06 DAY OF May.....2021

SIGNATURE:

MS JO-ANN JOHNSTON

Deputy Director-General: Strategic Economic Accelerator and Drivers: Department of
Economic Development: Western Cape Government

AS WITNESS:

1. _____

2. _____

THUS DONE AND SIGNED AT CAPE TOWN ON THE 06 DAY OF May.....2021

SIGNATURE:

G Mettler

MS GARALDINE LEZETTE METTLER

Municipal Manager: Stellenbosch Municipality

AS WITNESS:

1. _____

2. _____

7.5.2	DRAFT OUTDOOR ADVERTISING&SIGNAGE BY-LAW 2ND DRAFT
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Collaborator No:
 IDP KPA Ref No: **Good Governance**
 Meeting Date: **18 August 2021**

1. SUBJECT: DRAFT OUTDOOR ADVERTISING & SIGNAGE BY-LAW 2ND DRAFT

2. PURPOSE

To obtain Council's acceptance of the attached 2nd Draft By-Law Relating to Outdoor Advertising and Signage

3. FOR DECISION BY

Council

4. EXECUTIVE SUMMARY

This item deals with the accepting of a 2nd Draft By-Law Relating to Outdoor Advertising and Signage.

The purpose of this By-Law is to control, manage and regulate outdoor advertising and signage and to provide mechanisms and guidelines for the control, regulating and management thereof and for matters connected therewith.

This By-Law was published as a draft before but so many comments have been received, via the public participation processes, that it was resolved to republish the By Law for Public Communication for comment.

The participation process has ended and only comments from the Stellenbosch Interest Group (SIG) has been received. This has been debated and alterations has been made in the sections as indicated and amended as

5. RECOMMENDATIONS

- (a) that the content of this report be noted.
- (b) that the attached 2nd Draft By Law Relating to Outdoor Advertising and Signage be approved and adopted by Council as the final By Law Relating to Outdoor Advertising and Signage;
- (c) that the 2nd Draft By Law Relating to Outdoor Advertising and Signage, attached as **ANNEXURE A**, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Strategic and Corporate Services' Legal Services' team;
- (d) that the by-law becomes active upon the date that it is published in the Western Cape Provincial Gazette; and
- (e) that the proposed set of Admission of Guilt Fines together with the Proposed System of Delegations, attached as Annexures C and D to be accepted together with the final draft.

6. DISCUSSION / CONTENTS

6.1 Background

The original Draft By-Law was approved for public participation by Council on 31 October 2018. The Draft By-Law was published for Public Comment on 15 November 2018. Due to number of comments received as well as debates held with participating bodies, it was resolved to republish a 2nd Draft for Public Comment, by Council on 28 April 2021. The 2nd Draft was published for public participation on 13 May 2021.

6.2 Discussion

The entire By-Law has been debated with the public at meetings held on the following dates:

- 3 February 2020
- 19 February 2020
- 2 September 2020

Finalisation was reached by 2 September 2020 and, due to the large number of changes, it has been decided to advertise the update draft for a second time. It was felt that this was necessary to sufficient changes being brought to create an extensively changed document.

After the second public participation process, copy of advert attached as Annexure E, only the Stellenbosch Interest Group (SIG) commented. The comments received from the SIG is attached as **ANNEXURE B**.

The 2d Draft has therefore been updated as per the track changes indicated on **ANNEXURE A**.

6.3 Environmental implications

This report does not have any direct environmental implications, historical implications has been extensively debated.

6.4 Financial Implications

There are existing tariffs for advertising within public places and a set of Spot Fines are proposed for adoption

6.5 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation and would constitute an *intra vires* resolution.

The following legislation must be complied with:

- a. The Constitution, Act 106 of 1996, as amended
 - b. The Municipal Systems Act, Act 32 of 2000, as amended
- “**12. Legislative procedures.** — (1) Only a member or committee of a municipal council may introduce a draft by-law in the council.
- (2) A by-law must be made by a decision taken by a municipal council—
 - (a) in accordance with the rules and orders of the council; and
 - (b) with a supporting vote of a majority of its members.
 - (3) No by-law may be passed by a municipal council unless—

- (a) *all the members of the council have been given reasonable notice; and*
- (b) *the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.*
- (4) *Subsections (1) to (3) also apply when a municipal council incorporates by reference, as by-laws, provisions of—*
 - (a) *legislation passed by another legislative organ of state; or*
 - (b) *standard draft by-laws made in terms of section 14.*
- 13. *Publication of by-laws. —A by-law passed by a municipal council—*
 - (a) *must be published promptly in the Provincial Gazette, and, when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and*
 - (b) *takes effect when published or on a future date determined in or in terms of the by-law.”*

- c. The South African National Roads Agency Limited and National Roads Act, 1998 (ACT NO. 7 OF 1998), as amended
- d. The Consumer Protection Act, Act 68 of 2008, as amended.
- e. The Promotion of the Administrative Justice Act, Act 3 of 2000

6.6 **Staff Implications**

This report has no additional staff implications to the Municipality.

6.7 **Previous / Relevant Council Resolutions:**

“21ST COUNCIL MEETING: 2018-10-31: ITEM 7.6.2 RESOLVED (nem con)

- (a) *that the report be accepted;*
- (b) *that the Draft By-Law Relating to Outdoor Advertising and Signage, attached as ANNEXURE 1, be accepted as the copy of the By-Law to be used in a Public Participation process;*
- (c) *that the Draft By-Law relating to Outdoor Advertising and Signage be duly advertised for the purpose of a public participation process until the end of January 2019; and*
- (d) *that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption.”*

“42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.2

RESOLVED (nem con)

- (a) *that the Second Draft of the By-Law Relating to Outdoor Advertising and Signage, attached as ANNEXURE A, be accepted as the copy of the By-Law to be used in the second Public Participation process;*
- (b) *that this Second Draft By-Law Relating to Outdoor Advertising and Signage be duly advertised for the purpose of a Public Participation process; and*

- (c) *that, upon the completion of the Public Participation process, the Second Draft By-law, together with any comments/objections by the public, be resubmitted to Council for final approval and adoption.”*

7. **Comments from Executive Management:**

7.1 **EXECUTIVE MANAGER: INFRASTRUCTURE SERVICES:**

Writer of the report

7.2 **DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT:**

The Department: Development Planning supports the adoption of the Bylaw Relating to Outdoor Advertising and Signage, and also supports the proposed comments submitted by the Stellenbosch Interest Group (“SIG”) dated 14 June 2021 to be included for adoption.

The summary of the comments are as follows:

Comments	Departmental Response
<ul style="list-style-type: none"> <i>Rural landscapes are vulnerable to visual degradation through inappropriate signage, which can sometimes form an “urban intrusion” into the landscape.</i> <i>If a sign impacts or alters building fabric older than 60 years, application to HWC under Section 34 of the National Heritage Resources Act would be required, and comment on the proposed sign from the local heritage bodies would be appropriate.</i> <i>Applications for proposed new signs within conservation areas should engage with and receive the comment of any registered conservation bodies within those areas.</i> <i>The Municipality has a conservation team that is in the process of finalising a CMP for the whole area. It would be prudent to workshop this section of the by-law with them, to ensure that adequate control of signage in historic environments is provided.</i> 	<p>The Department supports this comment, it must be noted that the processes in this regard is dealt with in terms of the National Heritage Resource Act, Act 25 of 1999, and such comment will be requested should and where it is required.</p>
<p>The removal of mural from the definition of “sign”, as murials must be dealt with in a separate policy / bylaw dealing specifically with Public Mural Art.</p>	<p>The Department supports this exclusion of mural from the definition of sign.</p>
<p>Inclusion and removal of strikethrough words:</p> <p>Urban Area – Partial Control</p> <p>Mixed use commercial and residential areas, (unless within a conservation area). Commercial ribbon development and activity corridors, unless within a conservation area.</p> <p>Commercial and business districts and adjacent streets and rail reserves, unless within a conservation area. Entertainment district or complexes with commercial zones, unless within a conservation</p>	<p>The Department supports the comments of SIG for inclusion.</p>

area. Educational institutions, Sports fields and stadiums, unless within a conservation area. Undetermined zones Limited use zones (including railway reserves, transport use zones).	
Urban Area – Minimum Control Designated areas within undetermined zones limited use zones unless within a conservation area.	The Department supports the comments of SIG for inclusion.
(8) is not allowed on the sides of buildings around the areas of maximum and partial control. Comment: The text should be omitted because it contradicts the introductory paragraph of Schedule 4: the erection or display of flat and projecting signs are permitted in all areas of maximum, partial or minimum control.	The Department supports this exclusion.
(9) No signs may be attached to walls or fences of residential buildings.	The Department supports the inclusion of this clause under point (8)
Sky signs are not suitable for Stellenbosch or the Winelands. (2) Sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will only be permitted if they are locality bound, un-illuminated and consist of individual cut-out letters or logos. Comment: This at least must be removed. Such signs should not appear on the roof of a cultural, historic or architecturally significant building.	The Department supports this exclusion.
SCHEDULE 6: ROOF SIGNS (1b) When attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed 1 0,5 metre in height and its total area may not exceed 25% of the roof area to which it is affixed. Comment: 1 metre is too big, consider 0.5metre and a limitation should be set for the total area if the roof is large. 2) It shall be permissible to affix a roof sign along the lower edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3.6m ² in total area; with a maximum height of 1 metre 0,5metre.	The Department supports the amendments.
The numbering should be reviewed. Two sections (1) appear under Schedule 7. (1) No signs may be attached to Historical Buildings (1) (2) No such signs will be allowed on or over architectural features of buildings. (2) No such signs will be allowed on or over architectural features of buildings. Comment: Please note that columns, pillars, verandas, and balconies etc are all architectural features.	The Department supports the amendments.
SCHEDULE 13: LOOSE PORTABLE SIGNS	The Department supports this comment, and the

<p>(d) that the loose portable sign, only one per business, or proposed number thereof does not detract from the amenity of the local streetscape or local environment;</p> <p>(h) that a minimum clear footway width of 1,8 meters must remain clear and 2,5 meters in the urban conservation area central business district and sidewalks with high pedestrian volumes.</p>	inclusion on the proposed amendment.
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ANNEXURES

Annexure A: Track Changes Copy of the Second Draft By-Law Relating to Outdoor Advertising and Signage, as amended by comments, from Stellenbosch Infrastructure Group (SIG)

Annexure B: Comments received from SIG

Annexure C: Proposed Admission of Guilt Fines

Annexure D: Proposed System of Delegations

Annexure E: Newspaper Advert published for the 2nd Draft By Law Advertisement

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	2 August 2021

ANNEXURE A

STELLENBOSCH MUNICIPALITY
BY-LAW RELATING TO OUTDOOR ADVERTISING
AND SIGNAGE

To control, manage and regulate outdoor advertising and signage and to provide mechanisms and guidelines and policies for the control, regulating and management thereof and for matters connected therewith.

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution provides that a Municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 5 to the Constitution lists Billboards and the display of advertisements in public places as local government matters to the extent set out in section 155(6) (a) and (7);

AND WHEREAS the Stellenbosch Municipality seeks to manage, control and regulate outdoor advertising and signage and any matters connected therewith;

BE IT ENACTED by the Council of the Stellenbosch Municipality, as follows:—

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1. Definitions

In this by-law, unless inconsistent with the context-

“advertisement” means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol, or any light which is not intended solely for illumination or as a warning against any dangers and **“advertising”** has a similar meaning;

“advertisement ownership” mean that person or body that has authorised the advertising of information or a product. The authority who contracts a service provider for such an advertisement, the service provider who physically mounts or displays such an advertisement and the owner or body who’s information or product is being advertised, will jointly and severally be responsible for such advertisement and may jointly or severally be charged for any misconduct of this By-Law

“advertising structure” means any physical structure designed for an advertising sign, any detached screen or board that is greater than 4.5 m² in overall size; supported by or made from a structure that is used to be affixed, displayed or shown as a sign.

“aerial sign” means a sign that is displayed or performed in the air, including but not limited to balloons and blimps that can be viewed from within the Municipality’s area of jurisdiction;

“approval” means approval by the Municipality and “approve” has a corresponding meaning;

“areas of control” means those areas set out in Schedule 1 of this By-Law; and which may be modified or amended from time to time, which amendments and modifications will be graphically depicted by way of maps as prepared by the Municipality;

“authorized official” an employee of the Municipality or any other person who is appointed or authorized thereto to perform any act, function or duty related to the

provisions of this By-Law, or exercise any power in terms of this By-Law; and “**official**” has a corresponding meaning;

“**banner**” means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on an approved flagpole shall for the purposes of this By-Law be deemed to be a banner;

“**billboard**” means any screen or board which stands free and is larger than 4.5m² in total area; which is supported by, or consists of, a structure used, for the purpose of posting, displaying or exhibiting a sign;

“**Central Business District (CBD)**” means an area in the built environment demarcated as such on the Spatial Development Framework for a town;

“**class 2 roads**” means the roads which form the primary network for the urban areas as a whole and which are characterized by high volumes, restricted access and fairly high speeds;

“**class 3 roads**” means roads that distribute traffic between the principal residential, industrial and business districts of the town and which form the link between the primary network (class 2 roads) and the roads within residential areas;

“**clear height**”, in relation to a sign, means the vertical distance between the lowest edge of the sign and the natural level of the surrounding ground, footway or roadway immediately below the sign;

“**commercial advertising**” means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation in respect of any particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events;

“**commercially sponsored sign**” means a sign which advertises goods or services, but the erection of which has a secondary purpose, which is to promote or contribute to some recognized public or community goal or function;

“**common boundary facade**” means any façade of a building which is built abutting a rear or side boundary of an erf and which façade is blank, that is, having no architectural features, which includes windows;

“**composite sign**” means a single freestanding advertising structure for the display of more than one sign;

“**consultant**” means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign in terms of this By-Law;

“**continuing offence**” means an offence in terms of this By-Law, which offence continues to exist after the expiry of the notice period referred to in a notice served in terms of this By-Law;

“**custom made design**” means the design of any sign, which features special effects such as specialist character cut outs or shapes or three-dimensional presentations or moving parts or a combination thereof, and which is uniquely designed or constructed for erection in a particular location;

“**development board**” means a sign displayed at premises upon which building operations are currently in progress and relating to any services being provided, work being done or goods being supplied in connection with such building operations, but excludes contract boards for building and civil engineering projects as required in terms of the National Building Regulations and Control Act, 1977 (Act 103 of 1977);

“**display**” means the display of a sign and includes the erection of any billboard, sign or structure intended solely or primarily for the support of a sign or billboard, and

includes the display of a sign of a business, trade partnership or individual connected with the contents of the sign or sign, and “displayed” has a corresponding meaning;

“**electronic sign**” means a sign which has an electronically controlled, illuminated display surface which allows all, or a portion, of the sign to be changed or illuminated in different ways;

“**Environmental Impact Assessment**” (EIA) means an assessment carried out in accordance with the Municipality’s guidelines for outdoor advertising;

“**estate agency**” means a person who markets, sells or leases properties with or without buildings erected thereon and “**estate agent**” has a corresponding meaning;

“**existing sign**” means any sign previously approved by the Municipality;

“**flat sign**” means a sign which is affixed to, or painted directly onto a wall of a building but not onto or over windows or doors or architectural articulations and which at no point projects more than 250mm in front of the surface of such wall;

“**freestanding sign**” means any sign or group of signs contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

“**gateway route**” means a prominent route with an entrance to or exit from a specific part of the Municipality’s jurisdiction, consisting of man-made or natural features and creating a strong sense of arrival or departure and which is consistent with city planning or development framework plans or By-Law, and which may be geographically depicted by way of maps or listed by the Municipality;

“**graphic**” includes but is not limited to any component which contributes to the visual appearance or aesthetics of a sign, including its background;

“**headline poster**” means a temporary poster advertising the contents of a daily or weekly newspaper;

“**height of a sign**” is calculated by measuring the vertical distance between the uppermost and lowest parts of the advertising panel;

“**Heritage Impact Assessment**” (HIA) means a visual and contextual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognized at the locality where the proposed sign will be displayed;

“**internally illuminated sign**” means an advertisement or structure used to display an advertisement which has been installed with electrical or other power and an artificial light source which is fully or partially enclosed within the structure or sign and which light is intended to illuminate the advertisement or a portion thereof;

“**law**” means any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law;

“**locality bound advertising**” means any sign displayed on a specific erf, premises or building and may include such a sign on municipal owned land, adjacent to, abutting on or within 5 meters of the aforementioned erf, premises or building, which sign refers to an activity, product, service or attraction, located, rendered or provided on or from that erf or those premises;

“**loose portable sign**” means a freestanding locality bound notice or advertising board placed or erected in the road reserve or in a public place;

“**movable sign**” means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent sign;

“**Municipality**” means the Municipality of Stellenbosch established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorized agent,

service provider or any employee thereof acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent service provider or employee;

“**new sign**” means any sign first displayed after the promulgation of this By-Law;

“**non-profit body**” means a body established primarily to promote a community goal or benefit without direct or personal financial gain, and may include educational, sporting, medical, municipal departments, bodies as well as charities or community organizations;

“**organ of state**” means—

- (a) any department of state or administration in the national, provincial or local sphere of government;
- (b) any other functionary or institution—
 - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any other Legislation;

“**overall height**”, in relation to a sign, means the vertical distance between the uppermost edge of the sign and the finished level of the ground, footway or roadway immediately below the centre point of the sign;

“**perimeter of an intersection**” means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other;

“**person**” includes—

- (a) any organ of state;
- (b) any company incorporated or registered as such under any law; and

(c) any body of persons, whether incorporated or not, functioning as a single entity for whatever purpose;

“**poster**” means temporary signs capable of being attached to the Municipal electrical light standards or pasted to fixed structures to advertise events or campaigns, including elections or referenda of limited duration and excluding signs advertising markets, exhibitions or events which are held on a regular basis;

“**projected sign**” means any sign projected by a laser projector, video projector, or other apparatus;

“**projecting sign**” means a sign which is affixed to a wall of a building and which at some point projects more than 250mm in front of the surface of such wall;

“**public façade**” means any façade of a building that has architectural articulations and which is visible to the public;

“**public place**” means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a road reserve), lane, square, open space, garden, park or enclosed place vested in the Municipality, or other state authority or indicated as such on the Surveyor General’s records, or utilized by the public or zoned as such in terms of the applicable zoning scheme;

“**public road**” means public road as defined in the National Road Traffic Act, 1996 (Act 93 of 1996);

“**road reserve**” means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;

“roadway” means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act, 1989 (Act 29 of 1989);

“roof sign” means a sign affixed to a roof of a building where the top edge of any point of that sign does not exceed the height of the roof plane to which it is affixed;

“Rural Area” means an area outside the urban edge excluding natural areas as described in schedule 1;

“scenic route” means a road designated as such on an approved zoning scheme or from which landscapes or features of aesthetic or cultural significance can be seen or viewed as designated by the Municipality;

“security sign” means an outdoor sign for neighbourhood watch and similar schemes, and a sign containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the sign is displayed;

“service station facility sign” means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs;

“shop” means a building used for retail trade or services;

“sign” means any object, product, replica, advertising structure, -, device or board which is used to publicly display a sign or which is in itself a sign and includes a poster, billboard and an advertisement which is included in the architectural design of a building or structure and which is visible from any public place;

“signalized traffic intersection” means an intersection controlled by traffic signals;

“**sky sign**” means a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed;

“**sponsored sign**” means a sign, the primary purpose of which is not to advertise goods or services but which displays a graphic or content which promotes community or public awareness of a recognized public or community goal;

“**street name signs**” means pole-mounted, double-sided, internally illuminated or un-illuminated signs displayed in combination with names of streets, not exceeding one (1) m²;

“**street furniture**” means public facilities and structures which are not intended primarily for advertising and includes but is not limited to seating benches, planters, bins, pole mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, electricity boxes, post boxes and telephone booths, but excludes road traffic signs, traffic signals, street lights or any other road-related structures;

“**teardrop banner**” means any material in a teardrop shape with or without a printed sign which is fully legible in windless conditions and held taught by a spring tension and supported by a single flexible pole;

“**temporary signs**” means signs which are displayed for a maximum period of 14 days, or such other period as may be approved by the Municipality;

“**thickness**”, in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed;

“**third-party advertising**” means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the sign or sign advertising those goods or services is fixed or placed, and includes advertising which is not locality bound;

“three dimensional sign” means a sign containing more than 2 dimensions, including product replicas;

“Traffic Impact Assessment” (TIA) means a study carried out by a registered professional engineer with demonstrable experience in the field of traffic engineering that investigates the impact a proposed sign may have on vehicle, pedestrian, or cyclist safety and traffic operation, which study should recommend any mitigating measures that may be required as a result of that impact;

“traffic sign” means a road traffic sign as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996);

“traffic signal” means a road traffic signal as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996);

“transit advertising” means advertising by means of a movable sign which is capable of being transported by road either on or in conjunction with a motorized vehicle, including trailers primarily used for advertising;

“transportation terminals” means any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designated railway stations, official taxi terminals and bus terminals;

“Urban conservation area” means an area in the build environment demarcated as such on the Spatial Development Framework for a town;

“Urban Edge” means an area in the build environment demarcated as such on the Spatial Development Framework for a town;

“urban edge line” means a predetermined point to point boundary line as determined by the Municipality, which has as its purpose, the containment of urban development;

“**Urban Areas**” means an area within the urban edge of a town;

“**veranda**” includes a cantilever canopy and sunblind;

“**Visual Impact Assessment (or VIA)**” means the analysis of the potential visual impacts to boundary walls and fences. The document that contains a visual impact analysis is also often referred to as a visual impact assessment or VIA.

“**window signs**” means signs which are temporarily or permanently painted on, or attached to the window-glass of a building;

“**zone**” means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and “**zoning**” has a corresponding meaning.

2. Principles

- 2.1 To maintain the sensitive environmental quality of each area.
- 2.2 To promote the aesthetic sensitivity of the environment
- 2.3 To find a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, environmental and heritage characteristics and traffic safety on the other side.
- 2.4 Outdoor advertising must respect the integrity of any site where it is displayed supplement the character of the area.
- 2.5 To give recognition to the substantial amount of technical details that apply to specific types of signs and their effect on specific places.
- 2.6 To give recognition to the Stellenbosch Heritage Guidelines & Policies

CHAPTER 1

3. Submission of applications

(1) Other than those signs referred to in section 13(3) to 13(11) of this By-Law, no person may display any advertisement or erect or use any sign for advertising purposes without the Municipality's approval in terms of this By-Law and any other applicable legislation.

(2) Every person intending to display a new sign or to alter or to add to an existing approved sign or submit a signage plan in terms of a Site Development Plan proposal, must apply in writing to the Municipality which application must be accompanied by the following information in duplicate:

(a) a site plan, drawn to a scale of not less than 1:200, showing the following—

(i) the site on which it is proposed that the sign is to be erected or displayed;

(ii) the position of the sign and the building, if any, to which it is to be attached;

(iii) every building and the existing signs on the site;

(iv) existing and proposed landscaping, traffic signals and road traffic signs; and

(v) the positions, with dimensions, of the sign in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions;

(b) a drawing, which complies with the requirements of the National Building and Regulations Standards Act, 1977 (Act 103 of 1977), and is in sufficient detail to enable the Municipality to consider the appearance of the sign and all relevant construction detail, including a description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; In the latter event, the plan must indicate whether or not the sign is an electronic sign and, if so, full details must be furnished;

(3) The drawing referred to in sub-section (2)(b) must have detailed drawings of such sign to a scale of not less than 1:20 and a site plan indicating the position of the sign on the site to a scale of not less than 1:50;

(4) If a sign is to be attached to or displayed on the wall or façade of a building, the Municipality may require the submission of an additional drawing, drawn to a scale of not less than 1:100, showing—

- (i) an elevation of the building in colour;
- (ii) the details and position of the proposed sign; and
- (iii) the details and the position of every existing sign on the building

Alternatively the Municipality may require a coloured print of or an artist's photographic- or computer-generated impression of the building with the details of the proposed sign superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic;

(5) If the applicant is not the registered owner of the property on which the sign will be erected, he or she must obtain the consent of the registered owner of the land or building on which the sign is erected, indicating that person's knowledge of the application.

(6) The Municipality may require the submission of any or all of the following studies or assessments—

- (a) an Environmental Impact Assessment (either the 1st stage thereof; being the completion of an Environmental Checklist or in its entirety);
- (b) a Heritage Impact Assessment; and
- (c) a Traffic Impact Assessment.

(7) If a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval.

(8) The Municipality may require a signage master plan in respect of any development where the erection of numerous signs is proposed or the rationalization of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.

(9) The Municipality must notify the applicant of any additional requirements it has within 21 working days of the date of submission of the original application and payment of the application fee.

(10) The Municipality must retain a copy of each document that formed part of an application.

(11) The Municipality may require a written notice from the applicant or person to confirm that an approved sign was erected.

4. Fees and general factors in considering approval of applications, amendments and conditions

(1) Every person who applies to the Municipality for approval in terms of this By-Law must, on making application, pay to the Municipality an application fee as determined by the Municipality and no sign may be erected until such time as the application fees have been paid in full.

(2) In considering an application for the display of an advertisement or the erection of a sign in terms of this By-Law, or an amendment or condition attaching or to be attached to an approval, the Municipality may have regard to the following factors:

(a) The area of control in which the proposed sign is to be erected or displayed as set out in Schedule 1 of this By-Law; provided that if a sign falls into more than one area of control or if a proposed site in one area of control may impact on an adjacent area of control, the Municipality shall be entitled to determine the area of control pertaining to that application;

(b) the locality or landscape and the advertising opportunities pertaining to that area of control; the number of signs already displayed or proposed to be displayed on the erf and in the area surrounding the erf concerned;

(c) the findings of any Traffic Impact Assessment, Environmental or Heritage

(d) Impact Assessment and public participation processes where applicable

(e) locality bound signs must relate to the lawful use of a property provided that no such sign must be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses; uses; and

(f) that no sign or advertisement may be designed or displayed that—

(i) will constitute a danger to any person or property;

(ii) will display any material or graphic which does not comply with the requirements of the Advertising Standards Authority of South Africa.

(iii) will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic or locality.

(iv) will obscure any other signs approved in terms of this By-Law or its predecessor; and

(v) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.

(3) Subject to any conditions in Schedule 16, all new signs or advertising structures approved under this By-law and any successive By-Law, may remain on display uninterrupted until such time as they do not comply with the provisions of this By-Law or any other applicable legislation.

5. Factors relating to specific signs, areas of control, and commercial sponsored signs

(1) The Municipality may, in addition to the factors set out in section 4 of this By-Law, apply certain minimum standards to certain specific sign types and proposed localities when an application for approval is made in respect thereof and will apply certain specific criteria to applications for the erection of signs by non-profit bodies.

(2) The specific standards and criteria are set out in schedules 1 to 23 of this By-Law. The Schedules are part of the By-Law and are not any less important than the content of the By-Law itself.

(3) Schedule 1 of this By-law indicates the areas of control in which certain specific sign types may be permitted, subject always to approval in terms of this By-law and furthermore subject to any additional requirement pertaining to a specific sign type as set out in the remaining schedules.

(4) The description of areas or routes in Schedule 1 should be read with the definitions as contained in the Municipality's Zoning Scheme Regulations.

(5) The Municipality may grant an exemption from the terms of this By-Law in respect of sign types or areas of control set out in Schedules 10, 11 and 12 of this By-Law having regard to—

(a) the area of control where it is proposed to display the signs;

(b) nature of the event;

(c) duration of the erection or display of the sign;

(d) size of the proposed sign;

- (e) any traffic, safety, environmental or heritage impact assessment; and
- (f) the outcome of any public participation process.

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CHAPTER 2

6. Standard conditions for approval

- (1) All signs and advertising structures must be properly erected and constructed of the requisite strength and must be secure and must comply with the requirements pertaining thereto of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977).
- (2) The applicant to whom approval has been granted and the owner of the property or building to which it is attached shall be jointly and severally liable for the maintenance thereof and must undertake at least one inspection per year thereof with a view to satisfying themselves as to the safety thereof.
- (3) Where any sign or advertising structure is vandalised or becomes torn or damaged or otherwise falls into a state of disrepair, and/or dilapidation the applicant to whom the approval has been granted and the owner of the fixture or property which or to which a sign is attached must within 7 working days of a notice in writing to do so, repair it.
- (4) All signs and their support structures must be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.
- (5) All glass used in a sign, other than glass used in illumination, must be safety glass of at least 3mm thick.
- (6) Glass panels used in a sign must not exceed 0.9m² in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- (7) Every sign and its support structure must be kept in a state of good repair.
- (8) No sign may obstruct the opening and closing of any window or opening provided for ventilation of a building or obstruct any stairway or doorway or other means of exit from the building or prevent movement of people from one part of a roof to another.
- (9) No advertising structure may be closer to overhead electrical equipment than the minimum distance as prescribed in the Occupational Health and Safety Act, Act 85 of 1993.

7. Electrical requirements

- (1) All signs needing an electrical connection must preferably be supplied from the existing electrical supply on the erf where it is to be erected. If this is not possible, application for a metered electricity supply must be made to the relevant authority.
- (2) Every sign in connection with which electricity is used, must be provided with suitable capacitors to prevent interference with radio and television reception.
- (3) Each power cable and conduit containing electrical conductors in respect of a sign must be so positioned and fixed so that it is safe, unseen, inaccessible and child tamper proof and animal proof.
- (4) Each interior high-voltage installation that runs unattended (such as a window display) and each exterior high-voltage installation must have an acceptable type of fireman's switch in accordance with the requirements as stipulated in sections 6.7.2 and 7.5 of SANS 0142 1993 promulgated in terms of the Occupational Health and Safety Act.

8. Illumination requirements

- (1) The Municipality may approve an illuminated sign, provided that the provisions of this By-Law are complied with and that such illumination does not constitute a road safety hazard or cause undue light spillage.
- (2) Signs may not be illuminated if no sign content is displayed.
- (3) Requirement for internal illumination or electronic signs—
 - (a) internally illuminated and electronic signs may only be displayed in areas of partial and minimum control and must be less than 2.1m².
 - (b) electronic signs may not have subliminal flashes; and (c) prior to erection, the Municipality may require a Traffic Impact Assessment, Environmental and Heritage Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged. In addition the Municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.
- (4) Requirements for external illumination:
 - (a) the light source emanating from external illumination must not be visible to traffic traveling in either direction;

(b) external illumination must not be positioned so as to create any undue light spillage beyond the surface area of the sign; and

(c) approved way leaves must be obtained from the Director: Infrastructural Services or his/her nominee prior to any excavations for the installation of signs. This also applies for signs to be erected in the vicinity of overhead power lines.

(5) Electricity Power sources may be applied for as per the conditions of the Electricity Services By-Law

9. Road traffic safety requirements

(1) Signs may not be erected in an area where they are an unacceptable distraction for drivers, which acceptability may be determined in terms of the guidelines laid down in the S.A. Road Traffic Signs Manual.

(2) Electronic signs may not be permitted if they are visible from class 2 or 3 roads, gateway route or a scenic routes unless expressly approved in writing by the Municipality.

(3) Advertising on bridges, towers, telecommunication masts, pylons or street poles shall not be permitted.

(4) The graphic content of signs must not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:

(a) any stylised or pictorial presentation of a road traffic sign or traffic signal;

(b) any word, symbol, logo or other device used on a road traffic sign;

(c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion; and

(d) any reflector paint or material.

(5) Signs may not be erected in an area where the traffic volume, the average following headway, or accident history requires a higher degree of awareness from drivers.

(6) Signs may not be attached to or obscure a road traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual or the South African Development Community Road Traffic Signs Manual.

(7) Signs may not be erected within the road reserve of any public road unless expressly approved by the Municipality.

(8) When located at signalized traffic intersections, signs may not have the colours red or yellow or green as main colours and may not obscure or interfere with any road traffic sign or traffic signal.

(9) Electronic signs shall not be permitted within 80 meters of the perimeter of a signalised traffic intersection.

(10) Flashing or running messages or variable transition messages that have a message change interval of greater than 0, 3 seconds or have transition effects between message changes shall not be permitted if viewable from a public road. Such signs will not be permitted within Historical Areas or upon roads with high traffic flow at night.

(11) Static display, simple transition signs must display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.

(12) All signs larger than 4.5m² erected adjacent to a public road or in a railway reserve intended to advertise to persons using class 2 and 3 roads must be spaced a minimum specified distance from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with the measurements set out in Table 1 below:

TABLE 1: LINEAR SPACING BETWEEN SIGNS

Instance	Spacing required when visible for traffic on road with a speed of:		
	≤ 60 km/h (Outside of Urban Areas)	61 – 80km/h	≥80km/h
Where a sign follows a road sign	120m	200m	300m
Where a sign follows another sign	250m	250m	300m
Where a sign precedes a road sign	40m	70m	100m

(13) The abovementioned minimum distances specified in Table 1 above may be decreased by the Municipality if the sign falls within an area of minimum control, or in other areas of control on submission of a Traffic Impact Assessment motivating a reduction of this spacing to the satisfaction of the Municipality. The Municipality may prepare a list or map of designated areas in which the abovementioned spacing requirements shall not be applicable.

10. Legal requirements

All signs to be erected or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-Law, comply with all other applicable legislation, including any applicable Zoning Scheme Regulations or condition of approval or any departure from the applicable Zoning Scheme Regulations.

11. Approval

(1) The Municipality may refuse any application or grant its approval subject to conditions relating to the erection or use of the sign and including a condition that the owner of any sign or billboard on the land or building on which it is erected or displayed, or both such owners or the person whose product or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such sign.

(2) The Municipality may, at any time, withdraw an approval granted in terms of this By-Law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure:

(a) is in a state of disrepair and/or dilapidation;

(b) remains unused for more than 90 consecutive days;

(c) becomes redundant or obsolete;

(d) no longer complies with any provision of this By-Law; or

(e) is substantially altered from the original approved application by way of either structure or graphic content.

(3) Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval shall lapse, unless that period is extended in writing by the Municipality prior to such lapse.

(4) In the event that the structure supporting such sign is intentionally demolished before the expiry of the approval period, the approval shall lapse and no further sign or supporting structure may be erected or re-erected without the Municipality's approval.

(5) All decisions made by the Municipality in terms of this ordinance with regard applications must be in writing and within 60 calendar days after a completed application was received, or within 60 calendar days after receipt of additional information as required by the Municipality.

(6) In notifying an applicant of the outcome of the application the Municipality must inform such applicant or an objector of his right to appeal in terms of section 12.

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CHAPTER 3: GENERAL PROVISIONS

12. Appeal

A person whose rights are affected by a decision in terms of a delegated power may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the Municipal Manager within 21 days of the date of the notification of the decision.

13. Signs for which Municipality's approval not required

(1) Should any sign not comply with the conditions relative to each sign type listed below an application in terms of section 3 will be required.

(2) Subject to compliance with the conditions relative to each sign provided for in sub-sections (3) to (11), and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this By-Law in respect of the signs provided for in sub-sections (3) to (11).

(3) Development Boards

(a) Development boards shall be removed forthwith when the building operations are complete or if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased.

(b) The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs may thereupon be forthwith removed but no later than 5 days after the date of the order for removal thereof.

(c) If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board may be displayed and such development board may not exceed 3m² in total area.

(d) If the premises are not to be used wholly for residential purposes, no more than two development boards may be displayed and the aggregate area of both development boards may not exceed 5m² in total area;

(e) If the signage, whether on freestanding boards, or flexible building covering material, include any other form of third party advertising, such sign must then comply with the provisions of Schedule 8 hereto and approval for the display thereof must first be obtained in terms of this By-Law.

(4) To Let/For Sale Signs

(a) These include any sign not exceeding (400mm x 500mm) (0.2m²) in total area displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building; and

(b) on condition that any such sign must be removed within 2 weeks from date of issue of the occupation certificate or conclusion of a contract.

(5) On Premises Business Signs

These include any sign not illuminated, not projecting over a public road and not exceeding 0.2m² in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.

(6) Window Signs

These include any locality bound signs which are temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2 meters of any window or external opening through which it can be seen from the outside such a building, on condition that no window sign may exceed 4m² in an area of maximum control. (Not more than 50% of window and not more than total area or 4m²)

(7) Signs incorporated in the face of a building

Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign may exceed 0.2m² in total area.

(8) Security Signs

Any security sign not projecting over a public road and not exceeding 0.2m² in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that—

(a) only one such sign is displayed on any public road or each street frontage of such premises; and

(b) the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

(9) Sponsored, Commercially sponsored and Non-Profit Body Signs: less than 4.5m².

(a) Any such sign whether erected by or in connection with a non-profit body or not; not exceeding 4.5m² in total area on condition that no more than 5% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign may be permitted per erf.

(b) Signs which comply with provisions of sub-section (a) may, when erected on Municipal land, only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit and the terms of the erection of the sign has been agreed.

(c) All other sponsored signs are dealt with in Schedule 16 and 17.

(10) Advertising on Vehicles

Signs painted or affixed directly onto the body of a motorised vehicle unless transit advertising

14. Disfigurement

No person may destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person may disfigure any sign legally displayed in terms of this By-Law.

15. Damage to Municipal property

No person may, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other Municipal installation or property and street furniture.

16. Entry and inspections

The Municipality shall be entitled, through its authorized officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-Law.

17. Presumptions

Any person charged with an offence in terms of this By-law who is—

- (a) alone or jointly with any other person responsible for organising, or in control of any meeting, function or event, to which a sign or poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;
- (b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed;
- (c) the owner of any land or building on which any unlawful sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed.

18. Enforcement and removal of signs

(1) If any sign displayed is in contravention of this By-law, the Municipality may without prejudice to or in addition to the right to take legal steps or prosecute, serve a notice

on the owner or lessee of the sign, or the land owner or occupant on whose land the sign is erected or displayed, or person whose product or services are advertised, calling upon such person to remove such sign or carry out such alteration thereto or do such work as may be specified in such request or notice, within a time frame specified therein.

(2) A notice served in terms of sub-section (1) may be withdrawn or varied by the Municipality, by agreement with the person so served, or failing such agreement, by the service of a further notice.

(3) Should the Municipality's directives, as set out in the notice, not be carried out within the time period specified therein, the Municipality may, without further notice to the person upon whom the notice was served, remove or alter the sign or do such work as may be specified in such notice.

(4) Any costs incurred by the Municipality in removing signs, or in doing alterations or other works required in terms of a notice, may be recovered from the person on whom the notice was served.

(5) Notwithstanding any other clause in this By-law, if a sign is, or is reasonably considered to be an imminent danger to life or property, the Municipality itself may, after a minimum of six (6) hours prior notice carry out or arrange for the removal of such sign in event of the noncompliance with such notice.

(6) Any costs incurred by the Municipality in carrying out or arranging for the removal of any sign may be recovered from the owner or lessee of the sign, or the landowner on whose land the sign was erected, or the person whose product or services were advertised, jointly and severally.

(7) Unlawful or dangerous signs removed by the Municipality may be reclaimed from the Municipality on payment in full to it of any costs incurred by the Municipality in the removal of the said sign, as well as payment of the costs incurred in the storage of such sign.

(8) Any unlawful signs removed by the Municipality and not reclaimed within two months of the date of removal may be disposed of or be sold by the Municipality to defray its removal or storage costs.

19. Service of notices

(1) A notice, order or any other document issued by the Municipality in terms of this By-law is deemed to be duly issued if an official of the Municipality, formally delegated, signed it.

(2) Any notice or other document that is served on a person in terms of this By-law is regarded as having been duly served—

(a) when it has been delivered to that person personally;

(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;

(c) when it has been posted by registered or certified mail to that person's known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;

(f) in the event of a body corporate, when it has been delivered at the registered office of the premises of the body corporate; or

(g) when it has been delivered, at the request of that person, to his or her e-mail address.

(3) Service of a copy is deemed to be service of the original.

(4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, holder of the property or right in question, and it is not necessary to name that person.

20. Liaison forums in community

- (1) The Municipality may establish liaison forums in the community for the purposes to—
- (a) ensure the local community participation in the implementation and execution of this By-Law; and
 - (b) promoting local economic development and the conservation of visual, tourist, environmental and heritage characteristics of the Stellenbosch Municipal area;
- (2) A forum as contemplated in sub-section (1) may consist of-
- (a) a person or persons of an interested party or an affected person or community;
 - (b) designated official or officials of the Municipality and
 - (c) a council member of the relevant council committee
- (3) The Municipality may request-
- (a) a forum to give their input or
 - (b) make use of a forum's special knowledge or capacity
- (4) A forum of persons or a person as defined in sub clause (2) may give input on their own accord to the Municipality for its consideration, but will have no powers

21. Offences and Penalties

- (1) A person who contravenes any provision or fails to comply with any provision of this By-law, or fails to comply with a notice issued in terms of this By-law, commits an offence and shall upon conviction be liable to—
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

(c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

(2) A person commits an offence if he or she—

(a) threatens, resists, hinders, obstructs or otherwise interferes with, or who uses foul or abusive language towards or at an employee or contractor of the Municipality in the exercise of any powers or performance of any duty or function in terms of this By-law; or

(b) impersonates an employee or contractor of the Municipality.

22. Conflict with other legislation

(1) In the event of any conflict between any provision of this By-law and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail subject to section 151(3) and 156(4) of the Constitution.

(2) In the event of an inconsistency between the different texts the English text shall prevail.

23. Exemptions

Notwithstanding the provisions of this By-Law, the Municipality may, on written application, exempt any person or class of persons from any or all of the requirements of this By-Law in considering such exemption it may impose any conditions or requirements it deems appropriate.

24. Repeal of By-Law

The stipulations of any By-law previously passed by the municipality or any abolished Municipality

now incorporated in the present Municipality are herewith repealed as far as they relate to matters provided for in this By-Law and insofar as it has been made applicable to the Municipality by the authorization for the execution of powers and functions covered

in Section 84(3) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

25. Transitional arrangements

(1) Anything done before the promulgation of this By-Law, which was not done in terms of a provision repealed in this By-law and was unlawful, shall in the event of such act or sign still not complying with the provisions of this By-law, be unlawful and the Municipality in such case may take the necessary action in terms of section 19 hereof.

(2) All legal signs that exist at the date of publication of this By-Law, must in all respects comply with the regulations within a period of grace of 12 months from the date of publication. Any sign that fail to comply after the grace period of 12 months will be removed.

(3) The municipality could instruct an owner of a sign to remove it should the sign fail to comply to the regulations of this By-Law. Should the owner neglect to remove the sign and/or within the grace period of 12 months then the Municipality reserves the right to remove such sign at the expense of the owner.

(4) When a sign as a result of the change of ownership or occupation or a change in the nature of a business, industry, trade or profession performed on the premises or due to the installation of new traffic signs or a change in the level or location of any road, foot path or kerbstone or due to any other factor what so ever, no longer comply with the regulations of this By-Law then the person responsible for the sign must immediately remove, erase or change the sign to comply to this By- Law.

26. Short title and commencement

This By-Law shall be known as the Outdoor Advertising and Signage By-Law and Signage.

SCHEDULE 1: AREAS OF CONTROL

Area Type	Natural Area	Rural Area	Urban Area	Urban Area	Urban Area
Control Strength	Maximum	Maximum	Maximum	Partial	Minimum
Area Description	<p>Proclaimed, declared or zoned nature reserve and conservation areas. Protected natural environment. Forestry areas. River corridors. 1:100 Year flood plains. Wetlands. Game reserves</p>	<p>Agricultural areas/zones. Horticultural areas. Rural small holdings. Large private open spaces (e.g. golf courses). Scenic routes. Scenic landscapes. Scenic features. Municipal parks. Urban edge zones as defined in the Urban Edge Policy. Agricultural and horticultural areas/zones and adjacent road and rail reserves. Specific areas or sites designated as maximum control by way of a map as contained in the zoning scheme bylaw prepared by the Municipality.</p>	<p>Urban conservation overlay areas. Declared Heritage sites. Graded buildings and places. Residential zones and adjacent road and rail reserves. Pedestrian malls and pedestrian squares. Private Open Spaces e.g. Golf courses. River corridors. Specific areas or sites designated as maximum control by way of a map as contained in the zoning scheme bylaw prepared by the Municipality.</p>	<p>Central business districts, unless within an urban conservation area. Mixed use commercial and residential areas unless within an urban conservation area. Commercial ribbon development and activity corridors unless within an urban conservation area. Commercial and business districts and adjacent streets and rail reserves unless within an urban conservation area. Entertainment district or complexes with commercial zone unless within an urban conservation area . Educational institutions, Sports fields and stadiums unless within an urban conservation area. Limited use zones (including railway reserves, transport use zones). Specific areas or sites designated as partial control</p>	<p>In Heritage insensitive areas. Designated transportation terminals unless historical conservation area or graded building or site. Designated areas within Limited Use zones unless within an urban conservation area. Specific areas or sites designated as minimum control by way of a map as contained in the zoning scheme bylaw prepared by the Municipality. Industrial zones.</p>

				by way of a map as contained in the zoning scheme bylaw prepared by the Municipality.	
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SCHEDULE 2: BILLBOARDS

(1) Subject to approval in terms of this By-Law, the erection or display of Billboards, whether custom made or of standard design, is permitted only in areas of minimum control and subject to a traffic safety audit and visual impact assessment. In addition:

(a) If the proposed erf where the billboards are to be erected borders on class 2 and 3 roads the billboard may not be placed less than 5 meters from the property's boundary line. If the proposed site of erection of a billboard has been designated as a gateway then no billboards will be permitted within such gateway;

(b) Billboards must comply with the standard conditions of approval set out in this By-Law;

(c) Billboards must not encroach over the boundary line of the property on which it is erected, whether such encroachment is aerial or on ground level;

(d) Billboards must have a minimum clear height of 2.4m and a sign structure which does not exceed a maximum height of 7.5m above natural ground level;

(e) Billboards must not exceed a maximum total size of 6 x 3m (18m²) provided that on any V-shaped structure, two such panels may be permitted;

(f) Billboards must be displayed between the angles of 90° and 60° to the direction of oncoming traffic;

(g) Billboards must be spaced a minimum distance apart as specified in section 9 of this By-Law;

(h) If located at signalized traffic intersections, Billboards may not be erected or displayed within 50 meters of the perimeter of the intersection if un-illuminated; and within 80 meters of the perimeter of the intersection if illuminated;

(i) If erected along the right hand side of a section of road, such that its graphics are visible to a driver traveling on the left hand side of the road, shall be deemed to have replaced the advertising opportunity that existed on the left hand side of the road;

(j) Billboards must have a minimum letter or number height of 285mm.

SCHEDULE 3: LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS

(1) Subject to approval in terms of this By-Law and subsection 5, the erection or display of locality Bound freestanding and composite signs are permitted only in urban areas of maximum, partial and minimum control and subject to a traffic safety audit and visual impact assessment. In addition:

(a) Locality bound freestanding signs may only be permitted in the following instances:

- (i) where business premises are set back 15 meters or more from the boundary of the road reserve; or
- (ii) where it is not reasonably possible to affix appropriate signs to a building; or
- (iii) where such a sign is necessary to allow the public to locate the entrance to business premises; or
- (iv) where the existence of a freestanding composite sign may prevent the proliferation of signs.

(2) Locality bound freestanding composite signs may not exceed 4,5 meters in height and in addition may not exceed 4.5m² in total area. This provision may be waived, after having regard to the following factors:

- (a) if such increase reduces the number of individual signs facing any one street boundary of the site, thereby minimising the visual impact on the surrounding environment;
- (b) if more than two significant roads approach the site in question;
- (c) the number of businesses which will be advertising on such sign;
- (d) the number of approach or exit routes to the site in question;
- (e) the applicable zoning of the area surrounding the site in question.

(3) Service Station freestanding pylon signs must be locality bound and may only be erected or displayed at service stations adjacent to and directly accessible from the public road at which such a sign is directed and only one Service Station freestanding facility sign per street boundary may be permitted.

(4) Service station freestanding pylon signs may not exceed 7,5 meters in height and may not consist of more than eight advertising panels of 4.5m² each in total area. In areas of maximum control the maximum height is 4,5 meters and an area of 7.0m² on each side.

(5) In conservation areas and single residential zones only standard locality bound, free standing and

composite signs shall be allowed as prescribed in Schedule 18.

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SCHEDULE 4: SIGNS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS

Subject to approval in terms of this By-Law, the erection or display of flat and projecting signs are permitted in all areas of maximum, partial or minimum control. In addition, flat and projecting signs may:

- (1) not be allowed within 1.0 meters of the edge of a roadway nor may it extend to within 1.0 meters of the edge of a roadway;
- (2) not project in front of a wall more than 1,5 meters in the case of a sign which has a clear height of more than 7,5 meters or more than 1 meter in the case of any lesser clear height;
- (3) not project more than 250mm over a footway unless such sign has more than 2.4 meters clear height;
- (4) not obstruct the view from any window or any other external opening of any building and no portion of any such sign may obstruct the opening or closing of any window, door or any other openings
- (5) not exceed 5m² in total area and may not exceed 20% (in areas of maximum control), 30% (in areas of minimum and partial control) or one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser. This size restriction may be waived on condition that:
 - (a) an Environmental Visual Impact Assessment be submitted to the Municipality indicating no detrimental environmental impact is envisaged;
 - (b) or in a conservation area, a Heritage Impact Assessment be submitted to the Municipality indicating no detrimental heritage impact is envisaged; and
 - (c) only graphics designed and created by a suitably qualified consultant be displayed on such sign;
- (6) may be considered for approval on blank common boundary facades of non-residential buildings.
- (7) if the sign appears on public facades of any building—
 - (a) be so designed as to become an integral part of the building design; and
 - (b) when a third-party sign, only be permitted if custom-made and subject to the requirements of 5(a) to (c) above.

(8) No signs may be attached to walls or fences of residential buildings.

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SCHEDULE 5: SKY SIGNS

(1) Subject to approval in terms of this By-Law, the erection or display of sky signs whether custom made or of standard design, is permitted in areas of minimum control only. In addition, sky signs must:

(a) be limited to a maximum total size of 4.5m² and subject to Traffic Safety Assessment and Visual Impact Assessment indicating no detrimental environmental impact is envisaged; and

(b) not obstruct the view from any other building.

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SCHEDULE 6: ROOF SIGNS

(1) Subject to approval in terms of this By-Law, the erection or display of roof signs is permitted only in areas of minimum control .

In addition:

(a) The total area of any roof sign affixed flush onto or painted onto a roof of a building may not exceed one-quarter of the overall area of the roof to which it is affixed or painted.

(b) When attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed 0,5metre in height and its total area may not exceed 25% of the roof area to which it is affixed.

(2) It shall be permissible to affix a roof sign along the lower edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3.6m² in total area; with a maximum height of 0,5metre.

SCHEDULE 7: SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS

Subject to approval in terms of this By-Law and subsection 11 below, the erection or display of signs on a veranda, balcony, canopy, supporting columns, pillars and posts may only be permitted in areas of medium and minimum control on the condition that they also comply with the following:

- (1) No signs may be attached to Historical Buildings
- (2) No such signs will be allowed on or over architectural features of buildings.
- (3) Such signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, and beam or fascia of a veranda or balcony.
- (4) The sign may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250mm in front of the surface to which it is affixed or project over a roadway or within 0,6 meters of the edge of the roadway.
- (5) Such signs may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard, no sign may project more than 50mm in front of the surface to which it is affixed and may not extend beyond any of the extremities of such column, pillar or post. Signs affixed flat onto non-rectangular supporting structures must be curved to fit the form of such structure.
- (6) Only one sign per column, pillar or post will be allowed.
- (7) Such signs suspended below the roof of a veranda, canopy or the floor of a balcony may not exceed 1,8 meters in length or 600mm in height.
- (8) Every such sign must be at right angles to the building line.
- (9) No signs suspended under a canopy may extend beyond the external edge of the canopy or veranda to which it is attached.
- (10) All suspended signs must have a clear height of at least 2,4 meters.
- (11) Such signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding individual, cut- out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a veranda or balcony.

(12) No such sign shall be allowed in a conservation area within a single residential zone unless a Heritage Impact Assessment was submitted which found that no negative impact would be made on the heritage resources.

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SCHEDULE 8: SIGNS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS

Subject to approval in terms of this By-Law, the erection or display of signs on boundary walls and fences is permitted only for locality bound signs in urban areas of maximum, minimum or partial control and in addition:

(1) In urban areas of maximum and partial control, the Municipality may approve an application to affix a locality bound sign against a boundary wall only if the sign is indented into the wall or composed of individual, un-illuminated cut-out letters or symbols fixed flat on such wall not projecting more than 50mm from the face of such wall.

(2) In areas of minimum control, the Municipality may approve, subject to Visual Impact Assessment—

(a) an application to affix a locality bound sign flat onto a boundary wall only if it does not project more than 50mm from the face of such wall; and

(b) an application to affix a locality bound flat sign with a maximum size of 0.5m² onto the permanent fence of an erf.

(3) Third party and locality bound advertising on construction site hoardings and fences must comply with the following conditions:

(a) any one sign may not exceed a vertical dimension of 3 meters and total area of 18m² and in the case of construction site cladding, the graphic must comply with the requirements of the Advertising standards Association of South Africa.

(b) any such sign may not project more than 100mm in front of the hoarding or fence to which it is affixed;

(c) it may not be illuminated in areas of maximum and partial control; and

(d) advertising will not be allowed on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.

SCHEDULE 9: HEADLINE POSTERS

Subject to approval in terms of this By-Law, the erection or display of headline posters is permitted in all areas except natural and rural areas of maximum control. In addition:

- (1) Headline posters may not exceed 0.9m x 0.6m in area.
- (2) The commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster.
- (3) The posters may be attached to Municipal electrical light poles only where approved by the Municipality for the express purposes of these posters.
- (4) Posters may not be affixed to traffic signal poles, or other poles which carry road traffic signs, or poles erected for any other purpose except as provided for in item 5 below, or any other street furniture, walls, fences, trees, rocks or other natural features.
- (5) Headline posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose.
- (6) Only one headline poster per pole, regardless of which newspaper group it is, will be permitted, and must be at a uniform height of approximately 2 meters.
- (7) The number of posters as well as the designated areas for the display of headline posters as approved by the Municipality must be strictly adhered to.
- (8) All "special events" posters are to comply with the following:
 - (a) the name of the newspaper group, the "special event" and the date of the "special event" must appear on the posters in letters not less than 50mm in height;
 - (b) the special event posters may not be displayed more than 14 days before the date of the event and they must be removed within 48 hours after the date of the event shown on the poster.
- (9) Headline posters and fastenings are to be removed on a daily basis failing which the posters will be removed, at the newspaper group's expense, in accordance with the standard charges for removal of posters.
- (10) The Municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the person responsible for the display of such posters or the newspaper group concerned.

(11) The Municipality may remove any poster displayed in contravention of the abovementioned conditions.

(12) Any poster not removed on a daily basis or a poster relating to a “special event by due date referred to in item 8(b) may be removed by the Municipality.

(13) The display of unauthorised posters is illegal, and the Municipality may also remove such posters.

(14) The Municipality may determine the costs involved for the removal of unauthorised posters.

(15) Application must be made on an annual basis by each newspaper group for permission to display such posters subject to an annual fee per newspaper group.

(16) A deposit per newspaper group who wishes to display posters must be paid annually against which a charge for the removal of any poster which contravenes the By-Law will be levied. In the event of the above deposit being exhausted, permission to display such poster may be withdrawn until a further deposit is submitted to the Municipality.

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SCHEDULE 10: POSTERS, BANNERS, TEAR-DROP BANNERS, FLAGS AND BALLOONS **Piet to amend**

Subject to approval in terms of this By-Law, the erection or display of posters, banners, tear-drop banners and flags other than those referred to in Schedule 11, or balloons, is permitted in all areas, except areas of maximum control. **Only to be displayed within or adjacent to property associated with advertisement.** In addition:

(1) The display of posters, banners, tear-drop banners, flags and balloons is prohibited on any bridge or across any public road, and along any road designated by the Municipality, unless consent has been obtained from the Municipality.

(2) Posters, banners, tear-drop banners, flags and balloons may not be attached so as to interfere with or constitute a danger to passing pedestrians or vehicular traffic.

(3) No banner, or flag-type banner may be larger than 5m², and no flag may be larger than 2m²; provided further that no flagpole may exceed a relevant height restriction of the zoning of the premises, up to a maximum of 8m above natural ground level, measured directly below the pole;

(4) No poster, banner, tear-drop banner, flag, or balloon may be displayed within 30 meters of **any road traffic sign or traffic signal.- special permission required for display within 30m**

(5) Posters, banners, flags, or balloons may not be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock, other natural features, street furniture or other Municipal property.

(6) Posters, banners, tear-drop banners, flags, or balloons may not be affixed in such a way that they unfairly prejudice other businesses or organisations or obscure any approved existing signs.

(7) Only one banner per premises will be permitted unless the Municipality's written permission is obtained for more than one.

- (8)
- (i) A maximum of five flagpoles bearing national flags may be erected on the premises of an accommodation facility on a single residential erf
 - (ii) Subject to the conditions laid down in paragraph 4, a maximum of two tear-drop banners or flags displaying the name, corporate symbol or nature of the business on the premises on which it is displayed, may be allowed.

(9) Posters, banners, tear-drop banners, flags and balloons not kept in a good condition may not be displayed and must be removed after notification by the Municipality.

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SCHEDULE 11: TEMPORARY POSTERS, TEAR-DROP BANNERS, BANNERS AND FLAGS ON PUBLIC ROADS AND PUBLIC PLACES

Subject to approval in terms of this By-Law, the erection or display of posters, banners, tear-drop banners and flags in public roads or public places, for the purpose of advertising specific events, is permitted in all areas of control except natural and rural areas of maximum control. In addition—

(1) Approval for third party advertising on posters, banners, tear-drop banners, flags and balloons may only be granted for a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or for a function or event relating to a Municipal, Provincial or Parliamentary election or referendum.

(2) The name of the host organisation, the date and venue must appear on the material in letters not less than 50mm in height.

(3) Posters, banners tear-drop banners and flags may only be erected to advertise the event and the name or emblem of a sponsor may not cover more than 20% of the surface of the material.

(4) The Municipality may levy a tariff to cover the cost for the removal of material which has been erected without the approval of the Municipality given under the hand of an authorized official.

(5) Posters, banners, tear-drop banners and flags may be displayed for a maximum period of fourteen days prior to the event and must be removed within 2 days from the date of the event or the last day thereof as applicable.

(6) Posters with a maximum measurement of 80 cm x 50 cm must be mounted on a board and affixed securely with stout string or plastic fastening without damage caused to the poles. No securing material with a metal content is permitted.

(7) Posters, banners, tear-drop banners and flags, excluding election posters and flags, may only be erected in the roads, or places as indicated by the Municipality and may not be erected in residential areas or on bridges. No **political** banners will be allowed.

(8) Only one poster or flag per organisation may be erected on every second streetlight pole.

- (9) Posters and flags must be erected at a uniform height of approximately 2 meters.
- (10) No posters, banners, tear-drop banners or flags may be affixed to trees, traffic signs, traffic signals, central ridges, existing advertising signs or any municipal buildings or over hydrant identification signs.
- (11) No posters, banners, tear-drop banners and flags may be displayed within 30 meters of any road traffic sign or traffic signal.
- (12) All materials used to affix the posters must be removed together with the posters.
- (13) The Municipality may remove any indecent or torn posters, banners, tear-drop banners or flags, or any posters, banners or flags which create a traffic hazard in the opinion of the Municipality
- (14) The Municipality is exempted from claims that may be instituted against the Municipality as a result of the display of posters, banners, tear-drop banners and flags.
- (15) The display of posters, banners, tear-drop banners and flags purely for commercial advertising is not permitted, provided that any poster, banner or flag which relates to a sport, the arts, or a cultural event may be permitted, despite such posters, banners, tear-drop banners or flags containing commercial elements. The commercial element may not exceed 20% of the extent of the poster, banner, tear-drop banner or flag.
- (16) Organisations or persons who obtained approval to display posters or flags must pay a deposit as determined by the Municipality, which shall entitle that person to display the said poster or flag for a maximum period of 14 days, or such time as stipulated by the Municipality. No poster or flag may be displayed without such deposit having been paid.
- (17) The Municipality may remove or request the applicant to remove all posters, banners, tear-drop banners or flags should any of the above conditions not be complied with.
- (18) Posters, banners, tear-drop banners or flags that are not removed by the due date may be removed by the Municipality in which case the deposit paid in terms of item 15 will be forfeited to the Municipality.
- (19) Banners will be erected or removed by the Municipality at a rate as approved from time to time and the banner must comply with the specifications as laid down by the Municipality.

SCHEDULE 12: ESTATE AGENT SIGNS

Subject to approval in terms of this By-Law, the erection or display of estate agent signs is permitted in all areas except natural areas of maximum control. Only estate agents registered with the Estate Agents Board will be allowed to erect show houses signs. Proof of registration must accompany the application. In addition:

(1) Estate Agencies must apply annually for permission to display signs and approval may be subject to payment of an annual fee in accordance with the Municipality's by-law and policy on tariffs.

(2) A deposit may be required by the Municipality against which a charge for the removal of any sign which contravenes this By-law will be levied. In the event of the above deposit being exhausted, permission to display such signage may be withdrawn until a further deposit is paid to the Municipality.

(3) Any Estate Agent sign unlawfully erected, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality; in the event of the said sign not being removed, photographic evidence of the unlawful sign may be obtained by the Municipality prior to levying the said charge.

(4) "For sale", "Sold" and "To let" signs shall be fixed flat to the surface of the boundary fence or wall of the property.

(5) "Sold" signs may be displayed, fixed flat to the surface of the boundary fence or wall of the property, for a maximum period of two weeks.

(6) No sign may be erected in such a way that any part of it is closer than 1.5m from a road verge.

(7) No sign may be erected on centre islands.

(8) No sign may obscure a road traffic sign.

(9) No signs may be erected on any tarred area of pavements.

(10) Estate agent signs may not exceed 0.3m² in total area.

(11) "Show House" signs may be displayed only from 12h00 on Fridays to 20h00 on Sundays.

(12) Show house signs may not be affixed to trees, traffic signals, street poles or other poles which carry road traffic signs, walls, fences, rocks, other natural features or landscaped areas, street furniture, or other Municipal property, unless such other display is authorised by the Municipality in writing.

(13) On each sign, the wording "On Show", "Show House", "Show Flat" or "Show Plot" with the Agency's name and directional arrow must be displayed as well as the date.

(14) Show house signs may be displayed on stakes making use of a design approved by the Municipality. Estate Agent signs may not be displayed on concrete, tarred or paved surfaces. It is not permissible for stakes to penetrate the ground deeper than 15cm.

(15) Not more than six estate agent directional signs will be permitted in total per show house, show plot or block of flats in which a show flat is on display. The definition of one sign will include the display of two signboards only when such boards are sandwiched back to back around an electric light pole.

(16) Show houses signs may not be displayed along Scenic Routes or on any bridge, public park or public open space.

(17) Directional signs may be displayed along main routes only, being the shortest route from a main road to the property.

(18) Only one directional sign per show house/flat/plot may be displayed along class 2 or 3 roads, excluding roads referred to in item 7 above.

SCHEDULE 13: LOOSE PORTABLE SIGNS

Subject to approval in terms of this By-Law, the erection or display of loose portable signs is permitted in areas of minimum and partial control as well as designated areas within urban areas of maximum control. In addition:

(1) Loose portable signs may not be placed in a road reserve or in public open spaces without the written permission of the Municipality.

(2) The Municipality may remove and impound loose portable signs placed without permission in a road reserve or on Municipal property. Owners can recover their signs on payment of the prescribed fee as determined the Municipality which will be used to defray the cost of removal, storage and transportation.

3) The following criteria will apply in respect of an application in terms of item 1:

(a) that it does not pose a hazard in terms of safety to the public;

(b) that it does not obstruct or cause inconvenience to the public either by its physical size or location;

(c) that it does not unfairly prejudice other traders;

(d) that the loose portable sign , only one per business does not detract from the amenity of the local streetscape or local environment;

(e) that it is intended solely to advertise the name of the business, goods or services for sale from the advertiser's premises;

(f) that the maximum dimensions of the proposed loose portable sign must be 1.2m (height) x 0.6m (width).

(g) that it may be placed directly in front of the advertiser's premises, provided that the above criteria are met; and

(h) that a minimum clear footway width of 1,8 meters must remain clear and 2,5 meters in the urban conservation area district and sidewalks with high pedestrian volumes.

(4) The Municipality may demarcate areas within the road reserve or on municipal property where, during normal trading hours, applicants may then place the approved loose portable signs. The said signs must be removed outside normal trading hours and stored away from public view.

(5) The Municipality may levy tariffs for displaying the loose portable signs, which tariffs shall be payable in advance for a maximum period of six months.

(6) Applicants will be required to indemnify the Municipality against any claims from third parties that may arise, due to the placement of loose portable signs within the road reserve or on municipal property.

(7) Notwithstanding the above, the Municipality may cause the removal or impoundment of the sign or signs should the applicant contravene any of the above conditions.

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SCHEDULE 14: AERIAL SIGNS

Subject to approval in terms of this By-Law, the erection display of aerial signs is permitted only in urban areas of minimum control. In addition:

- (1) No aerial signs affixed to any building or structure may be flown at a height of more than 45 meters from the surface measured from ground level.
- (2) Aerial signs may not be flown above a public road.

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SCHEDULE 15: TRANSIT ADVERTISING

Subject to approval in terms of this By-Law, the erection or display of transit signs is permitted only in urban areas of minimum control.

In addition:

- (1) The parking of a transit sign which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this By-Law as well as the Streets By-Law.
- (2) Transit signs parked on private property for the purpose of storage must be positioned in such a manner as not to be visible from a street or public place.
- (3) The advertising panel or portion of the vehicle used for transit advertising may not exceed a cumulative total of 18m².
- (4) The Municipality may designate sites in areas of minimum control for transit advertising and may publish notices indicating such sites.
- (5) Notwithstanding any provisions of this By-Law, the Municipality may, without prior notice, remove any unauthorised transit signs from municipal property, and, in the case of unauthorised transit advertising on private property, the Municipality may serve a notice ordering the removal thereof in terms of this By-Law.
- (6) Transit signs must be properly fixed to the ground at the parking location.

SCHEDULE 16: SIGNS ON MUNICIPAL LAND OR BUILDINGS

(1) No sign may be displayed or erected on municipal land or buildings without the written permission of the Municipality.

(2) The following specific conditions and criteria will apply to the signs mentioned in items (a) to (c) below:

(a) Commercially sponsored signs other than those in section 13 (10).

Notwithstanding the area of control within which it is proposed to erect a commercially sponsored sign on Municipal land or buildings, and subject to compliance with all other provisions of this By-Law, the Municipality may consider a commercially sponsored sign for approval, subject to the following:

(i) Public or community needs or goals must be identified or adopted by the Municipality and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercially sponsored signs, the Municipality may call for public input on such public or community needs or goals and the related advertising opportunity.

(ii) In order to identify such public or community needs or goals, the Municipality and other interested authorities must consult prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising.

(iii) The Municipality's Supply Chain Management Policy will apply.

(iv) that any proposal be evaluated on the following factors:

(aa) the adherence to the principles of this By-law;

(bb) the design contribution;

(cc) the best community benefit offered;

(dd) the creativity and public safety;

(ee) the permanence of the contribution to the community goals or needs; and

(ff) the recovery cost over the period of the erection of the sign as opposed to the largest advertising opportunity or financial gain.

(v) When contributions in kind are to be recovered by the Municipality, a conversion thereof to a monetary contribution to the Municipality's income base will be assessed.

(vi) the Municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect shall not be regarded decision by the Municipality to proceed with the erection of a sign in respect of a specific site.

(vii) Once accepted, any sign to be erected in terms of this schedule must be the subject matter of a written agreement between the Municipality as landowner and the person responsible for the erection of the sign.

(b) Sponsored signs

Notwithstanding the area of control within which it is proposed to erect such a sign on Municipal owned land or buildings and subject to compliance with all other provisions of this By-Law, the Municipality may consider a sponsored sign for approval on condition that:

(i) written detail will be provided which clearly indicates the recognised community goals which will be promoted by the erection or display of the proposed sign;

(ii) signs with a political content will not be permitted;

(iii) no more than 5% of the total surface of the sign is used for third party advertising.

(iv) the maximum size of any such sign will be 6m x 3m; provided in the event of a V-shaped sign where the size may not exceed two panels of 6m x 3m each. Not allowed in areas of maximum control

(v) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2.

(vi) no sign erected in terms of this clause be located within 5 meters of a property's boundary line.

(c) Non-profit body signs

Notwithstanding the area of control within which it is proposed to erect a sign, and subject to compliance with all other provisions of this By-Law, the Municipality may consider the erection of a sign by or for the benefit of a non-profit body subject to compliance to a VIA and with the requirements set out in Schedule 17.

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SCHEDULE 17: SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT ORGANISATIONS

(1) Notwithstanding the area of control within which it is proposed to erect a sign by or for the benefit of a non-profit organisation, and subject to compliance with all other provisions of this By-Law, the Municipality may consider such a sign for approval subject to the following:

(a) written details from the host non-profit organisation regarding the nature and extent of the support to be received from the erection or display of the sign must be delivered to the Municipality together with the other information set out in Section 3 of this By-Law;

(b) the extent of involvement of previously disadvantaged communities, small businesses, job creation and empowerment will be considered in any proposal;

(c) any proposal will be evaluated on the following factors;

(i) the adherence to the principles or provisions of this By-Law;

(ii) the design contribution;

(iii) the best community benefit offered;

(iv) the creativity and public safety; and

(v) the permanence of the contribution to the community goals or needs as opposed to the largest advertising opportunity or financial gain.

(d) in the event of it being proposed that the said sign will be erected on municipal property:

(i) the Municipality must evaluate the proposal;

(ii) the Municipality as landowner reserves the right not to proceed with any proposal prior to final approval thereof; and

(iii) if accepted, a written agreement between the Municipality, the person responsible for the erection of the sign and the non-profit body must be entered into.

(e) In addition the following conditions will apply:

(i) signs with a political content will not be permitted;

(ii) the maximum size of any such sign is 6m x 3m; provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 3m each;

(iii) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2;

(iv) no sign erected in terms of this clause may be located within 5 meters of a property's boundary line;

(v) the name of the non-profit body must be displayed on the sign with a maximum 300mm lettering height;

(vi) all parties that may be affected by the erection or display of such sign must be given opportunity for their input;

(vii) the Municipality may require submission of impact assessment studies; and

(viii) no more than two individual signs of 6m x 3m each may be permitted, or alternatively one V-shaped sign with a maximum of two panels of 6m x 3m each on any one property. In addition, only one sign per street frontage will be permitted.

SCHEDULE 18: STANDARD FREE STANDING AND COMPOSITE SIGNS FOR THE CONSERVATION AREA

(1) Subject to approval and in accordance to this By-Law, the erection and display of standard free standing and composite signs will be the primary way of advertising in conservation areas and in areas of single residential zoning. In addition:

(a) Only one standard advertising structure, designed according to Municipal requirements, will be allowed on a property.

(b) A composite sign of maximum two advertising signs and size not exceeding an area of 1.8 m² per advertising structure showing only the name of the business and its main product will be allowed.

(c) In the case of a business centre, more than one advertising sign per advertising structure will be allowed in which case the centre's name and the names of the businesses in the centre may be displayed.

(2) The signs and advertising structures shall:

(a) Comply to the design standards and requirements of the Municipality.

(b) Not be displayed in the road reserve.

ANNEXURE B



Belangegroep Stellenbosch Interest Group

14 June 2021

Mr Deon Louw
deon.louw@stellenbosch.gov.za

Dear Mr Louw

STELLENBOSCH MUNICIPALITY SECOND DRAFT BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE

Please find the Stellenbosch Interest Group's (SIG's) comments on the Second Draft By-Law relating to Outdoor Advertising and Signage below.

The SIG wishes to place on record the importance for the Stellenbosch Municipality to; first, take note of the comments of Ms Claire Abrahamson relating to this By-law. Secondly, the comments of the Stellenbosch Municipality's recently appointed Senior Heritage Planner, Ms Katherine Robinson, must be obtained as she will be administering the Signage Policy. The significance of the afore-mentioned two heritage practitioners must precede and override any comments that are contributed by the SIG.

In particular, the following input from Ms Claire Abrahamson must be given immediate attention:

- *Rural landscapes are vulnerable to visual degradation through inappropriate signage, which can sometimes form an "urban intrusion" into the landscape.*
- *If a sign impacts or alters building fabric older than 60 years, application to HWC under Section 34 of the National Heritage Resources Act would be required, and comment on the proposed sign from the local heritage bodies would be appropriate.*
- *Applications for proposed new signs within conservation areas should engage with and receive the comment of any registered conservation bodies within those areas.*
- *The Municipality has a conservation team that is in the process of finalising a CMP for the whole area. It would be prudent to workshop this section of the by-law with them, to ensure that adequate control of signage in historic environments is provided.*

The SIG's concern relates in particular to the need for specific reference in the By-law to rural areas. The By-law indicates what is not permitted but gives no guidelines as to what signage should look like in this area of maximum control.

The SIG's further wishes to comment as follows:

Definitions

“**sign**” means any object, product, replica, advertising structure, mural, device or board which is used to publicly display a sign, or which is in itself a sign and includes a poster, billboard and an advertisement which is included in the architectural design of a building or structure and which is visible from any public place;

Comment: Signs must exclude murals. Murals must be dealt with in a separate By Law. In recent decades, public murals have become a common phenomenon in urban landscapes around the world. The Stellenbosch Municipality needs to establish a Public Mural Art Policy and Regulations that employ murals as an acceptable element while maintaining a balance which reflects and influences social, political, historical, cultural, and aesthetic values in Stellenbosch. In this regard Cape Town's Mural Policy would be a possible example to adapt for the unique character of Stellenbosch and the Winelands.

Comment: Rural areas are listed as areas of maximum control. The schedules only refer to what is not permitted under the schedules 9: headline posters 11: Temporary posters, tear-drop banners, banners and flags on public roads and public places.

SCHEDULE 1: AREAS OF CONTROL P35

The table refers

Please note that the SIG considers that the text highlighted in yellow below should be added to the draft document and that the text that has been struck through should be deleted.

Urban Area – Partial Control

Mixed use commercial and residential areas, unless within a conservation area.

Commercial ribbon development and activity corridors, unless within a conservation area.

Commercial and business districts and adjacent streets and rail reserves, unless within a conservation area.

Entertainment district or complexes with commercial zones, unless within a conservation area.

Educational institutions, Sports fields and stadiums, unless within a conservation area.

~~Undetermined zones~~ Limited use zones (including railway reserves, transport use zones).

Specific areas or sites designated as partial control by way of a map as contained in the zoning scheme regulations prepared by the Municipality. (Comment: There are no partial control sites marked on a map in the zoning scheme)

Urban Area – Minimum Control

Designated areas within ~~undetermined zones~~ limited use zones unless within a conservation area.

Specific areas or sites designated as minimum control by way of a map as contained in the zoning scheme ? (Comment: There are no partial control sites marked on a map in the zoning scheme)

SCHEDULE 4:

(8) ~~is not allowed on the sides of buildings around the areas of maximum and partial control.~~ Comment: The text should be omitted because it contradicts the introductory paragraph of Schedule 4: the erection or display of flat and projecting signs are permitted in all areas of maximum, partial or minimum control.

Add the following:

(9) No signs may be attached to walls or fences of residential buildings.

SCHEDULE 5: SKY SIGNS

Sky signs are not suitable for Stellenbosch or the Winelands.

(2) ~~Sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will only be permitted if they are locality bound, un-illuminated and consist of individual cut-out letters or logos.~~ Comment: This at least must be removed. Such signs should not appear on the roof of a cultural, historic or architecturally significant building.

SCHEDULE 6: ROOF SIGNS

(1b) When attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed + 0,5 metre in height and its total area may not exceed 25% of the roof area to which it is affixed. Comment: 1 metre is too big, consider 0.5metre and a limitation should be set for the total area if the roof is large.

2) It shall be permissible to affix a roof sign along the lower edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3.6m² in total area; with a maximum height of 1metre 0,5metre.

SCHEDULE 7: SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS

The numbering should be reviewed. Two sections (1) appear under Schedule 7.

(1) No signs may be attached to Historical Buildings

(1) (2) No such signs will be allowed on or over architectural features of buildings.

(2) No such signs will be allowed on or over architectural features of buildings.

Comment: Please note that columns, pillars, verandas, and balconies etc are all architectural features.

(7) Every such sign must be at right angles to the building line.

Comment: Unclear to which building line is referred.

SCHEDULE 13: LOOSE PORTABLE SIGNS

(d) that the loose portable sign, **only one per business**, ~~or proposed number thereof~~ does not detract from the amenity of the local streetscape or local environment;

(h) that a minimum clear footway width of 1,8 meters must remain clear and 2,5 meters in the **urban conservation area** ~~central-business~~ district and sidewalks with high pedestrian volumes.

SCHEDULE 14: AERIAL SIGNS

(2) Aerial signs may not be flown above a public road. ~~time~~ ('time' should be deleted)

SCHEDULE 15: TRANSIT ADVERTISING

(4) The Municipality may designate sites in areas **of** ~~at~~-minimum control for transit advertising and may publish notices indicating such sites.

The SIG wishes to thank the Municipality for the good working relationship that has been established with the committee in drafting this By-law and suggests that the task be completed by working with the Heritage practitioners that are deeply committed to improving the visual and environmental condition of our unique Municipality's historic and rural character.

Kind regards,

Patricia Botha

ANNEXURE C

POSTER BY-LAW OFFENCES

AMD FINES

Section Contravened	Description of Offence	Proposed Fine (1)	Approved Fine (2)
3(1)	Display any advertisement or erect or use any sign for advertising purposes without the Municipality's approval	R2 500	
4(1)	No sign may be erected until such time as the application fees have been paid in full	R2 000	
4(2)(f)	(f) that no sign or advertisement may be designed or displayed that— (i) will constitute a danger to any person or property; (ii) will display any material or graphic which does not comply with the requirements of the Advertising Standards Authority of South Africa. (iii) will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic or locality. (iv) will obscure any other signs approved in terms of this By-Law or its predecessor; and (v) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.	R2 000	
6(1)	(1) All signs and advertising structures which are not properly erected and constructed of the requisite strength or inadequately secured or does not comply with the requirements pertaining thereto of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977).	R2 000	
6(2)	Sign not repaired within seven after receipt of notice in writing for being vandalised, torn, damaged or falling into state of disrepair	R2 000	

9(2)	Signs may not be erected in an area where they are an unacceptable distraction for drivers, which acceptability may be determined in terms of the guidelines laid down in the S.A. Road Traffic Signs Manual.	R2 000	
14	No person may destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person may disfigure any sign legally displayed in terms of this By-Law.	R2 500	
15	No person may, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other Municipal installation or property and street furniture.	R2 500	
17(2)	(2) A person commits an offence if he or she— (a) threatens, resists, hinders, obstructs or otherwise interferes with, or who uses foul or abusive language towards or at an employee or contractor of the Municipality in the exercise of any powers or performance of any duty or function in terms of this By-law; or (b) impersonates an employee or contractor of the Municipality.	R2 500	

ANNEXURE D

POWERS DUTIES CONFERRED ON OFFICIALS AND OR STRUCTURES					
LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS LIMITATIONS INSTRUCTION TO ASSIST
BY-LAWS					
BY-LAW RELATING TO TO OUTDOOR ADVERTISING AND SIGNAGE					
○ S(3)	To approve an application for the display a new sign or to alter or to add to an existing approved sign or submit a signage plan	Municipal Manager	Director: Planning conomic Development for all off street positioned signs, advertising, posters (Signs and poster outside of any street or road reserve) Director: Infrastructure Services for all on-street positioned signs, advertising, posters (signs and posters for all signs and posters within street and road reserves)		
○ S(4)	Determination of all and any fees associated with Outdoor dvertising and Signage	Council			
○ S(7)	The approval of any electricity connections and fees to be paid for signs needing an lectricity Supply	Municipal Manager	Director: Infrastructure Services		

○ S(8)	approval of illuminance conditions and positioning wrt unwanted visual irritation to motorists of an illuminated signs	Municipal Manager	Director: Infrastructure Services		
○ S(9)	approval of sign position and design wrt to Traffic Safety	Municipal Manager	Director: Infrastructure Services		In consultation with both external and internal role-players as per by-law
○ S(12)	any appeals lodged in terms of Signs and Posters conditions of approval	Municipal Manager			

ANNEXURE E

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STELLENBOSCH

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MUNISIPALE KENNISGEWING: 44/2021

OPENBARE PUBLIEKE DEELNAME PROSES VIR NUWE PAAIE MEESTERPLAN

Kennis geskied hiermee dat Stellenbosch Munisipaliteit 'n nuwe Paaie Meesterplan ter tafel lê vir openbare inspeksie en kommentaar by die onderskeie biblioteke in die Stellenbosch munisipale area asook op www.stellenbosch.gov.za vanaf **14 MEI 2021 – 14 JUNIE 2021**.

Alle kommentaar moet verwys word na die Direkteur: Infrastruktuurdienste.

Kontak persoon: Deon Louw
Tel: 021 808 8213
E-pos: engineering.services@stellenbosch.gov.za
Onderwerpslyn: ROADS MASTERPLAN

Geraldine Mettler
 MUNISIPALE BESTUURDER

Posbus 17
 STELLENBOSCH, 7599

MUNICIPAL NOTICE: 44/2020

CALLING ON PUBLIC FOR COMMENTS ON NEW ROADS MASTERPLAN

Notice is hereby given that Stellenbosch Municipality has tabled a new Roads Masterplan, available for public comment at the libraries in the Stellenbosch municipal area and on www.stellenbosch.gov.za from **14 MAY 2021 – 14 JUNE 2021**.

All comments must be submitted to the Director: Infrastructure Services

Contact person: Deon Louw
Tel: 021 808 8213
Email: engineering.services@stellenbosch.gov.za
Subject matter: ROADS MASTERPLAN

Geraldine Mettler
 MUNICIPAL MANAGER

PO Box 17
 STELLENBOSCH, 7599

X1WP41FF-EN130521



STELLENBOSCH

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 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

MUNISIPALE KENNISGEWING: 45/2021

OPENBARE PUBLIEKE DEELNAME PROSES VIR NUWE PLAKKAAT VERORDENING

Kennis geskied hiermee dat Stellenbosch Munisipaliteit 'n nuwe Plakkaat Verordening ter tafel lê vir openbare inspeksie en kommentaar by die onderskeie biblioteke in die Stellenbosch munisipale area asook op www.stellenbosch.gov.za vanaf **14 MEI 2021 – 14 JUNIE 2021**.

Alle kommentaar moet verwys word na die Direkteur: Infrastruktuurdienste

Kontakpersoon: Deon Louw
Tel: 021 808 8213
E-pos: engineering.services@stellenbosch.gov.za
Onderwerpslyn: POSTER BY-LAW

Geraldine Mettler
 MUNISIPALE BESTUURDER

Posbus 17
 STELLENBOSCH, 7599

MUNICIPAL NOTICE: 45/2021

CALLING ON PUBLIC FOR COMMENTS ON NEW POSTER BY-LAW

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All comments must be submitted to the Director: Infrastructure Services

Contact person: Deon Louw
Tel: 021 808 8213
Email: engineering.services@stellenbosch.gov.za
Subject matter: POSTER BY-LAW

Geraldine Mettler
 MUNICIPAL MANAGER

PO Box 17
 STELLENBOSCH, 7599

X1WP41FR-EN130521

7.5.3	SECTION 78(2) DECISION ON EXPLORING IN GREATER DETAIL THE ALTERNATIVE MECHANISMS TO ESTABLISH A PUBLIC TRANSPORT SERVICE FOR STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 August 2021

1. SUBJECT:SECTION 78(2) DECISION ON EXPLORING IN GREATER DETAIL THE ALTERNATIVE MECHANISMS TO ESTABLISH A PUBLIC TRANSPORT SERVICE FOR STELLENBOSCH

2. PURPOSE

Council to adopt the Section 78(1) Report and deliberate on its outcome, with relation to either an internal method of service delivery or to first look into an external method of service delivery, in terms of the Municipal Systems Act (Act No 32 of 2000)

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 The Stellenbosch Municipality Comprehensive Integrated Transport Plan (CITP) for the period 2016 – 2021 identified the need for improved public transport services for the Municipality. Our vision for transport as reflected in the CITP is ***“A sustainable transport system that provides for the basic mobility needs of individuals, supports a vibrant economy and operates seamlessly within and across the municipal boundaries”.***

4.2 With the rail service severely impacted upon by vandalism and theft, and regional bus services operating a limited and reduced service, the provision of a functional and sustainable Public Transport System for Stellenbosch is now one of our most important challenges.

4.3 The matter of an adequate means of delivering such a Public Transport System was investigated and is attached as Annexure A. In terms of this investigation a set of services should be rendered by a Municipality such as Stellenbosch:

4.3.1 A scheduled service should be provided with significantly more coverage and reliability than the current informal services (16-18 hours a day, 7 days a week, within 400m walking distance to most urban residents).

4.3.2 The nature and extent of the Public Transport Services Network (PTSN) (as proposed in the above-mentioned report), ultimately proposes a network of 11 local routes within Stellenbosch, and 8 long distance routes. An initial Pilot Service is also proposed, the pilot would service areas such as Kayamandi, Idasvalley, Cloeteville, Jamestown and the University. The cost of the initial services is estimated at approx. R180M, excluding direct operating cost, over the first 4 years.

4.3.3 Public transport service vehicles should be procured, and strict service and maintenance schedules will need to be followed.

4.3.4 Employment legislation (Labour Relations Act, Basic Conditions of Employment Act, Health and Safety Act) must be adhered to.

- 4.3.5 Public safety should be a priority, with systems implemented to reduce accidents and personal security incidents.
- 4.3.6 Fares are to be based on affordability to users and not cost recovery or profit generation. Given the high levels of poverty (upwards of 20% of households in the Municipality have no income), it is expected that fares may therefore be lower than the current fares.
- 4.4 In investigating the above, the following was found:
- 4.4.1 The Municipality is not likely to have the financial resources or organisational capacity to internally provide a public transport service.
- 4.4.2 The Municipality should consider the investigation of an External Service delivery mechanism in terms of section 78(3) of the Municipal Systems Amendment Act (No 44 of 2003).
- 4.4.3 The Municipality seeks to continue partnership with the Western Cape Government's Department of Transport and Public Works (DTPW) for support in establishing a public transport service through possible implementing incremental improvements to the existing public transport system.
- 4.4.4 The Municipality together with the DTPW pursue an alternative approaches to public transport services for Stellenbosch, that would reduce the cost by utilizing more of the existing infrastructure and by incorporating existing taxi services into a more formalized transport service.

5. RECOMMENDATIONS

- (a) that Council notes the attached report on the provision of public transport services in Stellenbosch Municipality;
- (b) that Council accepts that all the requirements of Section 78(1) in terms of investigating the municipality's capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the public transport services for Stellenbosch, has been complied with;
- (c) that Council, in terms of the Municipal Systems Act, Act 32 of 2000, as amended, Section 78(2), accepts the scenario to "after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b);"
- (d) that Council considers to proceed to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of public transport services through an external mechanism; and
- (e) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch had previously been identified as a priority town for assistance in terms of the DTPW's, Provincial Sustainable Transport Programme (PSTP). The DTPW is able to enter into a partnership with Stellenbosch Municipality to jointly develop sustainable transport projects within the municipal area. One of the first steps taken by the DTPW

was to conduct a Section 78 investigation to verify the possible delivery mechanisms for a public transport service, and whether Stellenbosch Municipality has the capacity to deliver such a service.

See attached, under **ANNEXURE A**, the Section 78(1) Assessment, 1st draft completed in March 2017, reviewed and updated in August 2021.

6.2 Discussion

6.2.1 Introduction

Stellenbosch Municipality has approved a Comprehensive Integrated Transport Plan (CITP) for the period 2016 – 2021, which identified the need for improved public transport services for the Municipality. In 2016 the Municipality commissioned studies on a Public Transport Services Network (PTSN) transport model as well as a PTSN Operational and Business Plan.

6.2.2 Public Transport Service

The nature and extent of the PTSN (as proposed in the above mentioned reports), proposes a network of 11 local routes within Stellenbosch, and 8 long distance routes linking Stellenbosch to (amongst others) Klapmuts, Paarl, Somerset west, Eerste River and Bellville and the Airport Industry. The service would be a quality bus, midi bus and taxi service operating in mixed use traffic along with moderate upgrades to existing infrastructure to accommodate the service.

An initial Pilot Service is also proposed, the pilot would service areas such as Kayamandi, Idasvalley, Cloetesville, Jamestown and the University.

Implementation costs (which exclude direct operating costs) for the pilot system have been estimated at R180M over the first 4 years, with the majority of the funding being required in year 4. The high cost estimate for year 4 relates to procurement of vehicles and the upgrading of infrastructure. A portion of cost in year 4 can be mitigated by, for example utilizing more extensively existing infrastructure as well as by incorporating Taxi Companies utilizing approved vehicles, currently in use, instead of procuring vehicles.

A public transport service require functions ranging from (amongst others) operational planning and implementation, fleet and infrastructure maintenance and management, intelligent transport systems management and security. Without a significant increase in staff, the Municipality Roads and Transport Division would not have capacity to implement and manage a public transport service.

It would therefore be proposed that the Municipality considers an external mechanism for the provision of public transport service and, partners with the Western Cape Government's Department of Transport and Public Works for support, to ultimately apply the most appropriate mechanism for a public transport service in Stellenbosch.

We therefore seek Council's approval for further investigation to establish the most suitable external mechanism for the provision of the much needed improvements for public transport service delivery.

6.3. Financial Implications

The appointment of a service provider to undertake the Section 78(3) investigation for a feasibility study is estimated at R 2 000 000.00.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation as discussed under delegated authority.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

478903	S CTIO 78 P OC SS O T L S IC D LI M CH ISM ITH DS TO P LIC	7.6.2 S CTIO 78 P OC SS O T L S IC D LI M CH ISM ITH D TO P LIC T SPO T 4TH CO CIL M TI : 2016-11-23: IT M 7.6.2 SOL D (ma ority vote) (a) that Council approves the proposal that an assessment of the municipality s capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision and (b) that, should the above assessment recommend the use of an e ternal mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an e ternal mechanism. The following Councillors requested that their votes of dissent be minuted: Councillors dams D Hendrickse and L Horsband (Ms).
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6.7 Risk Implications

This report has no risk implications for the Municipality at this point in time, full risks will be identified and reported on, during the Section 78(3) report.

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

Agree with the recommendations.

ANNEXURES**Annexure A: DRAFT SECTION 78(1) ASSESSMENT REPORT (2021)****FOR FURTHER DETAILS CONTACT:**

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	11 August 2021

ANNEXURE A



The provision of public transport services in Stellenbosch Municipality

Section 78 (1) Assessment

August 2021

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1. Introduction

1.1 Background

The Stellenbosch Municipality has approved a Comprehensive Integrated Transport Plan (CITP) for the period 2016 – 2021, which identified the need for improved public transport services for the Municipality. This vision for transport in the Municipality reflected in the CITP is as follows:

A sustainable transport system that provides for the basic mobility needs of individuals, supports a vibrant economy and operates seamlessly within and across the municipal boundaries.

From a public transport perspective, the CITP includes proposals to establish a Stellenbosch Public Transport Service Network (PTSNN). These plans have been refined through the development of an Initial Operational and Business Plan (December 2016), which provides detail on a pilot service.

At the same time, the Western Cape Government, through its Department of Transport and Public Works, has entered into a partnership with Stellenbosch Municipality to plan and implement sustainable transport initiatives. The purpose of this partnership is to support the development and implementation of sustainable transport systems in the Western Cape through collaboration with local government and other key stakeholders, and to align with strategic imperatives.

The provision of public transport services by the Municipality is required in terms of the National Land Transport Act (Act 5 of 2009) (NLTA). The NLTA when read in conjunction with the Constitution and the Municipal Structures Act (Act 117 of 1998), clearly places the responsibility with the local municipality.

Given that the Municipality is considering providing a public transport service, Section 77 of the Municipal Systems Act (MSA) of 2000 (and its amendment of 2003) requires that the Municipality "review and decide on the appropriate mechanism to provide a municipal service" when a new service is to be provided (or "significantly upgraded, extended or improved). Section 78 of the MSA sets out the procedure to be followed when conducting the review. Accordingly, this report therefore constitutes the required review in terms of section 78(1) of the MSA.

At its meeting of 23 November 2016, the Municipal Council resolved that such a Section 78 process could commence.

1.2 Methodology and Report Layout

Section 78(1) of the MSA sets out the criteria and process that must be followed when deciding on the mechanism to be used for service provision. This report, therefore, adopts the structure set out in Section 78(1). The following sources of information have been used:

- Council approved documents: the IDP and the CITP (and related budget information).

- The Initial Operational and Business Plan for the pilot PTSN service.
- Interviews with key officials within the Municipality.
- Consultation with the relevant labour unions.

The document is structured as follows:

- **Chapter 2** outlines the nature and extent of the service envisaged by the PTSN.
- **Chapter 3** describes the requirements of the Municipal Systems Act.
- **Chapter 4** follows the MSA process and evaluates the suitability of an internal mechanism to deliver the service.
- **Chapter 5** summarises the conclusions.
- **Chapter 6** sets out the recommendations of the review.

2. Provision of Municipal Public Transport

This chapter outlines the nature and extent of the public transport service provision envisaged by the Municipality. It gives an indication of the resources that would be required to operate and manage the service.

2.1 Endorsement by the CITP and the IDP

The Municipality has an approved Integrated Development Plan (IDP) for the period 2017 to 2022. A component plan to the IDP is the Comprehensive Integrated Transport Plan (CITP) for the period 2016 – 2021, which has also been approved by the Municipal Council. The CITP includes proposals for the establishment of a formal Public Transport Service Network and these proposals were developed further through the completion of an Initial Operational and Business Plan in 2016. The guiding principles for the PTSN are as follows:

- Compliance with the Department of Transport guidelines for a Public Transport Network Grant and the Provincial Public Transport Institutional Framework
- Transformation and upliftment of the public transport industry
- To improve public transport services and quality of life of residents
- Phased development of the public transport system
- Financial sustainability

2.2 The extent of the service envisaged by the PTSN

The Initial Operational and Business Plan for the Stellenbosch Public Transport Service Network provides high-level detail on the proposed network of improved public transport services and more specific detail on an envisaged pilot service.

The proposed PTSN includes a network of 11 local routes and 8 long distance routes operating for 16 hours per day (05h00 – 21h00), with a frequency of 10 minutes in the AM and PM peak, 20 and 30 minutes during the off-peak, and 15 minutes during early morning off-peak (05h00 – 06h00). The proposed PTSN is currently being reviewed to incorporate Taxi Operating Companies as well as other transport service providers for example, exploring options such as electrical vehicles for shorter trips within the CBD. The proposal will be for a quality bus, midibus or taxi service operating in mixed traffic with selective improvements at intersections to give priority to public transport. Route stops were designed so that the community served would be within a maximum walking distance of 400m from a stop.

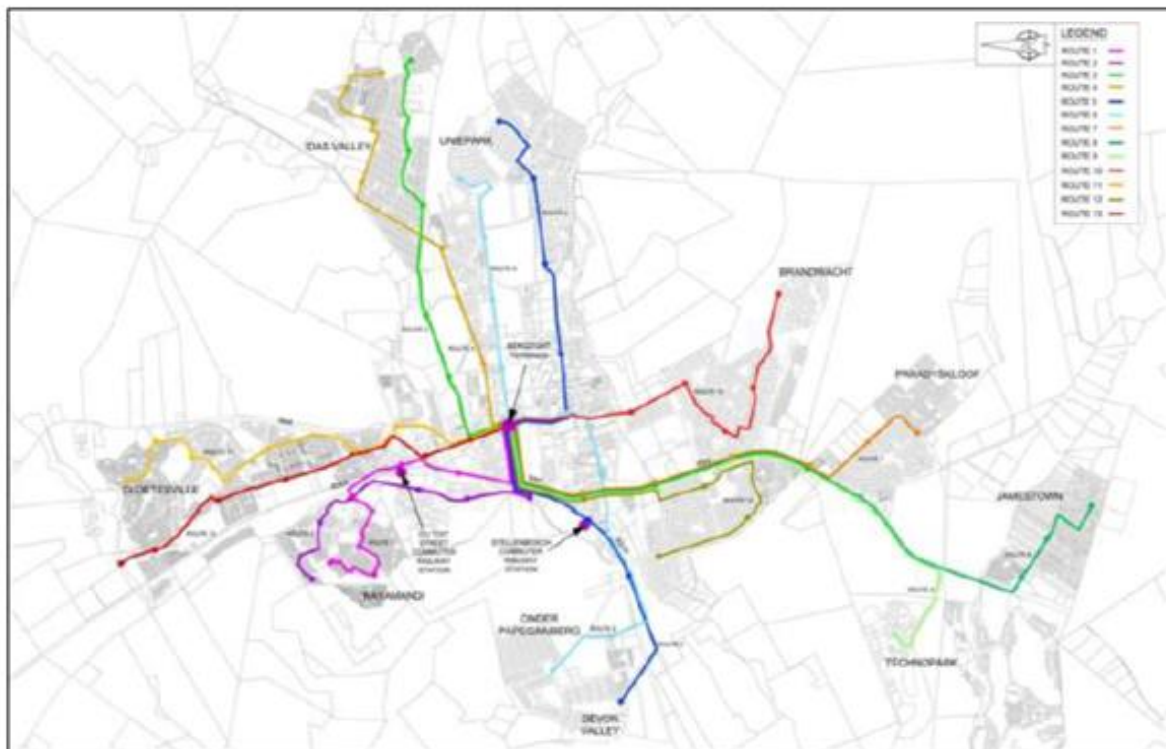


Figure 2-1 Proposed Stellenbosch Public Transport Service Network showing 11 local routes (Source: CITP, 2016)



Figure 2-2 Proposed Stellenbosch Public Transport Service Network showing 8 long distance routes (Source: CITP, 2016)

The network of local routes uses a hub-and-spoke design with all routes connecting close to the centre of the network, making it possible to transfer from any route to any other route at the central terminal point. In addition, the regional routes will provide accessibility from all parts of Stellenbosch Municipality to Somerset West, Paarl, and to Cape Town with minimal transfers and the interchange points with the City of Cape Town's MyCiTi system.

2.2.1 Pilot Service

From the full network, 2 of the main routes (Route 1 and 7) were proposed to be implemented as a pilot and explored in further detail. Routes have been prioritised based on ridership. The proposed pilot service has a capped capacity of 216 passengers per hour, and will form part of a hybrid system operating alongside existing mini-bus taxi services.

The pilot system consists of the following routes:

- Kayamandi to Idas Valley via Bergzicht and the University of Stellenbosch (Route 1)
- Cloetesville to Jamestown via Bergzicht (Route 7)

Bergzicht would serve as a terminal for transfers between the two routes. Fares would be zonal-based with a fixed fare for travel within a zone, and an AFC system with tap-on and tap-off capability. Each route will have 2 zones, with the option to transfer to any other zone at Bergzicht terminal.

3. Requirements of the Municipal Systems Act

3.1 The responsibility

Section 78 (1) of the Municipal Systems Acts states that:

“When a municipality has in terms of Section 77 to decide on a mechanism to provide a municipal service in the municipality, or to review an existing mechanism”

Accordingly, a Municipality:

- a) Must first assess –
 - i. The direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health, well-being and safety;
 - ii. The municipality's capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76(a);
 - iii. The extent to which the re-organisation of its administration and the development of the human resource capacity within that administration, as provided for in sections 51 and 68, respectively, could be utilised to

provide a service through an internal mechanism mentioned in section 76 (a);

- iv. The likely impact on development, job creation and employment patterns in the municipality, and
- v. The views of organised labour; and

b) It may take into account any developing trends in the sustainable provision of municipal services generally.

Section 78(2) of the MSA then states that, after having applied subsection (1), a municipality may -

- a) Decide on an appropriate internal mechanism to provide the service; or
- b) Before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76(b).

What the above means is that when a municipality wants to deliver a new service, it must first decide whether it is broadly feasible to do so internally or whether it should consider outsourcing the service provision.

3.2 Definitions

Key considerations in the interpretation of the MSA relate to the definitions of the term "service", and "mechanism".

A "Municipal service" is defined as "a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether –

- a) such service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 or by engaging an external mechanism contemplated in section 76; and
- b) fees, charges or tariffs are levied in respect of such a service or not".

For the purposes of this review the public transport service includes not only the operation of the buses, but related services such as fleet management, management of ticketing systems, intelligent transport systems and facilities (depots, stations and stops).

It is also useful to draw a distinction between the provision of a municipal service, on the one hand, and the actions taken and decisions made by a municipality in relation to a municipal service, on the other. The terms "service provider" and "service authority" are sometimes used to describe those two roles. Municipalities can, and often do, outsource the provision of municipal services, in terms of a service delivery agreement. A private (or public) company is then the service provider and the municipality remains the service authority.

The term “mechanism” is deemed to refer to either an internal mechanism (defined by section 76(a) as a department, business unit or any other component of the Municipality's administration) or an external mechanism (a municipal entity, another municipality, an organ of state, a community based organisation or other NGO, or any other institutions, entity or person legally competent to operate a business activity).

3.3 The Methodology for Assessment

Section 78 (1) sets out the method by which the delivery of the service via an internal mechanism is to be assessed. This report adopts the s78 (1) methodology.

3.4 Criteria for Assessment

In terms of Section 73(2), the municipality has the duty to ensure that the delivery of its services adheres to the following guidelines:

Municipal services must be

- a) equitable and accessible;
- b) provided in a manner that is conducive to:
 - i. The prudent, economic, efficient and effective use of available resources; and
 - ii. The improvement of standards of quality over time;
- c) financially sustainable;
- d) environmentally sustainable; and
- e) regularly reviewed with a view to upgrading, extension and improvement.

Thus, the Section 78(1) investigation must consider the internal mechanisms for compliance with the above requirements.

4. Assessment of Service Delivery

This section sets out the assessment for internal service delivery, using the structure provided by section 78(1) of the MSA.

4.1 Direct and indirect costs and benefits including the effect on the environment, human health, wellbeing and safety

The assessment undertaken here is at a high level, in order to give an indication of the resources required by the Municipality and the economic, environmental and social impact of providing the service internally.

Public transport is widely recognised as a key driver of socio-economic growth and development, particularly in developing and emerging economies where many citizens are unable to afford private vehicles and rely on public transport to access services, work, educational, recreational and social opportunities. The need for an efficient, effective, affordable and safe public transport system to support economic growth and development is particularly relevant in South Africa. Indeed, recognition of the central role to be played by public transport in South Africa's growth and transformation agenda is repeatedly highlighted in the National Development Plan 2030.

In the Western Cape, public transport is viewed as an essential catalyst and enabler for accelerated and shared economic growth. Likewise, poor public transport systems are recognised as key constraints to economic growth and development in many parts of the developing world. In Stellenbosch, both the captive and choice markets will benefit from improved public transport services. Movement into and around the Municipality is hampered by a lack of good quality public transport services. The development of such services will help to facilitate safe, reliable access to all.

4.1.1 Direct and Indirect Costs and Benefits

Benefits

The major benefit of a formal public transport service is the increased number of people that will be able to access good quality public transport to get to work or school, to look for work, and to access services such as hospitals, clinics, libraries, shops, etc. The existing minibus taxi industry provides an essential service to the people of Stellenbosch, but there is scope to improve the quality of the service provided. Table 4-1, below, outlines the possible benefits of the full PTSN.

Table 4-1 Benefits of an improved public transport service

Present	Future
Monitoring of public transport service quality is limited.	Service quality is closely monitored ensuring that passengers well-served.
Passengers must pay a single fare for each trip.	Passengers save through transfer and bulk ticket purchases.
Geographic service coverage is limited and demand-driven.	A full network of services is provided, providing accessibility to a larger proportion of the population.
Vehicle quality is variable.	Vehicle quality is standardized and vehicles are well-maintained, providing a comfortable and safe passenger experience.
Services primarily provided during peak hours, off-peak services are limited, with long waiting times.	Services provided throughout the day and set intervals.
Limited public transport options for the choice market, which fuels dependence on the private vehicle and contributes to the issue of congestion.	The choice market has access to a good quality public transport alternative.
No formal customer service facility.	Comprehensive user information for existing and new users and mechanism for registering enquiries and complaints.

Direct costs

A public transport service run by the Stellenbosch Municipality is going to be more expensive than the current services operated by the minibus taxi industry. The primary reasons for this are:

1. A scheduled service will be provided with significantly more coverage and reliability than the current informal services (16-18 hours a day, 7 days a week, within 400m walking distance to most urban residents).
2. IPTN Vehicles will be upgraded and strict service and maintenance schedules will need to be followed.
3. Employment legislation (Labour Relations Act, Basic Conditions of Employment Act, Health and Safety Act) must be adhered to.
4. Public safety will be a priority, with systems implemented to reduce accidents and personal security incidents.

5. Fares are to be based on affordability to users and not cost recovery or profit generation. Given the high levels of poverty (upwards of 20% of households in the Municipality have no income), it is expected that fares may therefore be lower than the current fares.

The costs associated with the full PTSN have not been provided. Available cost estimates are limited to the proposed pilot service. Across South Africa, the cost of providing public transport services has been underestimated, while fare revenues have been overestimated. Therefore, the outcomes and recommendations contained in the Initial Operational and Business Plan should be approached with caution.

Implementation costs (which exclude direct operating costs) for the pilot system have been estimated at R180m over the first 4 years. The cost of infrastructure makes up the greatest share of these costs and includes items such as road upgrading and the development of a central terminal (Bergzicht), a temporary depot and stops and shelters.

The Initial Operational and Business Plan (currently under review) proposes a pilot service based on the following.

- IPTN Vehicles running at capacity (216 passengers per hour) for 16hrs per day, 365 days per year
- Fares of R8 and R10 per trip for travel within the same zone

Operating cost for similar services is estimated at about R37 per km (32% higher than proposed in the Plan). This suggests that the actual cost of operations may be to R32m per annum, with a potential shortfall of between R11m – R17m.

The costs for the full service have not been estimated. However, assuming that direct operating costs are between R120m and R180m per annum for the full network, the estimated shortfall for the full service is likely to be between R40m – R90m.

The possibility of obtaining grant or subsidy funding from National or Provincial Government must be investigated. Initial capital investments, and indirect operating costs could be covered by subsidy/grant funding such as:

- Public Transport Network Grant (PTNG)
- Public Transport Operations Grants (PTOG)

Currently 13 cities receive funding through the PTNG, the PTNG provides no contribution toward direct operating costs and only a partial contribution toward indirect operating costs. Grant funding may cover up to 70% of indirect operating costs for the first 2 years after the municipal financial year in which operations commence, and up to 50% of these costs in subsequent years. There are however no plans to extend the grant to additional municipalities.

The Municipality will endeavour to apply for funding, however the receipts of grants funding cannot be guaranteed and the Municipality will mostly likely be required to source funding from elsewhere, or use own funding.

The Municipality cannot afford the implementation and operating costs described above, and as part of the review of the Public Transport Service, measures to reduce both capital and operational cost will be investigated.

With current estimates, the establishment costs for the pilot represent approximately 33% of the Municipality's annual capital budget or 8.13% if these costs are divided equally over 4 years. This represents a significant financial burden on the Municipality which cannot be absorbed without significant budget reallocation or additional revenue generation.

The financial impact of the estimated operating shortfall for the pilot (between R8.5 – R17m) and the full network (between R40m and R90m) is outlined in Table 4-2 below.

Table 4-2 Implications of an operating shortfall

Service	Operating shortfall (direct OPEX only)	Approximate percentage of Municipal operating budget
Pilot	R11m – 17m	0,6% - 1,2%
Full Network	R40m - 90m	2,9% - 6.5%

This does not include indirect operating costs, which would be additional to this.

Indirect costs

Indirect costs associated with the provision of a bus service include the cost of planning and management, the cost of support from other municipal departments (finance, safety and security, cleansing), station/terminal management, infrastructure maintenance, insurance, the ongoing cost of ITS and AFC systems, industry transition costs (company formation, training, compensation) and additional safety and security costs (security guards). Some of these costs are included in the total implementation costs described in the previous section, however others have not been costed.

The management of public transport (even using an outsourced model) requires substantial internal capacity to oversee the service, with an associated cost. Based on experiences elsewhere in South Africa, there are also likely to be substantial consulting services costs during the initial years of planning, establishment and operations until sufficient capacity has been developed internally.

4.1.2 Environment

Public transport services have the potential to reduce or mitigate the impact of the transport system on the environment. Well-designed public transport can transport more people, using less fuel, producing fewer emissions (including greenhouse gas emissions) and air pollutants and taking up less space than private vehicles. In light of the above, the overall impact on the environment is expected to be positive – other than the short-term impact of noise pollution etc. caused by infrastructure upgrades.

4.1.3 Human Health, Wellbeing and Safety

The impact on human health, wellbeing and safety is expected to be positive, since the PTSN places particular emphasis on the improvement of safety and security.

Access to social services, such as schools, clinics, hospitals, police stations, municipal offices and other such facilities will also be readily available through scheduled services operation for 16-hours per day at an affordable charge.

The environmental benefits of cleaner, serviced buses supplementing the existing minibus taxi fleet and reducing the need for cars will also benefit human health and wellbeing through a reduction in air pollution.

A scheduled service, operated by formally trained drivers and carefully monitored by the Municipality, is also expected to reduce the number of accidents compared the existing system.

4.2 Stellenbosch Municipality's capacity and potential future capacity to furnish the necessary skills, expertise and resources

In order to run the envisaged public transport service internally, the Stellenbosch Municipality would need to develop sufficient organisational capacity to perform the necessary functions.

4.2.1 Understanding the functions required

There are a range of strategic and operational functions that need to be fulfilled in order for a public transport system to run effectively and efficiently. These functions are described below.

- **Operational planning:** this includes the technical design of the service (demand assessment, route design, vehicle selection, scheduling) and ongoing service refinement.
- **Operations:** The provision of the actual public transport service by vehicles on set routes according to a schedule. This includes operations management,

service monitoring, driver vehicle operations and incident response (e.g. vehicle breakdown).

- **Fleet Management:** The specialised management of the vehicle fleet required to provide the public transport service, including procurement, maintenance and servicing, refueling, cleaning, insurance, accident administration, licensing and financial asset management
- **Marketing and Communications:** is focused on publicising the public transport service to the community to encourage service patronage, communicate service changes or updates and to distribute passenger information in a usable format.
- **Contract management:** All functions that are outsourced to external service providers will be contracted and these contracts need to be managed. Service providers need to be paid timeously as well as monitored in order to ensure that they are meeting their contractual obligations.
- **Fare management:** is the sale of tickets and the collection of fares from the commuters. This function also ensures that commuters have paid the correct fare for the passage that they are undertaking. The national department of transport (DoT) has issued guidelines that require fare management systems to be Euro/Mastercard/Visa (EMV) compliant. An EMV compliant system requires smart card fare media, a card distribution network and an electronic payment system that enables commuters to both purchase fares and register trips when they use the service. This will require electronic validation machines that can register when a commuter gets on and off a vehicle
- **Financial management:** Managing the various financial elements of the system including revenues (fare revenue, any grants or subsidy contributions from national or provincial government, municipal contribution, other system revenue) and costs (operating and capital costs). Asset management functionality is also required for the vehicle fleet.
- **Infrastructure:** is the development and management of the physical infrastructure needed to make the system work efficiently. This infrastructure includes, but is not limited to bus depots, bus stations, bus shelters/stops, lighting, ticket sales facilities, IT and fare collection infrastructure.
- **Intelligent transport systems (ITS):** relates to the monitoring of the public transport system to ensure services are operating optimally. This function requires a comprehensive information technology framework that connects on-board electronic monitoring devices to a central server.

The primary responsibility of the ITS system is to monitor whether or not buses are present at the location and time prescribed. The system should automatically generate exception reports that can then be sent to the operations manager to take the appropriate remedial action.

ITS systems can have additional layers of complexity that can provide for the live-monitoring of operator services. With the appropriate manpower the ITS system can be used to track, monitor and communicate with vehicles and liaise with traffic control and safety and security officials.

The ITS system can also provide passengers with real-time information regarding routes and scheduling, as well as providing the infrastructure through which the security of commuters can be monitored via CCTV and emergency phone networks.

- **Inspection and verification:** This function involves the physical monitoring of operator services. Teams of inspectors are tasked with checking the buses for punctuality, cleanliness and safety. They can also monitor the fare payment system by verifying that commuters travelling on the PTS have paid the correct fare for their trip.
- **Safety and security co-ordination:** ensures the safety of the commuters using the public transport system. This function includes the co-ordination of the SAPS and other private security service providers.

4.2.2 Capacity Requirements

It is estimated that the Municipality would need to employ between 200 and 400 people to run the full network of services proposed in the PTSN (assuming a full replacement model). Main job categories include service managers, bus drivers, fleet management and maintenance staff, ticket sellers/cashiers, security personnel, inspectors, cleaners (of buses and facilities), financial staff, infrastructure specialists, administrative staff and IT staff (primarily to maintain the Intelligent Transport Systems and the Fare Management Systems).

The Roads, Transport and Stormwater division has many vacant and unfunded positions within the structure. Currently filled positions are a Senior Manager with approx. 110 staff across three departments:

- The Roads and Stormwater department (Roads, Bridges Stormwater) has a Manger, 2 Technical Staff and 86 operation staff.
- Traffic Engineering department (Road Markings, Roads Signs, Traffic Signals ect) has a Manger, 1 Technical Staff and approximately 14 operational staff

- Transport Planning and Public Transport department has a Manger (2 technical staff positions are currently vacant).

Establishing and running the proposed public transport service internally will, therefore, increase the Stellenbosch Municipal staffing structure by between 19% and 38% (based on filled posts). If it was to be added to the responsibilities of the Transport, Roads and Stormwater division (where it is commonly housed), then it would increase the staff complement of that division by between 200% - 400%. This would likely require the establishment of a dedicated Transport Department, as is the case in large municipalities, like the City of Cape Town.

For the pilot, 29 drivers will be required to operate the service. In addition, a range of additional staff will be required to fulfil the functions described in Section 4.2.1. For the pilot it is estimated that at least 50 staff would be required, including the 29 drivers.

The Municipality does not have the capacity to increase its staff complement by the extent required in the short term. It may, in the long term, be able to develop the capacity by recruiting from the existing industry and instituting training programmes to develop the required skills over time. However this would also require an increase in the overall management capacity of the Municipality – not just for the Engineering Services Department, but also other Departments, since there would be additional burdens placed on Departments such as Financial Services, Community Safety, Corporate Services and the Municipal Manager's Office.

4.3 Extent that re-organisation could be utilised

Section 78(1)(a)(iii) states that a municipality “must first assess the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76(a)”

Section 51 (g)(i) states that “a municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to perform its functions through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units.”

Section 68(1) states that “a municipality must develop its human resource capacity to a level that enables it to perform its functions and exercise its powers in an economical, effective, efficient and accountable way...”

The analysis under section 4.2 above indicates the extent of the organisational resources required to run a public transport service as envisaged by the PTSN. It is clear that, in the near term, Stellenbosch Municipality does not have the capacity to

take on these functions through a re-organisation of its existing staff and structures. The Directors of Departments that may potentially be responsible for such a service, Engineering Services and Community Safety, have also both indicated that they do not have the capacity to initiate such a service.

4.4 Likely impact on development, job creation and employment patterns in the municipality

The initiation of the public transport service will create at least 50 jobs within the Municipality during the pilot phase and up to 400 new jobs once the full network is operational. However, a significant portion of these jobs will be at the expense of existing jobs within the private sector (for example minibus taxi drivers) who are likely to be employed by the Municipality.

The overall impact of a public transport service is expected to have significant benefits for broader development, as discussed in the cost benefit analysis above, by facilitating continued economic growth and job creation through the establishment of an efficient transport system. Employment patterns may also change as the comprehensive and affordable service makes it easier for people to look for work and commute to places that were previously not affordable or easily accessed by existing means.

4.5 Trends in the sustainable provision of municipal services

Section 78(1) (b) states that a municipality “may take into account any developing trends in the sustainable provision of municipal services generally.”

Since the publication of the national Public Transport Strategy in 2007 and the establishment of a system of grants for public transport improvement in 13 municipalities there has been significant activity in the sector. Services are now in operation in Johannesburg, Tshwane, Cape Town and George, and at various stages of the planning and establishment process in the other municipalities.

One of the key challenges which has emerged during this period is that of financial sustainability. Across the board, the services which have been rolled out have proven to be more costly than originally expected, while system revenue has been lower than forecast. While efforts are being made to establish additional sources of funding for public transport improvement (additional contributions from National Government, fuel levy, local revenue retention), the cost of the current public transport model to government is increasingly being viewed as unsustainable.

In light of the above, cities at the forefront of public transport improvement are exploring alternative models. The City of Cape Town, for example, is exploring a hybrid model as a way of reducing costs. This includes formalised trunk operations, fed by existing minibus taxi operators.

In George, the Western Cape Government's Department of Transport and Public Works has played a seminal role in driving the establishment of the George Integrated Public Transport Network. While National Government is making a contribution through the PTNG allocation to the Municipality, there is a substantial shortfall which is not covered by the Grant and which is fully covered by the DTPW. Given the cost of this exercise, the Department is unwilling to replicate the George-model in future municipalities and has developed a Provincial Sustainable Transport Programme to plan and implement a different approach to public transport improvement in partnership with priority local municipalities. The PSTP will support alternative approaches to public transport improvement which are lower in cost, recognise the complexity of industry transition. The Incremental Approach is core to the Programme and includes an initial focus on getting public transport basics right, while progressively moving toward improved public transport services over time. It is a fundamentally different approach to the model pursued in George and that proposed in the Initial Operational and Business Plan for the PTSN.

With regards to the specific focus of this assessment, Cape Town, Johannesburg, George, Pretoria, Polokwane and eThekweni have all considered external options for the provision of services. The typical approach has been to allow bus operations to be run by the private sector (usually a company or companies representing consortia of existing bus and minibus taxi owners and operators). The contracts governing the bus operations are usually managed by the Municipality via a transport department. The relevant department is also expected to manage contracts governing fare management, station management, infrastructure design and development, fleet management, inspection and bus monitoring (intelligent transport systems) and marketing and communications rather than providing these services internally.

5. Conclusions

5.1 Aspects Reviewed

The above report has provided an overview of the extent of the public transport service envisaged by the PTSN, considered the process that the Municipality must follow in terms of section 78(1) of the MSA, and then reviewed each issue listed by section 78(1). These include the costs and benefits of providing the service, the Municipality's capacity to provide the service, and international and local trends with respect to public transport service provision.

5.2 Conclusions

The conclusions reached from interviewing key municipal officials and considering each of the aspects required by s78 (1) are that the Municipality does not currently have the financial resources or organisational capacity to internally provide a public transport service. The major factors counting against it are the increased budget required to cover the establishment and recurring costs of the service, the significant increase in staffing that would be required and a national shift in the approach to public transport improvement.

Irrespective of the mechanism selected to deliver a public transport service (internal vs. external), the Municipality should consider pursuing an alternative approach to public transport improvement based on the experiences of George, Cape Town and elsewhere.

6. Recommendations

Based on the conclusions reached above, it is recommended that:

1. The Municipality consider an external mechanism for the provision of public transport services in Stellenbosch. This consideration should be conducted in terms of section 78(3) of the Municipal Systems Amendment Act (No 44 of 2003).
2. That the Municipality pursue an alternative approach to public transport improvement based on the principles of the Provincial Sustainable Transport Programme.
3. That the Municipality seek a partnership with the Western Cape Government's Department of Transport and Public Works for support in implementing incremental improvements to public transport and the broader transport system, in line with the principles of the Provincial Sustainable Transport Programme.

7.5.4	REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 August 2021

1. SUBJECT:REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS

2. PURPOSE

That Council approves the annexed schedule of the 2021 Bylaw on Roads and Street which will repeal of the Stellenbosch Municipality 2010 By-Law on Streets.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The 2021 By-Law on Roads and Streets was approved by Council in June 2021, however the annexed schedule which would repeal the 2010 By-Law on Streets was omitted from documentation submitted to Council.

The approval of the repeal schedule alluded to above is required to repeal the 2010 By-law on Streets, to enable the Municipality to promulgate the 2021 By-law on Roads and Streets (**ANNEXURE A**, clause 44 has reference).

5. RECOMMENDATION

that the schedule which repeal the 2010 By-Law on Streets in its entirety, be accepted as part of the 2021 By-Law on Roads and Streets, which is attached as **ANNEXURE B**.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality's first By-Law on Streets was promulgated in June 2010, Provincial Gazette 6756.

Council had approved the 2021 Bylaw on Roads and Streets following a public participation process and all relevant processes.

6.2 Discussion

The Municipality's 2021 By-Law on Roads and Streets, following Council approval, was promulgated in June 2021 under Provincial Gazette 8436, however it had been discovered that the schedule, in terms of which the previous By-law had to be repealed, was not attached to the Council item which served before Council. In light thereof the previous 2010 By-law on Streets was not deproclaimed with the promulgation of the 2021 By-law on Roads and Streets.

The schedule to the 2021 By-law on Roads and Streets, in terms of which the 2010 By-law on Streets will be repealed, needs to be approved by Council to enable the Municipality to promulgate the 2021 By-law on Roads and Streets.

6.3 Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

37TH COUNCIL MEETING: 2020-08-24: ITEM 11.5.2

RESOLVED (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.1

RESOLVED (majority vote)

- (a) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and
- (b) that Council notes that a public participating process was followed and considered the discussion on comments received.

6.7 Risk Implications

None

ANNEXURES

Annexure A: By-Law of Roads and Streets

Annexure B: Repeal Schedule

ANNEXURE A



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LOCAL AUTHORITY

Stellenbosch Municipality: Roads and Streets By-law (2021) 2

[STELLENBOSCH MUNICIPALITY.]

[DATE OF COMMENCEMENT: 28 MAY 2021.]

This By-Law

was published by *Provincial Gazette* No. 8436 dated 28 May 2021.

STELLENBOSCH MUNICIPALITY

ROADS AND STREETS BY-LAW

APPROVED BY COUNCIL ON 28 April 2021

AND

PROMULGATED IN TERMS OF SECTION 13 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

STELLENBOSCH MUNICIPALITY ROADS AND STREETS BY-LAW
(2021)

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

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

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

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1. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“**pedal cycle**” means –

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

“**pedal cyclist**” has a corresponding meaning;

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

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

- (a) in writing and in the prescribed format; and
- (b) upon receipt of a written application in accordance with the applicable process prescribed by the Municipality for that matter, from time to time;

and such permission may be made subject to conditions determined by the Municipality after due consideration of the application;

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

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

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

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

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

“street” means

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

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

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

“vehicle” –

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

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

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

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

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

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

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

- (b) The Municipality may –
 - (i) approve such exemption in full or subject to reasonable conditions; or
 - (ii) refuse such exemption on reasonable grounds.
- (c) The Municipality may, on reasonable grounds, revise or cancel such exemption or condition of an exemption.
- (d) Where applicable, an exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2)(b)(i).
- (e) In the event that –
 - (i) an activity for which exemption has been applied, commences before receipt of the undertaking contemplated in subsection (2)(d) by the Municipality, or
 - (ii) any condition of an exemption granted by the Municipality is not fully complied with, the exemption granted, lapses with immediate effect.

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

- (2) The Municipality may –
 - (a) exercise its duty to construct or maintain such streets, sidewalks or walkways irrespective of the existence of a structure in the area where the sidewalk or walkway will be built; and
 - (b) issue a written notice to the owner of said structure to remove it within a specific period.
- (3) The owner of a structure contemplated in section 4(2) must remove the structure at own cost and within the period stipulated in a written notice issued by the Municipality to do so.

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

4. Regulating encroachments on streets, sidewalks, walkways and road reserves. –

(1) No person may, without prior written permission of the Municipality, cause and encroachment on a street, sidewalk, walkway or road reserve forming part thereof by –

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

(2) If an encroachment is caused in contravention with subsection (1), the Municipality may, –

- (a) by written notice, order the person responsible for causing such encroachment, to remove said encroachment within the period specified in the notice; and
- (b) in the event of non-compliance with such written notice, remove said encroachment.

(3) The Municipality must immediately thereafter notify the person concerned in writing of their liability to pay the costs of the carrying out of the removal as contemplated in subsection (2)(b).

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

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

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

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

-
- (a) in any way obstruct the pedestrians, pedal cyclists and other vehicle traffic on a sidewalk, walkway or in a public place by bringing, or allowing to be brought thereon, any animal, object or vehicle;

- (b) allow their animals to roam freely on sidewalks or in public roads without the necessary control mechanisms; or
- (c) allow, permit or cause any animal to graze or stray in or about any street or public space.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) play games, roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or a missile, or throw a stone, stick or other projectile in, onto or across a street, sidewalk, walkway or public place; or
- (b) do anything in a street, sidewalk, walkway or public place which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public,

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

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

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

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

- (a) prior written permission of the Municipality; and
- (b) any other applicable By-law.

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

- (a) in any shooting range which complies with the provisions of any law applicable thereto;
- (b) for signalling the start of a race at an organised and controlled sports meeting, provided that blank cartridges only are fired thereby; or
- (c) in accordance with prior written permission of the Municipality.

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

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

subject to the applicable By-laws of the Municipality.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) An applicant for permission to hold such a race or sporting event must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the race or sports event, at least 15 working days prior to commencement of the race or event: Provided that, if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.

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

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

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

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

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

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

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

(2) No person may –

- (a) use a vehicle or allow it to be used in any street, on any sidewalk or walkway, or in any public place, if such vehicle is in such a defective condition that it will or may cause damage to such area;
- (b) drive, push, roll, pull or propel any object, machine or other material through or along a street, sidewalk, walkway or public place, –
 - (i) in such a way, or
 - (ii) while such object, machine or material is in such a condition, as may damage, break or destroy the surface of such area in any way; or
- (c) without prior written permission of the Municipality, except a necessary excavation, pit, trench or hole, undertake any work which may cause the surface of any street, sidewalk, walkway or public place to be altered, damaged or broken: Provided that such permission may be subject to payment of an amount sufficient to cover the cost of repairing any damages resulting from such actions, as a deposit before commencement of the work.

(3) If the Municipality identifies a person who, as a result of any action referred to in subsection (1), has damaged, broken or destroyed the surface of any street, sidewalk, walkway or public place, the cost of repairing any damages, as determined by the Municipality, may be recovered from the offender.

(4) Any person who is the owner of land on which any work is done is liable to the Municipality for any damage to any portion of any street, sidewalk, walkway or public place caused by or in connection with the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.

(5) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks, walkways or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the Municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such area as a result of, or in connection with, the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.

(6) After completion of the work contemplated in subsection (5), the Municipality may itself undertake the repair of any portion of the damaged area to the account of the owner and may set off the cost of such repairs against such deposit: Provided that if the cost is less than the amount of the deposit, the Municipality must refund the balance to the depositor and if the amount deposited does not cover such cost, the owner is liable for the difference, which becomes payable on receipt of an invoice from the Municipality specifying the additional amount due.

(7) No person other than an authorised official of the Municipality in the performance of his duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street, sidewalk, walkway or public place.

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

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

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

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

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

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

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

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

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

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

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

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

(b) will, or is likely to, be in conflict with the interests of public peace, good order or safety may be refused by the Municipality.

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

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

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

(a) wedding or funeral processions; and

(b) gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993), in which case the provisions of the said Act apply.

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

(a) appear without being clothed in such a manner as decency demands;

(b) or in view of such a place, urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act;

(c) sing any obscene or profane song;

(d) use any profane, foul, indecent or obscene language;

(e) in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging; or

(f) use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be caused.

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

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

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

(b) by any means whatever, raise the level of water in any river, dam or watercourse to cause interference with or endanger,

a street, sidewalk, walkway or public place.

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

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

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

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

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

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

- (a) turn such animal loose;
- (b) leave such animal at any time insufficiently attended in;
- (c) keep such animal –
 - (i) at large; or

(ii) in such a manner as to be a danger or annoyance to the traffic or public, or
(d) allow, permit or cause the animal to graze or stray, in, or about a street, sidewalk, walkway or public place.

(2) No person may walk a dog in a street, sidewalk, walkway or public place unless it is on a leash and under control of that person.

(3) No person may leave any injured, feeble, emaciated, diseased or dying animal on a street, sidewalk, walkway or public place except for the purpose of seeking assistance for the removal of such animal from that area.

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

(2) A number contemplated in subsection (1) must be–

(a) displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and

(b) replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

(3) If the owner contemplated in subsection (1) fails to comply with such notice, the Municipality may execute the notice and the owner is liable for the reasonable cost incurred by the Municipality in so doing.

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

(a) any dwelling; or

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

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

(a) unless suitable sanitary conveniences for both sexes of the staff have been provided; and

(b) if it is in any way dangerous or unsafe for public use.

(2) Assistance by traffic officers will be provided by the municipality on application.

(3) An applicant for permission to hold such a show or set up such a device must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the

event, at least seven working days prior to commencement of the race or event: Provided that, if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.

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

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

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

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

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

(3) No person may –

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

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

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

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

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

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

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

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

(4) The payment of deposits and tariffs to the Municipality are subject to the following:

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

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

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

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

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

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

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

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

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

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

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

- 41. Declaration of streets and public places.** –(1) The Municipality may –
- (a) declare any land, or portion of land, under its control to be a street, sidewalk or walkway, or any street, sidewalk or walkway, or portion thereof to be a public place; and
 - (b) declare any private street or portion thereof to be a public street, or any place or portion thereof to be a public place.
- (2) When the Municipality decides to act in terms of subsection (1), it must –
- (a) give written notice of such intention in terms of its communication policy; or
 - (b) in the absence of such policy, give notice of its intention in a local newspaper in at least two official languages
- (3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2) for submission to Council, a committee or person who has delegated powers to decide upon it.
- 42. Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories.** –(1) The Municipality may –
- (a) by Notice in the *Provincial Gazette* determine any other subcategory of vehicles and regulate such subcategory as contemplated in paragraph (b); and
 - (b) regulate the use by pedestrians, pedal cyclists and other subcategories of vehicles of a specific street, sidewalk, walkway or public place, or a section or part thereof, where the use thereof is not suitable for pedestrians, pedal cyclists or such subcategory of vehicles, as the case may be.
- (2) When exercising its powers as contemplated in subsection (1)(b), the Municipality must erect a road traffic sign which clearly indicates the regulated use and area of application.
- 43. Offences and penalties.** –Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and liable upon conviction to –
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.
- 44. Repeal of By-laws.** –The By-laws listed in the Schedule hereto are hereby repealed to the extent indicated in the third column thereof.
- 45. Short title and commencement.** –This By-law shall be known as the By-law relating to Roads and Streets and comes into operation on the date of publication thereof in the *Provincial Gazette*.

ANNEXURE B

**SCHEDULE
REPEAL OF BY-LAW**

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

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

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

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

7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR J FASSER)
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NONE

7.10	MUNICIPAL MANAGER
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NONE

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

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