



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref: 3/4/3/5/3/4

2021-09-06

**NOTICE OF A
PARKS, OPEN SPACES AND ENVIRONMENT
COMMITTEE MEETING
MONDAY: 2021-09-06**

TO Cllr XL Mdemka (Ms) [Chairperson]

COUNCILLORS J Kleynhans (Ms)
Ald JP Serdyn (Ms)
E Vermeulen (Ms)

Ex officio Executive Mayor, Ald G Van Deventer (Ms)

Notice is hereby given that a Parks, Open Spaces and Environment Committee meeting will be held via MS Teams on **Monday, 2021-09-06 at 10:00** to consider the attached Agenda.

CLLR XL MDEMKA (MS)
CHAIRPERSON

A G E N D A
PARKS, OPEN SPACES AND ENVIRONMENT
COMMITTEE MEETING
2021-09-06
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1.	OPENING AND WELCOME
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2.1	COMMUNICATION BY THE CHAIRPERSON	(3/4/3/6)
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2.2	DISCLOSURE OF INTERESTS	(3/6/2/2)
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3.	APPLICATION FOR LEAVE OF ABSENCE
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4.1	CONFIRMATION OF THE MINUTES	(3/4/3/5/2/4)
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The minutes of the Parks, Open Spaces and Environment Committee Meeting held on 2021-08-11, is attached as **APPENDIX 1**.

FOR CONFIRMATION

4.2	REPORT/S BY THE DIRECTOR: COMMUNITY AND PROTECTIONS SERVICES RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MEETINGS	(3/4/3/5/2/2)
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NONE

APPENDIX 1



STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref: 3/4/3/5/3/4

2021-08-11

MINUTES

**PARKS, OPEN SPACES AND ENVIRONMENT
COMMITTEE MEETING**

2021-08-11 AT 10:00

MINUTES
PARKS, OPEN SPACES AND ENVIRONMENT
COMMITTEE MEETING

2021-08-11

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	NONE	

PRESENT: Cllr XL Mdemka (Ms) [Chairperson: Parks, Open Spaces & Environment]

COUNCILLORS: J Kleynhans (Ms)
Ald JP Serdyn (Ms)
E Vermeulen (Ms)

OFFICIALS: Director: Community and Protection Services (G Boshoff)
Senior Manager: (A van der Merwe)
Manager: Parks and Cemeteries (N Mohamed (Ms))
Senior Admin Officer (B Mgcushe (Ms))

1.	OPENING AND WELCOME
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The Chairperson, Cllr XL Mdemka (Ms), welcomed all present at the meeting of this Committee.

2.1	COMMUNICATION BY THE CHAIRPERSON (3/4/3/6)
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NONE

2.2	DISCLOSURE OF INTERESTS (3/6/2/2)
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NONE

3.	APPLICATION FOR LEAVE OF ABSENCE
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NONE

4.1	CONFIRMATION OF THE MINUTES (3/4/3/5/2/4)
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The minutes of the Parks, Open Spaces and Environment Committee Meeting held on 2021-06-07, **was confirmed as correct.**

4.2	REPORT/S BY THE DIRECTOR: COMMUNITY AND PROTECTIONS SERVICES RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MEETINGS (3/4/3/5/2/2)
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NONE

5.	PARKS, OPEN SPACES & ENVIRONMENT: [PC: CLLR XL MDEMKA (MS)]
5.1	NON-DELEGATED MATTERS
5.1.1	ILLEGAL ACTIVITIES IN PARADYSKLOOF NATURE AREA, ABOVE BRANDWACHT

Collaborator No:

IDP KPA Ref No:

Meeting Date: 11 August 2021

1. SUBJECT: ILLEGAL ACTIVITIES IN PARADYSKLOOF NATURE AREA, ABOVE BRANDWACHT

2. PURPOSE

To inform Council and make recommendations to Management regarding the illegal activities in Paradyskloof Nature Area, above Brandwacht.

3. DELEGATED AUTHORITY

For decision by the Municipal Council.

4. EXECUTIVE SUMMARY

The illegal activities in Paradyskloof Nature Area, above Brandwacht include vandalism, illegal dumping, damage to municipal property, illegal making of fires, picking of plants and noise pollution.

Numerous complaints were received from residents with regards to illegal activities taking place in Paradyskloof Nature Area. Previous actions were taken, but without any required results. A long-term solution is necessary to resolve this matter.

This report will highlight the illegal activities, who is responsible for these activities and what are the short- and long-term actions needed to resolve this matter.

RECOMMENDATIONS FROM PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING: 2021-08-11: ITEM 5.1.1

- (a) to take legal action against all offenders;
- (b) to close and lock all the gates entering Paradyskloof Nature area, only allowing service vehicles access into the property; and
- (c) to do ad-hoc patrols with law enforcement officials.

5.2	DELEGATED MATTERS
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5.2.1	APRIL 2021 MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES
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Collaborator No:

IDP KPA Ref No: Green and Sustainable Valley

Meeting Date: 11 August 2021

1. SUBJECT: APRIL 2021 MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES

2. PURPOSE

To notify the Committee of the monthly activities (**ANNEXURE A**) that were conducted by the Sections: Environmental Management, Parks and Cemeteries for April 2021.

3. DELEGATED AUTHORITY

For notification by the Portfolio Committee

4. EXECUTIVE SUMMARY

To present the monthly activity report of the Sections Environmental Management, Parks and Cemeteries for the month of April 2021 to the Committee for notification.

**PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING: 2021-08-11:
ITEM 5.2.1**

NOTED

the monthly report of Environmental Management, Parks and Cemeteries for April 2021.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Albert van der Merwe</i>
POSITION	<i>Manager: Community Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>Ext 8161</i>
E-MAIL ADDRESS	<i>albert.vandermerwe@stellenbosch.gov.za</i>
REPORT DATE	

6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

7.	NOTICES OF MOTIONS AND NOTICES OF QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

8.	URGENT MATTERS
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NONE

9.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 10:45.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendment**

5.	PARKS, OPEN SPACES & ENVIRONMENT: [PC: CLLR XL MDEMKA (MS)]
5.1	NON-DELEGATED MATTERS
5.1.1	STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW

Collaborator No:

IDP KPA Ref No: D 435

Meeting Date: 06 September

1. SUBJECT: STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW

2. PURPOSE

Stellenbosch Municipality drafted and promulgated the Stellenbosch Municipality Air Quality By-Law (Annexure A) during 2018. After enforcing the latter by-law during the past three (3) years the Department: Community Services has reviewed the by-law to establish whether any amendments thereto are necessary. The purpose of this item is to report on the above review done and to make recommendations in this regard.

3. DELEGATED AUTHORITY

There is no clear delegation in the current System of Delegations dated 2015/05/01 for this item.

Stellenbosch Municipality has, however, defined obligations as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- a) Compile an Air Quality Management Plan (AQMP)
- b) Designate an Air Quality Officer (AQO)
- c) Report on the implementation of the AQMP

In terms of the Constitution of the Republic of South Africa, 1996, Section 156, a municipality has executive authority in respect of, and has the right to administer –

- i. local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- ii. any other matter assigned to it by national or provincial legislation. Schedule 4, Part B, referred to above include air pollution.

The Stellenbosch Municipality Air Quality By-Law was drafted based on the need thereof (regulatory framework) identified in the Stellenbosch Municipality Air Quality Management Plan (2013) of Stellenbosch Municipality (revised and adopted by Council 2018).

4. EXECUTIVE SUMMARY

During 2018 Stellenbosch Municipality promulgated the Stellenbosch Municipality Air Quality By-Law, the first of its kind in the WC024. The Stellenbosch Municipality Air Quality By-Law was prepared to give effect to the rights contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

The Stellenbosch Municipality Air Quality By-Law was drafted in conjunction with the Department of Environmental Affairs and Development Planning and the Cape Winelands District Municipality. During the past three (3) years the provisions of the Stellenbosch Municipality Air Quality By-Law was enforced by the above Air Quality- / Noise Control Officer.

Having reviewed the Stellenbosch Municipality Air Quality By-Law in the context of the applicable legislation and the experience gained in enforcing the said by-law during the past three years (3) a conclusion has been reached that the Stellenbosch Municipality Air Quality By-Law (2018) should be retained in its current form and again be reviewed in three (3) years' time.

5. RECOMMENDATION

that this report on the review of the Stellenbosch Municipality Air Quality By-Law (2018) be noted.

6. DISCUSSION / CONTENTS**6.1 Background**

During 2018 Stellenbosch Municipality promulgated the Stellenbosch Municipality Air Quality By-Law to the rights contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction. The Stellenbosch Municipality Air Quality By-Law was drafted by the Department: Community Services, Air Quality- / Noise Control Officer in conjunction with the Department of Environmental Affairs and Development Planning and the Cape Winelands District Municipality.

6.2 Air Quality Control (2018 - 2021)

Air Quality Control within Stellenbosch Municipality is a function performed by the above Air Quality- / Noise Control Officer, situated within the Department: Community Services, Environmental Management Section.

Stellenbosch Municipality falls within the Cape Winelands District Municipality and reported on complaints received from the general public. Complaints are captured on a central database and dealt with within the required timeframes.

The Stellenbosch Municipality Air Quality By-Law addresses, among other, the following matter related to air quality:

- Duty of Care
- Smoke emissions from premises other than dwellings
 - Application
 - Prohibition
 - Installation of fuel-burning equipment
 - Installation and operation of obscuration measuring equipment
 - Monitoring and sampling
 - Exemption
- Smoke Emissions from Dwellings
 - Smoke emissions from dwellings
- Emissions caused by Open Burning
 - Emissions caused by open burning
- Emissions that cause a nuisance
 - Prohibition
 - Compliance notice
 - Steps to abate nuisance
- Dust Nuisance
 - Control of dust
- Pesticide Spraying Emissions
 - Pesticide spraying emissions

The following complaints have been dealt with by enforcing the Stellenbosch Municipality Air Quality By-Law since it's promulgation in 2018:

Air Pollution Complaints	2018	2019	2020	2021
Fumes	10	13	20	23
Smoke	7	13	12	3
Dust	13	17	10	5
Burning of waste / Tires	0	2	0	0
Farmland burning	0	10	0	0
Crop spraying	0	2	0	3
Offensive odours	7	10	14	11
Unlicensed facilities	0	0	0	0
Noise	166	178	102	79
Other	1	3	0	2
Total	204	248	158	126

In its current form the above by-law is adequate addresses functions that are relevant to Stellenbosch Municipality.

6.3 Financial Implications

The appointed Air Quality- / Noise Control Officer is responsible for the execution of the by-law. This official's operations, tools and equipment is budgeted for by the Department: Community Services.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:**16TH Meeting of the Council of Stellenbosch Municipality (2018-03-28), Item 8.3.3**

RESOLVED (majority vote with abstentions)

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality By-Law (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Air Quality By-Law to be presented to Council for approval.

19TH Meeting of the Council of Stellenbosch Municipality (2018-08-22), ITEM 7.3.1

RESOLVED (majority vote with 1 abstention)

that Council approves the Draft Stellenbosch Municipality Air Quality By-Law (June 2018) and adopts it as the Stellenbosch Municipality Air Quality By-Law.

6.7 Risk Implications

This report addresses the risk implications for the Municipality.

6.8 Comments from Senior Management

This Item was circulated to all directorates on 28 June 2021 for comment by 9 July 2021.

6.8.1 Director: Infrastructure Services

Replied via e-mail on 9 July 2021. *No comment / objection.*

6.8.2 Director: Planning and Economic Development

No comment.

6.8.3 Director: Community and Protection Services

No comment.

6.8.4 Director: Corporate Services

Replied via e-mail on 28 June 2021.

The recommendations are supported.

6.8.5 Chief Financial Officer

No comment.

6.8.6 Municipal Manager

No comment.

ANNEXURES

Annexure A: Stellenbosch Municipality Air Quality By-Law (2018)

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Senior Environmental Planner
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	28 June 2021

ANNEXURE A

STELLENBOSCH MUNICIPALITY

AIR QUALITY BY-LAW

APPROVED BY COUNCIL ON 2018-08-22

AND

**PROMULGATED IN TERMS OF SECTION 13(a) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS
ACT, 32 OF 2000**

STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW (2018)

To give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction; and to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

Under the provisions of Section 156 of the Constitution of the Republic of South Africa, 1996, and the Municipal Systems Act, Act 32 of 2000, Section 11, Stellenbosch Municipality, enacts as follows:-

STELLENBOSCH MUNICIPALITY

AIR QUALITY BY-LAW

June 2018

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2. Purpose and objectives

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3. Duty to take care

CHAPTER 3: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

4. Application
5. Prohibition
6. Installation of fuel-burning equipment
7. Installation and operation of obscuration measuring equipment
8. Monitoring and sampling
9. Exemption

CHAPTER 4: SMOKE EMISSIONS FROM DWELLINGS

10. Smoke emissions from dwellings

CHAPTER 5: EMISSIONS CAUSED BY OPEN BURNING

11. Emissions caused by open burning

CHAPTER 6: EMISSIONS THAT CAUSE A NUISANCE

12. Prohibition
13. Compliance notice
14. Steps to abate nuisance

CHAPTER 7: DUST NUISANCE

15. Control of dust

CHAPTER 8: PESTICIDE SPRAYING EMISSIONS

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CHAPTER 1: INTERPRETATION AND OBJECTIVES

1. Definitions

In this by-law, unless the context indicates otherwise –

“adverse effect” means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant;

“air pollutant” means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

“air pollution” means any change in the environment caused by any substance emitted into the atmosphere from any activity, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

“atmosphere” means air that is not enclosed by a building, machine, chimney or other such structure;

“atmospheric emission” or **“emission”** means energy or substance or combination of substances emanating from a point, non-point or mobile source that results in air pollution;

“authorised person” means any person authorised by the municipality to implement any provision of this by-law;

“best practicable means” means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and the financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

“chimney” means any structure or opening of any kind from or through which air pollutants may be emitted;

“dust” means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

“dwelling” means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements;

“environment” means the surroundings within which humans exist and that are made up of –

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b) and the interrelationships among and between them; and

- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“fuel-burning equipment” means any furnace, boiler, incinerator, or other equipment, including a chimney;

- (a) designed to burn or capable of burning liquid, gas or solid fuel;
- (b) used to dispose of any material or waste by burning; or
- (c) used to subject liquid, gas or solid fuel to any process involving the application of heat or the generation of energy;

“fumes” means any pungent or toxic vapour, gas, or smoke including but not limited to diesel fumes, spray painting fumes and exhaust fumes.

“light absorption meter” means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

“living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses;

“mobile source” means a single identifiable source of atmospheric emission which does not emanate from a fixed location;

“municipality” means Stellenbosch Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

“municipal manager” means a person appointed as such by the municipality in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“non-point source” means a source of atmospheric emissions which cannot be identified as having emanated from a single identifiable source or fixed location, and includes veld, forest and open fires, mining activities, agricultural activities and stockpiles;

“nuisance” means an unreasonable interference caused by air pollution with:

- (a) the health or well-being of any person or living organism; or
- (b) the use or enjoyment by an owner or occupier of his or her property;
- (c) the ordinary comfort, convenience, peace or quiet of another person; and
- (d) the natural state of the environment;

“offensive odours” means any smell which is considered to be malodorous or a nuisance to a reasonable person;

“**open burning**” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and “burning in the open” has a corresponding meaning;

“**operator**” means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

“**point source**” means a single identifiable source and fixed location of atmospheric emission, and includes smoke stacks and residential chimneys;

“**proclaimed township**” means any land unit zoned and utilized for residential purposes;

“**person**” means a natural person or a juristic person;

“**premises**” means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the municipality or the precincts of any harbour;

“**public road**” means a road which the public has the right to use;

“**smoke**” means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

“**vehicle**” means any motor, car, motor carriage, motor cycle, bus motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

2. Purpose and objectives

- (1) The purpose and objectives of this by-law is:
 - (a) to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality’s jurisdiction; and
 - (b) to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

CHAPTER 2: DUTY OF CARE

3. Duty to take care

- (1) Any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:
 - (a) to prevent any potential air pollution from occurring; and
 - (b) to mitigate and, as far as reasonably possible, to remedy any air pollution that has occurred.

- (2) The municipality may monitor the impact and effectiveness of the measures taken in terms of section 3(1) and, if necessary, issue instructions to a person contemplated in section 3(1) with regard to specific measures to be undertaken.
- (3) The municipality may direct any person who fails to take the measures required under section 3(1) –
 - (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
 - (b) to commence taking effective control measures to abate the air pollution before a given date;
 - (c) to diligently continue with those measures; and
 - (d) to complete the measures before a specified reasonable date.
- (4) Should a person fail to comply, or inadequately comply, with a directive under section 3(3), the municipality may take reasonable measures to remedy the situation.
- (5) If any person fails to take the measures required of him or her under section 3(1) or 3(2), the municipality may recover all reasonable costs incurred as a result of it acting under section 3(4) from any or all of the following persons –
 - (a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;
 - (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner’s successor in title;
 - (c) the person in control of the land or any person who has or had a right to use the land at the time when –
 - (i) the activity or the process in question is or was performed or undertaken; or
 - (ii) the situation came about; or
 - (d) any person who negligently failed to prevent –
 - (i) the activity or the process being performed or undertaken; or
 - (ii) the situation from coming about.
- (6) If more than one person is liable under section 3(5), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under section 3(1), 3(2) and 3(3).

CHAPTER 3: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

4. Application

For the purposes of this Chapter, “premises” does not include dwellings.

5. Prohibition

- (1) Subject to section 5(2), smoke of such a density or content that obscures light to an extent greater than 40 percent, shall not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes, by an owner or occupier of a premises.
- (2) This section does not apply to smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.

- (3) If smoke is emitted in contravention of section 5(1) the owner, operator or the occupier of the premises shall be guilty of an offence.

6. Installation of fuel-burning equipment

- (1) No person may install, alter, extend or replace any fuel-burning equipment that is likely to cause an adverse effect on any premises without the prior written authorisation of the municipality, which may only be given after consideration of the relevant plans and specifications.
- (2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved by the municipality shall be presumed, until the contrary is proved, to comply with the provisions of section 6(1).
- (3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of section 6(1):
- (a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;
 - (b) the municipality may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.
- (4) The municipality may on written notice to the owner and occupier of the premises:
- (a) revoke its authorisation under section 6; and
 - (b) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

7. Installation and operation of measuring equipment

An authorised person may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate measuring equipment at his or her own cost; if:

- (a) unauthorised and unlawful emissions of smoke from the relevant premises have occurred consistently or regularly;
- (b) fuel-burning equipment has been or is intended to be installed on the relevant premises which is reasonably likely in the opinion of an authorised person to emit smoke;
- (c) the person on whom the notice is served has been convicted more than once under this chapter and has not taken adequate measures to prevent further contravention of the provisions of this chapter; or
- (d) the authorised person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard or nuisance to human health or the environment.

8. Monitoring and sampling

An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install air pollution measuring equipment in terms of section 7 must:

- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
- (b) if requested to do so by an authorised person, produce the record of the monitoring and sampling results for inspection;

- (c) if requested to do so by an authorised person, provide a written report, in a form and by a date specified by the authorised person, of part or all of the information in the record of the monitoring and sampling results; and
- (d) ensure that the air pollution measuring equipment is calibrated at least once per year or at intervals as specified by the manufacturer of the equipment and provide records of such calibration on request by the authorised person.

9. Exemption

- (1) Subject to section 21 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the municipality may grant a temporary exemption in writing from one or all the provisions of this chapter.
- (2) Any exemption granted under section 9(1) must state at least the following:
 - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
 - (b) the reasons for granting the exemption;
 - (c) the condition attached to the exemption, if any;
 - (d) the period for which the exemption has been granted; and
 - (e) any other relevant information.

CHAPTER 4: SMOKE EMISSIONS FROM DWELLINGS

10. Smoke emissions from dwellings

- (1) No person may emit or permit the emission of smoke from any dwelling that may cause a nuisance.
- (2) Any person who emits or permits the emission of smoke in contravention of section 10(1) commits an offence.
- (3) Subject to section 21 and on application in writing by the owner or occupier of any dwelling, the municipality may grant temporary exemption in writing from one or all of the provisions of this chapter.

CHAPTER 5: EMISSIONS CAUSED BY OPEN BURNING

11. Emissions caused by open burning

- (1) Subject to section 11(4), any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorisation of the relevant authority, which may include the imposition of further conditions with which the person requesting authorisation must comply, has been obtained.
- (2) Any person who undertakes or permits open burning to be undertaken is in contravention of section 11(1) commits an offence.
- (3) The provisions of this section shall not apply to:
 - (a) recreational outdoor barbecue or braai activities;
 - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
 - (c) any other defined area or defined activity to which the municipality has declared this section not to apply.

CHAPTER 6: EMISSIONS THAT CAUSE A NUISANCE**12. Prohibition**

- (1) No person may create or permit emissions that cause a nuisance.
- (2) Any person who contravenes section 12(1) commits an offence.

13. Compliance notice

- (1) An authorised person may serve a notice on any person whom he or she reasonably believes has committed an offence under section 20, calling upon that person;
 - (a) to abate the nuisance within a period specified in the notice;
 - (b) to take all necessary steps to prevent a recurrence of the nuisance; and
 - (c) to comply with any other conditions contained in the notice.
- (2) For the purposes of section 13(1), an authorised person may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the compliance notice is to be served.
- (3) A compliance notice under section 13(1) may be served:
 - (a) upon the owner of any premises, by:
 - (i) delivering it to the owner, or if the owner cannot be traced or is living abroad that person's agent;
 - (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
 - (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
 - (b) upon the occupier of the premises, by:
 - (i) delivering it to the occupier;
 - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.
- (4) Any person who fails to comply with a compliance notice served on that person in terms of section 13(1) commits an offence.
- (5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under section 13(4) to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

14. Steps to abate nuisance

At any time, the municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

CHAPTER 7: DUST NUISANCE**15. Control of dust**

- (1) The occupier, owner or operator of any premises must take all reasonable steps to prevent the nuisance by dust caused by any activity on such premises in accordance with the National Dust Control Regulations, R. 825, 2012.
- (2) Any person who emits or permits the emission of dust in contravention of section 15(1) commits an offence.

CHAPTER 8: PESTICIDE SPRAYING EMISSIONS

16. Pesticide Spraying Emissions

- (1) No person may carry out or permit the spraying of pesticides, except as permitted by Section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (2) Any person who contravenes section 16(1) of this by-law is guilty of an offence, as set out in section 18(1)(c) of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

CHAPTER 9: GENERAL PROVISIONS

17. Appeal

- (1) A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.
- (2) Pending confirmation, variation or revocation of the decision against which the appeal is lodged, any person appealing the said decision, unless the municipality provides otherwise:
 - (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
 - (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.

18. Municipality and State bound

This by-law is binding on the State and the municipality.

19. Conflict

- (1) In the event of a conflict within any other by-law which directly or indirectly regulates air pollution, the provisions of this by-law shall prevail.
- (2) In the event of a conflict with the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) the provisions of that Act will prevail within the area of jurisdiction of the Municipality.

20. Offences and penalties

- (1) Any person who contravenes any provision of this by-law commits an offence and shall, upon conviction, be liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) It is an offence to:
 - (a) supply false information to an authorised person in respect of any issue pertaining to the by-law, or;
 - (b) to refuse to co-operate with the request of an authorised person made in terms of this by-law.

- (3) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.
- (4) In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under this by-law:
 - (a) to remedy the harm caused;
 - (b) to pay damages for harm caused to another person or to property, which order shall have the force and effect of a civil judgment; and
 - (c) to install and operate at the person's own expense air pollution measuring equipment in accordance with the provisions of section 9.

21. Exemptions

- (1) The municipality may grant temporary exemption in writing from one or all of the provisions of chapters 3, 4, and 5, provided that the municipality:
 - (a) is satisfied that granting the exemption will not prejudice the purpose referred to in section 2(1); and
 - (b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 2(1).
- (2) The municipality may not grant an exemption under section (1) until the municipality has:
 - (a) taken reasonable measures to ensure that all persons whose rights may be detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
 - (b) provided such person with a reasonable opportunity to object to the application; and
 - (c) duly considered and taken into account any objections raised.

22. Savings

Anything done or deemed to have been done under any other law remains valid to the extent that it is consistent with this by-law or until anything done under this by-law overrides it.

23. Repeal of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

24. Short title and commencement

This by-law shall be known as the Air Quality By-law of Stellenbosch Municipality and comes into operation on the date of publication thereof in the Provincial Gazette.

5.1.2	DESTITUTE & INDIGENT BURIAL MANAGEMENT IN STELLENBOSCH MUNICIPALITY
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 6 September 2021

1. SUBJECT: DESTITUTE & INDIGENT BURIAL MANAGEMENT IN STELLENBOSCH MUNICIPALITY

2. PURPOSE

- 2.1. To discuss the management of Destitute (Pauper) and Indigent burials in municipalities.
- 2.2. To obtain clarification of the definitions of Destitute persons (Pauper) burials as well as Indigent persons / burials.
- 2.3. To obtain clarification on the respective obligations of local and district municipalities with regard to Destitute (Pauper) burials.

3. DELEGATED AUTHORITY

Mayoral Committee

4. BACKGROUND

Stellenbosch Municipality has rendered the Destitute/Pauper burial service for more than 30 years. This was done in collaboration with the Department of Health, Department Forensic Pathology and Cape Winelands District Municipality (CWDM). However, the service experienced challenges when no assistance was forthcoming from the Cape Winelands District Municipality (CWDM) since the outbreak of the Covid 19 pandemic. The Cape Winelands District Municipality (CWDM) and South African Police Service (SAPS) forensics have ceased with the collection and removal of pauper/destitute corpses from the WC024 since the outbreak of the Covid 19 pandemic. The municipality did not receive formal notification of this changed modus operandi.

5. DISCUSSION / CONTENTS

5.1 Definitions at Stellenbosch municipality

Herewith the definitions of Indigent, Pauper and Destitute as used by Stellenbosch Municipality.

5.1.1 Indigent Person

A person who is poor or needy.

5.1.2. Destitute Person

A person who has died in destitute circumstances within the geographic boundaries (WC024) of Council where no relative, other person, Non-Governmental Organisation (NGO) or welfare organisation is prepared or able to pay for the burial or cremation cost of the deceased person.

5.1.3. Pauper Person

A person who has died in destitute circumstances within the geographic boundaries (WC024) of Council where no relative could be located or where another person, Non-Governmental Organisation (NGO) or welfare organisation is prepared to pay for the burial or cremation cost of the deceased person.

See annexure C - By-Law Burial Parks-Cemeteries of Stellenbosch Municipality.

5.2. **Definitions of Indigent and Destitute: Surrounding Municipalities in the Western Cape**

A thorough investigation was done in the Western Cape to establish what definitions other municipalities are using and the procedures in place to handle the different types of burials. Annexure B provide detail of the outcome of the investigation.

It is clear from this investigation that different definitions are applied by different municipalities in the Western Cape region.

5.3 **Current handling of Destitute (Pauper) burials within Stellenbosch (WCO24)**

The principles on which the current process is based, as well as the contents of the Draft Policy For The Burial of Destitute and Indigent Persons (See Annexure D) is found to be in order. It should further be noted that in terms of the records at the municipality's disposal the Cemeteries By-law, to which reference is made has not yet been promulgated (Burial Park/Cemetery By-Law: Province of Western Cape: Provincial Gazette 6923 of 4 November 2011).

According to Stellenbosch municipality the Cape Winelands Municipality (CWDM) is responsible for the function of handling of Destitute (Pauper) burials. Stellenbosch municipality's responsibility is the provision of a free grave site.

In terms of National Treasury Circular No.58 - under point 4.1 (xi), the rendering of pauper burials is a district municipality function and not a local municipality function. (**SEE ANNEXURE A**).

5.4 **Handling of Indigent persons / burials at Stellenbosch municipality**

The department is experiencing an increase in the number of requests for a discount on burials. The reason provided is that the family cannot afford the burial. Currently this application is referred to the Office of the Executive Mayor, who has the discretion to make a donation towards the costs of the funeral.

6. **Financial Implications**

It is important that the entity responsible for destitute burials be identified, otherwise it can result in wasteful expenditure if the function is performed by an entity who is not responsible for the function.

7. **Legal Implications**

None

8. Risk Implications

The municipality must make provision for the management of both indigent and pauper burials if the district municipality does not accept the pauper burial function.

9. Comments from Senior Management

- 9.1. Director: Infrastructure Services
- 9.2. Director: Planning and Economic Development
- 9.3. Director: Community and Protection Services
- 9.4. Director: Corporate Services
- 9.5. Chief Financial Officer
- 9.6. Municipal Manager

_10. RECOMMENDATIONS

- (a) that the matter of Destitute/Pauper burials be tabled at the Cape Winelands District Coordinating Technical Forum (DCF) for discussion;
- (b) that the Provincial Department of Local Government be approached to facilitate the completion of a Standard Operating Procedure (SOP) for the management of Destitute and Pauper burials for municipalities in the Western Cape; and
- (c) that the municipality make provision for adequate funding to implement it's Destitute and Indigent Burial Policy when (b) has been completed.

ANNEXURES

- Annexure A: National Treasury circulated Circular 58.
- Annexure B: Comparing definitions of Destitute and Indigent of different Municipalities
- Annexure C: By-Law Burial Parks-Cemeteries of Stellenbosch
- Annexure D: Draft policy for the burial of destitute and indigent persons
- Annexure E: Dealing with pauper burials.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	26 July 2021

DIRECTOR: COMMUNITY & PROTECTION SERVICES

The contents of this report have been discussed with the Portfolio Committee Chairperson and the Councillor agrees with the recommendations.

ANNEXURE A

**MFMA Circular No. 58****Municipal Finance Management Act No. 56 of 2003****Municipal Budget Circular for the 2012/13 MTREF**

This circular provides further guidance to municipalities and municipal entities for the preparation of their 2012/13 Budgets and Medium Term Revenue and Expenditure Framework (MTREF). It must be read together with MFMA Circulars No. 48, 51, 54 and 55.

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1 Key focus areas for the 2012/13 budget process

The *Medium Term Budget Policy Statement 2011* notes that in recent months the domestic economy has lost momentum as a result of the disruption to world economic activity following the Japanese tsunami, domestic strike activity and moderating household consumption. In the first quarter of 2011, the economy grew at 4.5 per cent on an annual basis. In the second quarter, growth slowed to 1.3 per cent. Real GDP is now expected to grow by 3.1 per cent in 2011 – a downward revision from the 3.4 per cent forecast in the 2011 Budget.

The labour market remains sluggish. Formal sector non-agricultural employment is just 2.6 per cent higher than its low in March 2010. Unemployment increased from 21.8 per cent in the fourth quarter of 2008 to 25.7 per cent in the second quarter of 2011. This figure does not capture the estimated 2.2 million workers who have stopped looking for work.

Consequently, municipal revenues and cash flows are expected to remain under pressure in 2012/13 and ***so municipalities must adopt a conservative approach when projecting their expected revenues and cash receipts***. Municipalities should also pay particular attention to managing all revenue and cash streams effectively, and carefully evaluate all spending decisions.

1.1 Taking the 2011 Local Government and Expenditure Review forward

In September 2011, National Treasury published the *Local Government Budgets and Expenditure Review*. Municipalities are urged to work through the document as part of their preparations for drafting their 2012/13 budgets and MTREF.

The *Review* highlights the following areas as requiring particular attention:

- i. ***Revenue management*** – To ensure the collection of revenues, municipalities need to ensure that billing systems are accurate, send out accounts to residents and follow up to collect revenues owed.
- ii. ***Collecting outstanding debts*** – This requires political commitment, sufficient administrative capacity, and pricing policies that ensure that bills are accurate and affordable, especially for poor households.
- iii. ***Pricing services correctly*** – The full cost of services should be reflected in the price charged to residents who can afford to pay. Many municipalities offer overly generous subsidies and rebates that result in services being run at a loss, resulting in funds being diverted away from other priorities.
- iv. ***Underspending on repairs and maintenance*** – Often seen as a way to reduce spending in the short term, underspending on maintenance can shorten the life of assets, increase long-term maintenance and refurbishment costs, and cause a deterioration in the reliability of services.
- v. ***Spending on non-priorities*** – Many municipalities spend significant amounts on non-priority items including unnecessary travel, luxury furnishings, excessive catering and unwarranted public relations projects. Consultants are often used to perform routine tasks.

The *2011 Local Government Budgets and Expenditure Review* can be accessed at:

<http://www.treasury.gov.za/publications/igfr/2011/lq/default.aspx>

1.2 National priority – creating decent employment opportunities

Creating decent employment opportunities remains a national priority. In drafting their 2012/13 budgets and MTREFs all municipalities are urged to continue to explore opportunities to mainstream labour intensive approaches to delivering services, and more particularly to participate fully in the Extended Public Works Programme.

Municipalities should not just employ more people without any reference to the level of staffing required to deliver effective services, and what is financially sustainable over the medium term. The municipality ought to focus on maximizing its contribution to job creation by:

- Ensuring that service delivery and capital projects use labour intensive methods wherever appropriate;
- Ensuring that service providers use labour intensive approaches;
- Supporting labour intensive LED projects;
- Participating fully in the Extended Public Works Programme; and
- Implementing interns programmes to provide young people with on-the-job training.

Municipalities also play a critical role in creating an enabling environment for investments and other activities that lead to job creation. In this regard, it is important for municipalities to pay particular attention to ensuring the timely delivery of their capital programmes (eliminate under-spending of capital budgets) and to review all by-laws and development approval processes with a view to removing any regulatory bottlenecks to investment and job creation.

1.3 Additional allocations to local government

The *Medium Term Budget Policy Statement 2011* indicates that over the 2012 MTEF, transfers to local government grow by R5 billion, of which R2.2 billion is added to the local government equitable share and R2.8 billion to local government conditional grants. However, most of these funds are only going to be made available in 2013/14 and 2014/15.

This means the baseline allocations to local government for 2012/13 are set to remain largely unchanged from the amounts published in the 2011 Division of Revenue Act, namely R37.5 billion to the local government equitable share, and R30.4 billion for conditional grants. The final allocations to municipalities will be announced in the 2012 Division of Revenue Bill, which will be tabled by the Minister of Finance on 22 February 2012. This information will be communicated to municipalities in a further Budget Circular for the 2012/13 financial year to be issued shortly after the tabling of the National Budget.

Municipalities MUST ensure that their tabled budgets reflect the equitable share and conditional grant allocations set out in the 2012 Division of Revenue Bill.

At this stage, municipalities are advised to use the indicative numbers for 2012/13 in the 2011 Division of Revenue Act to compile their budgets. This document is available on National Treasury's website at:

<http://www.treasury.gov.za/legislation/acts/2011/Default.aspx>

1.4 Procurement reforms and fighting corruption

Municipalities are again advised that the supply chain compliance unit will also be focusing on municipal procurement processes. Consequently, municipalities can expect requests for information relating to their tender committees and processes, as well as specific tenders and contracts.

Municipalities are also encouraged to introduce greater transparency to municipal supply chain processes by publishing SCM process outcomes on their websites.

2 Headline inflation forecasts

Municipalities must take the following inflation forecasts into consideration when preparing their 2012/13 budgets and MTREF. Again this information will be updated in a further Budget Circular to be issued after the tabling of the National Budget on 22 February 2012.

Fiscal year	2010	2011	2012	2013	2014
	Actual	Estimate	Forecast		
Headline CPI Inflation	3.3%	5.0%	5.4%	5.6%	5.4%

Source: Medium Term Budget Policy Statement 2011

The period of the *Salary and Wage Collective Agreement 2009/10 to 2011/2012* has come to an end. In the absence of other information from the South African Local Government Bargaining Council, municipalities are advised to budget for a 5 per cent cost-of-living increase adjustment, to be implemented with effect from July 2012 (in-line with the increase proposed in the 2011 MTBPS).

3 Revising rates, tariffs and other charges

When municipalities and municipal entities revise their rates, tariffs and other charges for their 2012/13 budgets and MTREF, they need to take into account the labour (i.e. the wage agreements with unions) and other input costs of services provided by the municipality or entity, the need to ensure financial sustainability, local economic conditions and the affordability of services, taking into consideration the municipality's indigent policy. Municipalities should also take into account relevant policy developments in the different sectors (such as the *inclining block tariff* (IBT) proposals from the National Energy Regulator of South Africa (NERSA)).

Municipalities should continue to explore appropriate ways of structuring the tariffs for utility services to encourage more efficient use of these services and to generate the resources required to fund the maintenance, renewal and expansion of the infrastructure required to provide the services.

National Treasury continues to encourage municipalities to keep increases in rates, tariffs and other charges at levels that reflect an appropriate balance between the interests of poor households, other customers and ensuring the financial sustainability of the municipality. For this reason municipalities must justify in their budget documentation all increases in excess of the 6 per cent upper boundary of the South African Reserve Bank's inflation target.

3.1 NERSA's process to approve electricity tariffs

It is very important that municipalities and NERSA work together to ensure that the process of approving electricity tariffs does not disrupt the process of compiling municipal budgets or compromise community consultations on the budget. It is for this reason that section 43 of the MFMA reads:

- 43 (1) If a national or provincial organ of state in terms of a power contained in any national or provincial legislations determines the upper limits of a municipal tax or tariff, such determination takes effect for municipalities on a date specified in the determination.
- (2) Unless the Minister on good grounds approves otherwise, the date specified in a determination referred to in subsection (1) may-
- (a) if the determination was promulgated on or before 15 March in a year, not be a date before 1 July in that year; or
 - (b) if the determination was promulgated after 15 March in a year, not be a date before 1 July in the next year.

So if NERSA only concludes its final determination for a municipality after 15 March, the municipality is not obliged to implement NERSA's final determination with effect from 1 July of the current year, unless the Minister on good grounds approves otherwise.

It is proposed that the only 'good grounds' that the Minister of Finance will consider for requiring compliance with a final determination issued by NERSA after 15 March, is where NERSA can show that a municipality has failed to:

- i. submit its D-form either before 30 October 2011 or the extended deadline of 30 January 2012; or
- ii. submit a tariff application to NERSA containing all the required information by 30 January 2012; or
- iii. fails to participate in public hearings called and held by NERSA a reasonable period before 15 March 2012.

Where a municipality can demonstrate that it has complied with (i), (ii) and (iii) above, and that NERSA did not issue a final determination before 15 March 2012, the municipality will be entitled to use the tariffs for 2012/13 set out in its original application to NERSA that must have been submitted by 30 January 2012.

3.2 Eskom bulk tariff increases

The Eskom price of bulk electricity supplied to municipalities will increase by 27.06 per cent on 1 July 2012. Municipalities are urged to examine the cost structure of their electricity undertakings and apply to NERSA for electricity tariff increases that are cost reflective and ensure continued financial sustainability.

National Treasury supports the use of the following formula, proposed by NERSA, for calculating municipal electricity tariff increases:

$$MTI = (B \times BPI) + (S \times SI) + (R \times RI) + (C \times CCI) + (OC \times OCI)$$

Where:

MTI = % Municipal Tariff Increase
 B = % Bulk purchases
 BPI = % Bulk purchase increase
 S = % Salaries
 SI = % Salaries increase
 R = % Repairs
 RI = % Repairs increase
 C = % Capital charges
 CCI = % Capital charges increase
 OC = % Other costs
 OCI = % Other costs increase

All cost shares and increases must relate to the electricity function of the municipality

NERSA will be issuing its guideline tariff increase for municipalities in due course. The relevant guideline, as well as NERSA's Reasons for Decision document will be available at: www.nersa.org.za.

Where a municipality's evaluation of its cost structure results in a lower or higher tariff increase to that proposed by NERSA, the municipality must structure its tariffs accordingly and ensure it provides the necessary motivation and information in its tariff application to NERSA.

3.3 Introduction of inclining block tariffs (IBT) for electricity

National Treasury supports the introduction of IBTs for electricity by municipalities. However, it is important that each municipality designs an IBT structure that is appropriate to its specific circumstances, and ensures an appropriate balance between 'low income customers' and other domestic, commercial and business customers, and the financial interests of the municipality.

It is also important that any proposed IBT is fully aligned to the principles set out in the *South African Electricity Supply Industry: Electricity Pricing Policy* (EPP) issued on 19 December 2008, including the principle that electricity tariffs must be cost reflective and that any cross-subsidies should be explicit.

A municipality must structure its IBT tariff according to its own specific circumstances and ensure that it provides the necessary motivation and information to NERSA in its tariff application. In this regard, municipalities need to pay careful attention to determining an appropriate level of cross-subsidisation between the different IBT blocks given the profile of its customer base, and also have regard to the price elasticity of the demand for electricity.

3.4 Water and sanitation tariffs must be cost-reflective

Municipalities are reminded to review the level and structure of their water and sanitation tariffs carefully with a view to ensuring:

- Water and sanitation tariffs are on aggregate fully cost-reflective – including the bulk cost of water, the cost of maintenance and renewal of purification/treatment plants and network infrastructure, and the cost of new infrastructure;
- Water and sanitation tariffs are structured to protect basic levels of service; and

- Water and sanitation tariffs are designed to encourage efficient and sustainable consumption (e.g. through inclining block tariffs).

If a municipality's water and sanitation tariffs are not fully cost reflective, the municipality should develop a pricing strategy to phase-in the necessary tariff increases in a manner that spreads the impact on consumers over a period of time. However, all municipalities should aim to have appropriately structured, cost-reflective water and sanitation tariffs in place by 2014.

To mitigate the need for water tariff increases, municipalities must put in place an appropriate strategy to limit water losses to acceptable levels. In this regard municipalities must ensure that water used by its own operations is charged to the relevant service, and not simply attributed to water 'losses'.

Municipalities not already calculating and reporting non-revenue water in accordance with the International Water Association (IWA) standards as required by the Department of Water Affairs (DWA) should contact DWA for assistance in this regard. National Treasury is working with DWA to publish this information in the near future.

3.5 Solid waste tariffs

Many municipalities' solid waste tariffs do not cover the cost of providing the different components of the service. Where this is the case, municipalities should aim to have appropriately structured, cost-reflective solid waste tariffs in place by 2015.

The tariffs for solid waste management must take into account that it is good practice to maintain a cash-backed reserve to cover the future costs of rehabilitating landfill sites.

Municipalities are encouraged to explore alternative methodologies to manage solid waste, including recycling and incineration in plants that use the heat energy to generate electricity.

4 Funding choices and management issues

Given on-going economic pressures referred to in section 1 above, the revenue side of municipal budgets will continue to be constrained, so municipalities will again need to make some very tough decisions on the expenditure side this year. Priority ought to be given to:

- Ensuring that drinking water and waste water management meets the required quality standards at all times;
- Protecting the poor;
- Supporting meaningful local economic development (LED) initiatives that foster micro and small business opportunities and job creation;
- Securing the health of their asset base (especially the municipality's revenue generating assets) by increasing spending on repairs and maintenance; and
- Expediting spending on capital projects that are funded by conditional grants.

Municipalities must also ensure that their capital budgets reflect consistent efforts to address the backlogs in basic services and the renewal of the infrastructure of existing network services.

4.1 Eliminating non-priority spending

Municipalities must pay special attention to controlling unnecessary spending on nice-to-have items and non-essential activities. The following examples of non-priority expenditure have been observed, and need to be eliminated:

- i. excessive sponsorship of music festivals, beauty pageants and sporting events, including the purchase of tickets to events for councillors and/or officials;
- ii. public relations projects and activities that are not centred on actual service delivery or are not a municipal function (e.g. celebrations; gala dinners; commemorations, advertising and voter education);
- iii. LED projects that serve the narrow interests of only a small number of beneficiaries or fall within the mandates of other government departments such as the Department of Agriculture;
- iv. excessive catering for meetings and other events, including the use of public funds to buy alcoholic beverages;
- v. arranging workshops and events at expensive private venues, especially ones outside the municipality (as opposed to using the municipality's own venues);
- vi. excessive printing costs (instead of maximising the use of the municipality's website, including providing facilities for the public to access the website);
- vii. excessive luxurious office accommodation and office furnishings;
- viii. foreign travel by mayors, councillors and officials, particularly 'study tours';
- ix. excessive councilor and staff perks such as luxurious mayoral cars and houses, notebooks, IPADS and cell-phone allowances; travel and subsistence allowances (certain of these may be irregular spending – see paragraph 4.8 below);
- x. excessive staff in the office of the mayor – particularly the appointment of political 'advisors' and 'spokespersons';
- xi. all donations to individuals that are not made in terms of the municipality's indigent policy or a bursary scheme; for instance donations to cover funeral costs (other than pauper burials which is a district municipality function);
- xii. costs associated with long-standing staff suspensions and the legal costs associated with not following due process when suspending or dismissing staff, as well as payment of severance packages or 'golden handshakes'; and
- xiii. the use of consultants to perform routine management tasks, and the payment of excessive fees to consultants.

4.2 Three-year and one-year capital appropriations

To facilitate the delivery of large capital projects, section 16(3) of the MFMA allows a municipality to appropriate capital budgets for three financial years, i.e. the budget year and the following two years of the MTREF. The aim of such multi-year capital appropriations is to:

- lock the council into funding the full cost of large capital projects so as to ensure their successful completion;
- facilitate the forward planning of capital projects and programmes;
- enable the municipality to initiate procurement processes for capital projects in the two outer years of the MTREF (given the funds are appropriated) and so ensure improved levels of capital spending; and
- enable funding for such capital projects to be brought forward in terms of section 31 of the MFMA to facilitate more rapid project implementation (although National Treasury would prefer municipalities to the use of the mid-year adjustments budget for this purpose).

Municipalities are encouraged to use these provisions of the MFMA appropriately, and ensure they divide their capital budgets correctly between the 'multi-year expenditure' and the 'single-year expenditure' sections on Tables A5A and A5.

To facilitate the tracking of past multi-year appropriations in the preparation of the new budget the 'multi-year expenditure' section of Table A5A has been changed to look as follows:

Vote Description	2012/13 Medium Term Revenue & Expenditure Framework			Multi-year appropriation for 2012/13 in the 2011/12 Annual Budget				New multi-year appropriations (funds for new and existing projects)		
	Budget Year 2012/13	Budget Year +1 2013/14	Budget Year +2 2014/15	Appropriation for 2012/13	Adjustments in 2011/12	Downward adjustments for 2012/13	Appropriation carried forward	Budget Year 2012/13	Budget Year +1 2013/14	Budget Year +2 2014/15
Capital expenditure - Municipal Vote										
Multi-year expenditure appropriation										
Vote 1 - [NAME OF VOTE 1]	110	160	140	100	(10)	(20)	70	40	40	140
1.1 - [Name of sub-vote]	110	160	140	100	(10)	(20)	70	40	40	140

Where:

- 1 – the original 2012/13 appropriation in the 2011/12 Annual Budget
- 2 – any upward or downward adjustments made to the original 2012/13 appropriation during the 2011/12 financial year (for instance in an adjustments budget)
- 3 – any downward adjustments to the original 2012/13 appropriation to be effected in the 2012/13 Annual Budget
- 4 – the balance of the original 2012/13 appropriation to be carried forward into the 2012/13 Annual Budget
- 5 – any new funds to be allocated to the original 2012/13 appropriation in the 2012/13 Annual Budget
- 6 – the new amount to be appropriated for 2012/13 (consists of 4+5)
- 7 – the new multi-year budget for the outer year of the MTREF

(not shown above is the reconciliation of the original 2013/14 multi-year appropriation in the 2011/12 Annual Budget, which follows exactly the same methodology shown above).

Any downward adjustments under '3' must be fully explained in the municipality's budget document, as such a change suggests the municipality may have decided to discontinue the implementation of a large capital project or programme before completion. This is would need to be properly justified to the community.

4.3 Revaluations in terms of GRAP 17 and the treatment of depreciation in the budget

In the process of implementing GRAP 17, many municipalities have chosen the 'revaluation model' and revalued their existing assets¹. The impact of this choice has been to massively increase the 'value' of assets reflected on municipalities' Statement of Financial Positions, leading to higher levels of depreciation being reflected on their Budgeted Statements of Financial Performance. This in turn has resulted in municipalities reflecting 'non-cash deficits' on their Budgeted Statements of Financial Performance and consequently motivating for higher tariff increases in order to cover the cost of the higher depreciation.

It has also created a situation where different municipalities are managing their finances based on very different accounting models related to asset valuation. This is resulting in differences in the determination of depreciation costs for use in tariff setting, and is likely to result in widely

¹ Note that many municipalities, when implementing GRAP 17, had to bring a large number of assets onto their books for the first time because of incomplete asset registers. The result would also have been to significantly increase the value of their assets. However, the 'cost model' depreciation associated with these assets must be reflected on a municipality's Budgeted Statement of Financial Performance and be taken into account in setting tariffs.

divergent tariffs being set for the same service across municipalities. This is inequitable from a consumer perspective. It also makes comparative assessments of the financial sustainability of municipalities very difficult.

National Treasury has examined the budgeting and accounting treatment of depreciation resulting from the application of the 'revaluation model' to assets in terms of GRAP 17 and determined that including such depreciation in the Budgeted Statements of Financial Performance artificially inflates the municipalities' actual depreciation and distorts the surplus/(deficit) calculation. *Therefore municipalities that have chosen the 'revaluation model' when implementing GRAP 17 must exclude the depreciation resulting from the revaluation of PPE when preparing their budgets and calculating any tariff increases.*

To facilitate this, the depreciation detail required on Supporting Table SA1 has been modified as follows:

Description	Ref	2008/9	2009/10	2010/11	Current Year 2011/12				2012/13 Medium Term Revenue & Expenditure Framework		
		Audited Outcome	Audited Outcome	Audited Outcome	Original Budget	Adjusted Budget	Full Year Forecast	Pre-audit outcome	Budget Year 2012/13	Budget Year +1 2013/14	Budget Year +2 2014/15
R thousand											
Depreciation & asset impairment											
Depreciation of Property, Plant & Equipment											
Lease amortisation											
Capital asset impairment											
Depreciation resulting from revaluation of PPE	10										
Total Depreciation & asset impairment	1	-	-	-	-	-	-	-	-	-	-

The 'Total Depreciation and asset impairment' taken through to Table A4 excludes 'Depreciation resulting from the revaluation of PPE' associated with the adoption of the 'revaluation model' with the implementation of GRAP 17. The depreciation related to the 'cost model' of assets will thus still be taken through to Table A4 (Budgeted Statement of Financial Performance).

As regards the treatment on the Statement of Financial Position: 'Depreciation resulting from the revaluation of PPE' must be debited against the 'Revaluation reserve account'.

4.4 Cash backing provided in capital replacement reserves

Each municipality needs to develop a strategy to fund infrastructure (both new and replacement) that takes into account internally generated funds, borrowing, development charges, transfers and any other relevant source of capital funding. A municipality's capital replacement reserve must reflect the accumulated provision of internally generated funds designated to replace aging assets – it must therefore be fully cash-backed. Each municipality needs to develop a policy providing for ***an appropriate level of cash-backing in its capital replacement reserve*** for the replacement of assets. The appropriate size of the capital replacement reserve will differ for each municipality depending on its infrastructure funding strategy, the nature of its assets, the state of those assets, how the assets were financed and its capital replacement plans, as well as its ability to generate cash surpluses on its operating budget.

The capital replacement reserve policy should take the following issues into consideration:

- i. Priority should be given to providing cash-backing for the replacement of assets used to provide basic services and revenue earning assets;
- ii. Where assets were financed by borrowing, the level of cash-backing must take into consideration the likely funding strategy to replace the assets;

- iii. Cash-backing should also be provided for assets that were originally financed by conditional grants (it must be assumed that national government *will not fund the replacement of such assets in the future*);
- iv. The overall level of cash-backing should take into consideration the increasing cost of replacing assets;
- v. The overall level of cash-backing should also take into account the opportunity cost of holding cash investments relative to the demand for new infrastructure and the cost of borrowing; and
- vi. The conditions under which the municipality may 'draw-down' on these reserves to fund its capital budget.

From the above it is clear that it is neither necessary nor prudent for a municipality to create a capital replacement reserve that provides cash-backing for the replacement of all assets. To do so would entail forcing the current ratepayers and customers to pay for the replacement of all current assets by raising tariffs beyond levels that are properly cost-reflective. This is not equitable from an intergenerational perspective.

4.5 Budget and accounting treatment of VAT related to conditional grant expenditures

The accounting treatment of VAT in relation to conditional grant expenditures is dealt with in the *VAT Guide 419*. The discussion below deals only with the issues and accounting treatment arising from the 'own revenue' provision in MFMA Circular 48, namely:

- i. How municipalities budget for conditional grants and the reclaimed VAT amounts?
- ii. How municipalities report on their expenditure performance against conditional grant allocations and the impact this has on the calculation of 'unspent' amounts that have to be returned to the National Revenue Fund?
- iii. How municipalities record the reclaimed VAT related to conditional grant expenditures in their Annual Financial Statements?

In addressing these issues, the point of departure is that ALL conditional grant allocations in the Division of Revenue Act are VAT inclusive, i.e. national government has budgeted to pay the VAT inclusive price of the goods and services purchased by municipalities using conditional grant funds.

The reasons for all conditional grant allocations in DoRA being VAT inclusive, and for the 'own revenue' provision in MFMA Circular 48 are as follows:

- It is administratively cumbersome to track conditional grant spending excluding VAT, and to ensure that the spiral of reclaimed VAT is spent in accordance with a particular grant framework.
- Treating the reclaimed VAT as 'own revenue' provides municipalities with a strong incentive to spend their conditional grants. If a municipality fails to do so, it forfeits the opportunity to earn 'own revenue' in the form of reclaimed VAT, as the full unspent amount has to be returned to the National Revenue Fund.
- Treating conditional grant allocations as VAT inclusive means that the recipient municipality does not have to cash flow finance the input VAT in order to spend the entire conditional grant. Many municipalities are unable to do so given their very constrained cash positions, and so there is a risk that they would under-spend on their conditional grants.

From the core policy position that all conditional grants are VAT inclusive, the following:

- A municipality must show its full capital conditional grant allocations reflected in the DoRA under 'transfers and grants – capital' on Tables A2, A3, A4 and A5, so as to facilitate proper tracking of these allocations (i.e. a municipality must not split the capital conditional grants revenue up into 'capital' and 'operational' components in the Budgeted Statement of Financial Performance and Capital Budget);
- A municipality must show the anticipated reclaimed VAT under 'current assets' on its Budgeted Statement of Financial Position (Table A6), which would flow through to the Budgeted Cash Flow (Table A7) (i.e. the reclaimed VAT does not get recorded as 'own revenue' on the Budgeted Statement of Financial Performance, but as a cash receipt on the Budgeted Cash Flow);
- A municipality must report the VAT inclusive expenditure against ALL conditional grants for purposes of DoRA. If they fail to do so, the reclaimed input VAT will reflect as 'unspent' and the municipality will be expected to return such 'unspent' funds to the National Revenue Fund.
- The accounting treatment of conditional grant spending in order to give effect to the 'own revenue' provision in MFMA Circular 48 is as follows:

Expenditure against operating conditional grant				Expenditure against capital conditional grant			
Bank				Bank			
1	100		100	1	100		100
4	13			4	13		
3	Conditional Grant (Creditor/Current Liability)			3	Conditional Grant (Creditor/Current Liability)		
	87		100		87		100
	13		1		13		1
Statement of Financial Performance				Assets			
2	87		87	2	87		
	(operating expense)		13				3
			(conditional grant)				
VAT (Control)				VAT (Control)			
2	13		13	2	13		13
			4				4
Statement of Financial Performance				Statement of Financial Performance			
			87				87
			13				13
			(conditional grant)				3

Where:

- 1 – Is receipt of the Gazetted conditional grant by the municipality in its 'bank' account. The counter entry is on 'conditional grant liability' as the conditional grant revenue is only recognised when the conditions attached to the use of the funding have been met.
- 2 – When the expenditure is incurred, the 'bank' is credited, and the counter debit entries are:
 - in the case of operating conditional grants, split against 'statement of Financial Performance' and 'VAT (control)'; and

- in the case of capital conditional grants, split against ‘assets’ and ‘VAT (control)’.
- 3 – The conditional grant liability is subsequently debited (reduced) by both the amount spent and the VAT amount and the grant revenue recognised (including VAT) is credited in the ‘Statement of Financial Performance’.
 - 4 – Is the receipt of the VAT refund from SARS.

Based on the above transaction, the input VAT that is reclaimed would ultimately form part of the municipality’s cash and cash equivalents, which is a source of ‘internally generated funds’ that the municipality takes into consideration when compiling future budgets. As a matter of good practice, municipalities should use these internally generated funds to either further fund their capital budget or to fund the repairs and maintenance of assets, especially those built using conditional grants.

4.6 Accounting treatment of retention fees and conditional grant funded projects

The issue of the accounting treatment of retention fees related to projects funded by conditional grants has arisen due to the impact the mismanagement of the practice has on:

- i. The level of conditional grant spending a municipality reports in terms of DoRA;
- ii. The impression that the ‘retention fees’ are unspent conditional grant funds which must be returned to the National Revenue Fund; and
- iii. The treatment of such funds when a municipality applies for the rollover of unspent conditional grant funds at the end of a financial year.

The correct accounting treatment of ‘retention fees’ (before they are paid = (1)) is as follows:

Asset	
100 (1)	
Bank	
	90 (1)
Retention (Creditor / Current Liability)	
	10 (1)

When reporting on conditional grant spending, the municipality must report on the total value of the invoice due (including any retentions). This is because in accrual accounting the full invoice is regarded as expenditure incurred; it is only payment that has been delayed.

4.7 Districts transferring funds to local municipalities

The local government equitable share and many of the conditional grants are paid to municipalities in line with the *legal allocation of powers and functions* and not to the municipality that may actually be performing a particular basic service (water, electricity, sewerage and refuse removal).

In practice this means that equitable share and conditional grant funds for the basic services are paid to a district municipality that is the ‘service authority’ even though one or more of the local municipalities within the district are the de facto service providers. In such circumstances the district municipality MUST have a service delivery agreement with the local municipality

and there is an expectation that the district will 'pass onto' the local municipality 'funds for the subsidisation of services to the poor' (see section 80 and 81 of the Municipal Systems Act).

Section 28 of the 2011 Division of Revenue Act provides that each category C municipality must indicate in its budget all allocations from its equitable share and conditional allocations to be transferred to each category B municipality within the category C municipality's area of jurisdiction (these transfers must be detailed on Table SA21, and reflected under 'transfers and grants' on Table A4).

National Treasury is aware that certain district municipalities are failing to transfer an equitable portion of the equitable share funds they receive to the local municipalities responsible for the de facto delivery of services within their areas, and are not spending conditional grants intended to address service delivery backlogs appropriately. As a result, the extension of basic services and the provision of free basic services by these local municipalities are being compromised.

To address this problem, National Treasury, working with the provincial treasuries, will evaluate all transfers made by district municipalities in their 2012/13 tabled budgets to local municipalities that are the de facto providers of basic services. Where a district is failing to transfer an equitable portion of its equitable share funds or is not spending conditional grants to address backlogs it will be instructed to alter its budget accordingly.

4.8 Benefits to mayors and councillors

Section 167 of the MFMA provides that any remuneration paid or given in cash or in kind to a person as a political office-bearer or as a member of a political structure of a municipality otherwise than provided for in the framework of the Public Office Bearers Act 20 of 1998 is regarded as an ***irregular expenditure*** and the municipality must recover that remuneration from the political office bearer or member. The section also provides that the municipality may not write-off any expenditures incurred in providing such remuneration, i.e. the irregular expenditure *must be* recovered from the political office bearer or member.

The remuneration referred to above includes

- i. any bonus, bursary, loan or advance; and
- ii. any other benefit such as:
 - the municipality giving or allocating laptops, notebooks, iPads or other gadgets to councillors and Mayors,
 - cell phone allowances in excess of the limits set in the Public Office Bearers Act;
 - the use of municipal workers' time for councillors' and Mayors' private or business interests;
 - the private use of official/municipal vehicles, and
 - the use of a mayoral residence without paying a *market related rental* to the municipality.

Municipalities are advised to ensure strict compliance with this provision.

4.9 Budget management issues dealt with in previous MFMA Circulars

Municipalities are reminded to refer to MFMA Circulars 48, 51, 54 and 55 with regards to the following issues:

1. Mayor's discretionary funds and similar discretionary budget allocations – National Treasury regards allocations that are not designated for a specific purpose to be bad practice and discourages them (refer to MFMA Circular 51).
2. Unallocated ward allocations – National Treasury does not regard this to be a good practice, because it means that the tabled budget does not reflect which ward projects are planned for purposes of public consultation and council approval (refer to MFMA Circular 51).
3. New office buildings – Municipalities are required to send detailed information to National Treasury if they are contemplating building new main office buildings (refer to MFMA Circular 51).
4. Virement policies of municipalities – Municipalities are reminded of the principles that must be incorporated into municipal virements policies (refer to MFMA Circular 51).
5. Providing clean water and managing waste water – Municipalities are reminded to include a section on 'Drinking water quality and waste water management' in their 2012/13 budget document supporting information (refer to MFMA Circular 54).
6. Renewal and repairs and maintenance of existing assets – Allocations to repairs and maintenance, and the renewal of existing infrastructure must be prioritised. Municipalities must provide detailed motivations in their budget documentation if allocations do not meet the benchmarks set out in MFMA Circular 55.
7. Budgeting for an operating deficit – Over the medium term, a municipality should budget for a moderate surplus on its Budgeted Statement of Financial Performance so as to be able to contribute to the funding of the Capital Budget. If the municipality's operating budget shows a deficit it is indicative that there are financial imbalances that need to be addressed (refer to MFMA Circular 55).
8. Credit cards and debit cards linked to municipal bank accounts are not permitted – On 02 August 2011 National Treasury issued a directive to all banks informing them that as from 01 September 2011 they are not allowed to issue credit cards or debit cards linked to municipal bank accounts (refer to MFMA Circular 55).
9. Municipal financial management (IT) systems – If a municipality is considering replacing or extending its financial management (IT) system, before it goes out to tender it must consult with the National Treasury in accordance with the process set out in MFMA Circular 57.

5 Conditional transfers to municipalities

As indicated above, National Treasury will issue a further Budget Circular for the 2012/13 financial year shortly after the tabling of the National Budget on 22 February 2012. This Circular will deal with any new conditional grant issues and processes related to the management of conditional grants.

At this stage in the budget process, municipalities are advised to use the indicative numbers for 2012/13 in the 2011 Division of Revenue Act to compile their budgets. This document is available on National Treasury's website at:

<http://www.treasury.gov.za/legislation/acts/2011/Default.aspx>

5.1 Conditional grant issues dealt with in previous MFMA Circulars

Municipalities are reminded to refer to MFMA Circulars 48, 51, 54 and 55 with regards to the following issues:

1. Accounting treatment of conditional grants – Municipalities are reminded that in accordance with accrual accounting principles, conditional grants should only be treated as ‘transfers recognized’ revenue when the grant revenue has been ‘earned’ by incurring expenditure in accordance with the conditions of the grant.
2. VAT on conditional grants: SARS has issued a specific guide to assist municipalities meeting their VAT obligations – **VAT 419 Guide for Municipalities**. To assist municipalities accessing this guide it has been placed on the National Treasury website at: <http://www.treasury.gov.za/legislation/mfma/guidelines/default.aspx>.
3. Interest received and reclaimed VAT in respect of conditional grants: Municipalities are reminded that in MFMA Circular 48, National Treasury determined that:
 - Interest received on conditional grant funds must be treated as ‘own revenue’ and its use by the municipality is not subject to any special conditions; and
 - ‘Reclaimed VAT’ in respect of conditional grant expenditures must be treated as ‘own revenue’ and its use by the municipality is not subject to any special conditions (see paragraph 4.5 above, in this regard).
4. Appropriation of conditional grants that are rolled over – As soon as a municipality receives written approval from National Treasury that its unspent conditional grants have been rolled-over it may proceed to spend such funds (refer to MFMA Circular 51 for other arrangements in this regard).
5. Pledging of conditional grant transfers – the 2012 Division of Revenue Bill will contain a provision that allows municipalities to pledge their conditional grants. The end date for the pledges is extended to 2014/15. The process of application as set out in MFMA Circular 51 remains unchanged.
6. Separate reporting for conditional grant roll-overs – National Treasury has put in place a separate template for municipalities to report on the spending of conditional grant roll-overs. Municipalities are reminded that conditional grant funds can only be rolled-over once, so if they remain unspent in the year in which they were rolled-over they MUST revert to the National Revenue Fund.
7. Payment schedule – National Treasury has instituted an automated payment system of transfers to municipalities in order to ensure appropriate safety checks are put in place. Only the National Treasury approved and verified primary banking details would be used for effecting transfers.

6 The Municipal Budget and Reporting Regulations

National Treasury has released Version 2.4 of Schedule A1 (the Excel Formats). This version incorporates substantial changes (see Annexure A). **Therefore ALL municipalities MUST use this version for the preparation of their 2012/13 Budget and MTREF to be tabled on 31 March 2012.**

Download Version 2.4 of Schedule A1 by clicking [HERE](#)

The Municipal Budget and Reporting Regulations are designed to achieve a range of objectives, including improving the local government sphere’s ability to deliver services by facilitating improved financial sustainability and better medium term planning. The regulations, formats and associated guides etc. are available on National Treasury’s website at:

<http://mfma.treasury.gov.za/RegulationsandGazettes/Pages/default.aspx>

6.1 All municipalities must prepare budgets in accordance with the regulations

Municipalities are reminded that the regulations apply to all municipalities and municipal entities as from 1 July 2009.

All municipalities and municipal entities must prepare annual budgets, adjustments budgets and in-year reports for the 2012/13 financial year in accordance with the Municipal Budget and Reporting Regulations. In this regard, municipalities must comply with both:

- The formats set out in Schedules A, B and C; and
- The relevant attachments to each of the Schedules (the Excel Formats).

If a municipality fails to prepare its budget, adjustments budget and in-year reports in accordance with the relevant formats, actions the National Treasury will take includes:

- The municipality will be required to resubmit their documentation in the regulated format by a date determined by the National Treasury;
- The municipality's non-compliance with the required formats will be reported to the Auditor-General; and
- A list of municipalities that fail to comply with the required formats will be tabled in Parliament and the provincial legislatures.

6.2 The Dummy Budget Guide

To assist municipalities with the preparation of their budget documents, National Treasury has issued a *Dummy Budget Guide*, consisting of the following four components:

1. The *MFMA Dummy Budget Guide*
2. The *Annual Budget of Batho Pele City* – the Annexure to the *Guide*
3. The Schedule A1 for Batho Pele City – the 'Excel' budget format schedule
4. The Schedule A1 Graphs and Figures Template.

The *Annual Budget of Batho Pele City* is intended to be a template that municipal officials can use as a basis and guide for producing their own municipality's budget documents. Therefore National Treasury fully intends that officials will copy the format and be guided by the explanations, the tables, graphs and figures in this document. The *Guide* and associated templates and documents can be downloaded from:

<http://mfma.treasury.gov.za/Guidelines/Pages/default.aspx>

Note that National Treasury will be re-issuing all the above Dummy Budget Guide materials in due course so that they align to the changes that have been introduced by Version 2.4 of the Schedule A1.

6.3 Assistance with the compilation of budgets

If you require advice with the compilation of your budgets, the budget documents or Schedule A1 please direct your enquiries as follows:

Municipalities in...	Responsible NT officials	Tel. No.	Email
Eastern Cape	Thulani Mandiriza	012-315 6640	Thulani.Mandiriza@treasury.gov.za
	Ansie Myburgh	012-315 5173	Ansie.Myburgh@treasury.gov.za
Free State	Vincent Malepa	012-315 5539	Vincent.Malepa@treasury.gov.za
	Kgomotso Mokienie	012-315 5866	Kgomotso.Mokienie@treasury.gov.za
Gauteng	Nozipho Molikoe	012-395 5662	Nozipho.Molikoe@treasury.gov.za
	Nonhlanhla Motaung	012-315 6051	Nonhlanhla.Motaung@treasury.gov.za
KwaZulu-Natal	Kavitha Ruplal	012-315 5700	Kavitha.Ruplal@treasury.gov.za
	Johan Botha	012-315 5171	Johan.Botha@treasury.gov.za
Limpopo	Bernard Mokgabodi	012-315 5936	Bernard.Mokgabodi@treasury.gov.za
	Sifiso Mabaso	012-315 5952	Sifiso.Mabaso@treasury.gov.za
Mpumalanga	Jordan Maya	012-315 5663	Jordan.Maya@treasury.gov.za
	Anthony Moseki	012-315 5174	Anthony.Moseki@treasury.gov.za
Northern Cape	Marli J van Rensburg	012-315 5303	Marli.jansenvanrensburg@treasury.gov.za
	Yusuf Mayet	012-315 5111 request ext. 6054	Yusuf.Mayet@treasury.gov.za
North West	Willem Voigt	012-315 5830	Willem.Voigt@treasury.gov.za
	Sadesh Ramjathan	012-315 5101	Sadesh.Ramjathan@treasury.gov.za
Western Cape	Vuyo Mbunge	012-315 5661	Vuyo.Mbunge@treasury.gov.za
	Kevin Bell	012-315 5725	Kevin.Bell@treasury.gov.za
Technical issues with Excel formats	Ilze Baron	012-395 6742	Ilze.Baron@treasury.gov.za
	Conrad Barberton	012-315 5117	Conrad.Barberton@treasury.gov.za

6.4 End to the phasing in of formats and tables

This will be the third year that all municipalities are required to prepare their annual budgets in accordance with the Municipal Budget and Reporting Regulations. National Treasury therefore expects all municipalities to provide a complete set of information in their annual budget tables, as well as the supporting tables (Schedule A1).

National Treasury, working with the provincial treasuries, will carry out a compliance check and where municipalities have not provided complete information, the budgets will be referred back to the municipalities, and an appropriate letter will be addressed to the Mayor and municipal manager. Municipal managers are reminded that the annual budget must be accompanied by a 'quality certificate' in accordance with the format set out in item 27 of Schedule A in the Municipal Budget and Reporting Regulations.

6.5 Consolidated budgets and reports for municipalities with entities

A municipality that has one or more municipal entities is required to produce:

- An annual budget, adjustment budgets and monthly financial statements for the parent municipality in the relevant formats; and

- A consolidated annual budget, adjustments budgets and monthly financial statements for the parent municipality and all its municipal entities in the relevant formats.

*Municipalities are reminded, that with effect from 1 July 2011, municipalities that have municipal entities must submit their **consolidated** annual budget, **consolidated** adjustment budgets and **consolidated** quarterly financial information to the National Treasury Local Government Database.*

In addition, the Schedule A1 that the municipality submits to National Treasury must be the consolidated budget for the municipality (plus entities) and not the budget of the parent municipality.

This is to ensure that there is consistency of reporting both across municipalities, but also in respect of the individual municipality with municipal entities.

6.6 Application of regulations to municipal entities

All municipal entities that provide normal municipal-type services (e.g. water, electricity, refuse removal, etc.) must comply with Chapter 3 of the Municipal Budget and Reporting Regulations.

Municipalities that have entities that must comply with Chapter 3 of the regulations must produce the **consolidated tables** prescribed in Schedule A of the regulations.

Municipalities that have entities that do not provide normal municipal services or where budgeted amounts are immaterial in relation to the parent municipality's budget and only comprise of funds transferred from the parent municipality may apply to National Treasury for an exemption in respect of those entities. Applications must be sent to Jan Hattingh (e-mail: jan.hattingh@treasury.gov.za) by 01 March 2012, and must include the following information:

- (a) the name of the entity;
- (b) a description of the ownership and governance arrangements of the entity;
- (c) details of the functions and services the entity delivers;
- (d) a copy of the entity's 2010/11 annual financial statements; and
- (e) a copy of the entity's 2011/12 annual budget.

National Treasury will inform municipalities in writing on the outcome of these applications by 15 March 2012.

6.7 Municipal budgets and internal charges

This issue has been addressed extensively in MFMA Circulars 48 and 55. It has been noted that certain municipalities are still including internal charges on their budgets, monthly reports and submissions to the Local Government Database, thus overstating their revenues and expenditures.

To eliminate this bad practice, National Treasury will refer all 2012/13 budgets, monthly financial statements and Local Government Database returns that include internal charges back to municipalities for correction.

6.8 Distinguishing between cash and non-cash transfers and grants

A municipality can make cash 'transfers and grants' or non-cash 'transfers and grants' (often referred to as in-kind donations/grants) to organisations and individuals. To facilitate more accurate analysis of the municipality's cash flow and financial position detail has been introduced on Supporting Tables SA1 and SA21 to reflect the cash and non-cash transfers and grants separately.

Note that:

- The targeted provision of free basic services to indigent households must be treated as a non-cash transfer and grant;
- Both cash and non-cash transfers and grants must be taken through to the Budgeted Statement of Financial Position on Table A4; and
- Only the cash transfers and grants must be taken through to the Budgeted Cash Flow on Table A7.

6.9 The cost of free basic services versus the revenue cost of free services

On Table A10 municipalities are required to provide information on (i) the estimated *cost of free basic services* and (ii) the estimated *revenue cost of free services*. To ensure consistent reporting please note the following:

1. The estimated cost of free basic services:

- Covers only the free basic services according to national policy, i.e. 6 kl water, 50 kWh electricity, free sewerage and free weekly refuse removal;
- Must be the *actual cost to the municipality* and not the revenue cost to the municipality of providing these services;
- Includes the actual cost to the municipality of providing the free basic services to all households (which would be reflected as 'revenue foregone' on SA1); and
- Includes the actual cost to the municipality of providing free basic services to targeted households (which would be reflected as 'transfers and grants' on SA21).

2. The estimated revenue cost of free services:

- Covers all rates rebates, exemptions and discounts given to households and other customer groups either in general or specifically;
- Covers all free services or service discounts given to households and other customer groups in relation to services for which the municipality normally charges;
- Must be the *revenue cost to the municipality* of providing these rebates, discounts and free services;
- Includes the *revenue cost to the municipality* of providing the free basic services to households according to national policy; and
- Must not include the cost of debt write-offs.

The purpose of this information is to enable the council and municipality to get an understanding of the impact that 'discounts' and 'free services' have on the municipality's revenues, and therefore tailor its 'social package' appropriately, taking into consideration the equitable share funds provided to subsidise the provision of free basic services. It also facilitates analysis of which customer groups benefit from a municipality's 'social package'

6.10 Completion of service delivery information on Table A10

Table A10 is becoming an increasingly important source of information on actual service delivery and service delivery backlogs. *A municipality that is the designated service authority for a particular service MUST report on the delivery status of that service to all households within its area, irrespective of whether the service is provided by a municipal entity, another municipality or an external mechanism.*

Where a district municipality is the designated service authority and a local municipality is the actual service provider, both the district and the local municipality must report on the delivery status of that service to all households within their respective areas. This will provide a useful cross-check, and enable National Treasury and the provincial treasuries to evaluate whether the district is passing on an equitable portion of the equitable share and conditional grants it receives.

To improve the accuracy of the information the following changes have been introduced by Version 2.4:

- i. Table A10 now draws its information from Supporting Table SA9, where the information has to be entered according to service provider, namely:
 - Municipal in-house services
 - Municipal entity services
 - Services provided by 'external mechanism' – which includes municipalities that are providing services on behalf of another municipality in terms of a service level agreement.
- ii. The 'total number of households' for each service must be the same as the total number of households in the municipality as reflected on Supporting Table A9. Four checks have been introduced on Table A10 to monitor this.
- iii. Municipalities must enter the actual number of households – the rounding up to '000s has been removed.

National Treasury plans to prepare a special report on this service delivery information for Parliament in the second half of 2012. It is therefore important for each municipality to ensure its information is up-to-date and accurate.

6.11 MBRR issues dealt with in previous MFMA Circulars

Municipalities are reminded to refer to MFMA Circulars 48, 51, 54 and 55 with regards to the following issues:

1. Budgeting for revenue and 'revenue foregone' – The 'realistically anticipated revenues to be collected' that must be reflected on the Budgeted Statement of Financial Performance (Tables A2, A3 and A4) must exclude 'revenue foregone'. The definition of 'revenue foregone' and how it is distinguished from 'transfers and grants' is discussed in MFMA Circular 51.
2. Preparing and amending budget related policies – Information on all budget related policies and any amendments to such policies must be included in the municipality's annual budget document (refer to MFMA Circular 54).
3. 2012/13 MTREF Funding Compliance Assessment – All municipalities are required to perform the funding compliance assessment outlined in *MFMA Funding Compliance Guideline* and to include the relevant information outlined in MFMA Circular 55 in their 2012/13 budgets (refer to MFMA Circular 55).

7 Budget process and submissions for the 2012/13 MTREF

Over the past number of years there have been significant improvements in municipal budget processes. Municipalities are encouraged to continue their efforts to improve their budget processes based on the guidance provided in MFMA Circulars 10, 19, 28 and 31 as well as the new regulations.

Once more, municipalities are reminded that the IDP review process and the budget process should be combined into a single process.

7.1 Submitting budget documentation and schedules for 2012/13

To facilitate oversight of compliance with Municipal Budget and Reporting Regulations, accounting officers are reminded that:

- Section 22(b)(i) of the MFMA requires that **immediately** after an annual budget is tabled in a municipal council it must be submitted to the National Treasury and the relevant provincial treasury in both printed and electronic formats. The deadline for such submissions is Monday, 9 April 2012.
- Section 24(3) of the MFMA, read together with regulation 20(1), requires that the approved annual budget must be submitted **within ten working days** after the council has approved the annual budget. So if the council only approves the annual budget on 30 June 2010, the final date for such a submission is Thursday, 13 July 2012, otherwise an earlier date applies.

The municipal manager must submit:

- the budget documentation as set out in Schedule A of the Municipal Budget and Reporting Regulations, including the main Tables (A1 - A10) and all the supporting tables (SA1 – SA37) in both printed and electronic format; and
- the draft service delivery and budget implementation plan in both printed and electronic format; and
- in the case of approved budgets, the council resolution.

Municipalities are required to send electronic versions to lgdocuments@treasury.gov.za.

If the budget documents are too large to be sent via email, arrangements for them to be downloaded from the municipality's website must be made with Elsabe Rossouw (email: Elsabe.Rossouw@treasury.gov.za).

Municipalities are required to send printed submissions of their budget documents and council resolution to:

For couriered documents

Ms Linda Kruger
National Treasury
40 Church Square
Pretoria, 0002

For posted documents

Ms Linda Kruger
National Treasury
Private Bag X115
Pretoria, 0001

After receiving tabled budgets, National Treasury will complete a compliance checklist. This checklist will indicate the level of compliance to the Municipal Budget and Reporting Regulations. A copy of the checklist will be sent to the municipality in order to facilitate

improvements in the quality of tabled and approved budgets. Please review the municipality's performance last year, and ensure that the gaps are addressed.

7.2 Budget reform returns to the Local Government Database for publication

For publication purposes, municipalities are still required to use the Budget Reform Returns to upload budget and monthly expenditure to the National Treasury Local Government Database. *The old formats may not be used to submit 2012/13 budget information.* All municipalities must migrate to using the aligned version of the electronic returns. All returns are to be sent to lgdatabase@treasury.gov.za.

The new aligned electronic returns may be downloaded from National Treasury's website at the following link: http://mfma.treasury.gov.za/Return_Forms/Pages/default.aspx.

7.3 Publication of budgets on municipal websites

In terms of section 75 of the MFMA all municipalities are required to publish their tabled budgets, adopted budgets, annual reports (containing audited annual financial statements) and other relevant information on the municipality's website. This will aid in promoting public accountability and good governance.

All relevant documents mentioned in this circular are available on the National Treasury website, <http://mfma.treasury.gov.za/Pages/Default.aspx>. Municipalities are encouraged to visit it regularly as documents are regularly added / updated on the website.

Contact



national treasury

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National Treasury
REPUBLIC OF SOUTH AFRICA

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JH Hattingh

Chief Director: Local Government Budget Analysis

14 December 2011

Annexure A – Changes to Schedule A1 – the ‘Excel formats’

As noted above, National Treasury has released Version 2.4 of Schedule A1 (the Excel Formats). It incorporates the following changes:

No.	Sheet	Amendment	Reason
1	Org. structure	Sheet appearance has been aligned to that of the 'Instructions' and 'Start pages'. Vote and sub-vote structures have been linked to A3A and A5A, based on the selected votes and sub-votes on the 'Org structure' page.	Facilitate easier completion of sheets
2	A5A	Under the 'multi-year capital' section, the budget columns have been modified to simplify the completion of multi-year allocations	See paragraph 4.2 above
3	A8	Calculation of 'other working capital' has been modified.	Correction
4	SA1	Ten lines have been added to accommodate 'other revenue'	Correction
5	SA1	List of remuneration categories has been standardized (see also SA22)	To align with the draft SCOA
6	SA1	Detail on 'depreciation and asset impairment' has been extended to include 'depreciation resulting from revaluation of PPE'	See paragraph 4.3 above
7	SA1	Detail on 'transfers and grant' has been added to reflect cash and non-cash transfers on grants. This detail is linked to a similar change on SA21	See paragraph 6.8 above
8	SA3	The following Reserves have been deleted: (1) Capitalisation, (2) Government Grant and (3) Public contributions and donations.	Correction to align with GRAP
9	SA8	The following indicators have been deleted: (1) Borrowing to Asset ratio, (2) Debt to Equity ratio and (3) Provisions not Funded	They are not useful or misleading when it comes to analyzing municipal finances.
10	SA8	The following indicators have been added: (1) Capital Charges to Own Revenue and (2) Creditors to Cash and Investments.	These indicators are useful when it comes to analyzing municipal finances.
11	SA9	Income categories based on the Statistics SA Household Survey and Census 2011 have been inserted, as well as an indicative poverty line.	The aim is to align this information with Stats SA data, which should be the main source municipalities use for this information. The indicative poverty line is to start the process of ensuring indigents policies move from the same basis.
12	SA9	There is a new section providing detail to Table A10 on service delivery as follows: <ul style="list-style-type: none"> • Total Municipal Services, • Municipal In-House Services, • Municipal Entity Services; and • Services Provided by External Mechanisms. 	See paragraph 6.10 above.
13	SA12&13	SA12&13 have been split into three separate sheets as follows: (1) SA12a - Property Rates by category for the current year. (2) SA12b - Property rates by category for the budget year. (3) SA13 - Service Tariffs by category	To facilitate the collection of consistent information on municipal rates and domestic tariffs.
14	SA14	References have been amended to provide quantitative indicators of the different household	To ensure the sample household bills are consistent across all municipalities.

No.	Sheet	Amendment	Reason
		profiles.	
15	SA16	Additional columns have been added.	To gather information required in terms of the Municipal Investment Regulations.
16	SA17	An additional section has been added below the original table to facilitate more detailed reporting on 'Unspent Borrowing', as reported on A8 (linked)	To gather information related to the rollover and offsetting on unspent conditional grant funds.
17	SA21	Cash and non-cash transfers have been separated on SA21, and linked to SA1	See paragraph 6.8 above
18	SA22	List of remuneration categories has been standardized (see also SA1)	To align with the draft SCOA
19	SA30	Line items have been aligned to terminology used in A6 and A7	Correction
20	SA34b and SA34c	Ratios shown on A9 and MFMA Circular 55 added to SA34b and c, as appropriate.	To facilitate analysis of budgeting for renewal and repairs and maintenance
21	SA34d	SA34d, Depreciation by Asset Class has been inserted.	To facilitate detailed analysis of budgeting for renewal and repairs and maintenance by asset class over a period of time.
22	SA36	An additional column has been added.	To monitor compliance with MFMA section 19(1)(b) and MBRR Regulation 13, concerning the appropriation of funds to new individual projects during the financial year.
23	SA36 & SA37	(1) An additional column has been added where municipalities will be required to enter GPS co-ordinates (correct to seconds) for all listed projects. (2) Drop-down boxes have been added to facilitate the completion of Asset classes and sub-classes	Facilitate monitoring and tracking

ANNEXURE B

DEFINITIONS OF INDIGENT, PAUPER AND DISTITUTE PERSONS

STELLENBOSCH MUNICIPALITY	NMUQA MUNICIPALITY	DRAKENSTEIN MUNICIPALITY	CITY OF CAPE TOWN	SWARTLAND MUNICIPALITY	BREEDE VALLEY MUNICIPALITY	SALDANHA BAY MUNICIPALITY	OVERBERG MUNICIPALITY
<p>'Indigent person'</p> <p>Is defined as a person who is poor or needy; When a family has been registered as an indigent beneficiary at the Municipality, the members of the family (not extended members) qualifies for 50% discount, after approval by the relevant Director.</p>	<p>'Indigent person'</p> <p>No Definition</p>	<p>"Indigent person"</p> <p>Means a destitute person who has died in indigent circumstances, or if no relative or any other person, welfare organization or NGO can be found to bear the burial or cremation costs of such deceased person.</p>	<p>"Indigent person"</p> <p>Means a destitute person who has died in indigent circumstances, or if no relative or any other person, welfare organization or NGO can be found to bear the burial or cremation costs of such deceased person</p>	<p>"Indigent person"</p> <p>No Definition</p>	<p>"Indigent person"</p> <p>No Definition</p>	<p>'Indigent person'</p> <p>An indigent person is defined as a person who died in indigent circumstances within the geographic boundaries of Council where no relative, can be found.</p>	<p>'Indigent person'</p> <p>No Definition</p>
<p>"Pauper person"</p> <p>Is when the deceased has no family members or extended family. There are no funds for burial or the deceased did stay on the streets.</p>	<p>"Pauper person"</p> <p>A person who has died as an unknown person or if no relative or other person, welfare organization or NGO can be found to bear the burial or cremation of such deceased person. Paupers are buried three in a grave.</p>	<p>"Pauper person"</p> <p>means an unknown body mass, blood vessels or medical waste from medical testing.</p>	<p>"Pauper person"</p> <p>means an unknown body mass, blood vessels or medical waste from medical testing.</p>	<p>"Pauper person"</p> <p>No Information available</p>	<p>"Pauper person"</p> <p>No Pauper Burials</p>	<p>"Pauper person"</p> <p>A pauper is defined as a person who has died as an unknown or as indigent person within the geographic boundaries of Council subject to Section 62(2) of the National Health Act no. 63, of 2003 as amended.</p>	<p>"Pauper person"</p> <p>A pauper is defined as a person who has died as an unknown or as indigent person within the geographic boundaries of Council subject to Section 62(2) of the National Health Act no. 63, of 2003 as amended</p>

<p>“Destitute person’</p> <p>is defined as a person who has died in destitute circumstances within the geographic boundaries of Stellenbosch (WC024), with no family or relatives to identify the body;</p>	<p>“Destitute person’</p> <p>No information available</p>	<p>“Destitute person’</p> <p>No information available.</p>	<p>“Destitute person’</p> <p>No information available.</p>	<p>“Destitute person’</p> <p>No information available.</p>	<p>“Destitute person’</p> <p>The removal and burial of the corpse of a destitute person who died within the area of jurisdiction of the Municipality shall be the responsibility of - (a) the Municipality if - (i) the destitute person's corpse has not been claimed by a competent person; or, (ii) a competent person has undertaken to inter the corpse of the destitute person but has not done so; or, (b) with regard to a State hospital or other institution in terms of the provisions of section 48(2) of the Health Act, 1977.</p>	<p>‘Destitute person’</p> <p>No information available.</p>	<p>“‘Destitute person’</p> <p>The removal and burial of the corpse of a destitute person who died within the area of jurisdiction of the Municipality shall be the responsibility of - (a) the Municipality if - (i) the destitute person's corpse has not been claimed by a competent person; or, (ii) a competent person has undertaken to inter the corpse of the destitute person but has not done so; or, (b) with regard to a State hospital or other institution in terms of the provisions of section 48(2) of the Health Act, 1977.</p>
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OVERBERG DISTRICT MUNICIPALITY

THE FOLLOWING STANDARD PROCEDURES SHOULD BE FOLLOWED

STEP 1.

Determine where the deceased died to determine whose responsibility is to dispose the body.

STEP 2.

If council is responsible, obtain the following documentation a) removal order stating details of the deceased as well as place of expulsion. b) Affidavit That no next of kin.

STEP 3.

Obtain quotes for the burial or cremation (cheapest) of the corpse. Compare quotes with prices sent by Avbob Head office.

STEP 4.

If necessary, call B-Municipality for a special rate for grave and grave.

STEP 5.

Write out request and obtain order from magazine/sub-district heads.

STEP 6.

Deliver order to relevant funeral home.

STEP 7.

File copy of removal order and order for follow-up if necessary.

SWARTLAND MUNICIPALITY INDIGENT BURIAL PROCEDURE

STEP 1.

Indigent deaths are communicated to the Area Superintendent for Cemeteries by the Community Health Department of West Coast District Municipality in Moorreesburg.

STEP 2.

The funeral director will liaise directly with the Superintendent for cemeteries to finalize the burial details. Indigent burials take place at Wesbank Cemetery in Malmesbury.

STEP 3.

The burial order is submitted and the grave number is entered into the records as per usual.

On rare occasions, indigent burials will come VIA councilors-in this case the community development department makes sure that it is a bona fide indigent case and their report serves as proof.

STELLENBOSCH MUNICIPALITY**THE FOLLOWING STANDARD PROCEDURES SHOULD BE FOLLOWED FOR INDIGENT****STEP 1.**

Indigent deaths are communicated to the Cemeteries office by the relevant funeral director to finalize the burial details.

STEP 2.

The relevant funeral director must liaise with the Municipality Indigent offices to confirm if the deceased was registered on the database as Indigent.

STEP 3.

The relevant funeral director must receive the approved document that state that the deceased was Indigent and provide that, with the necessary documents to the Cemeteries booking.

STELLENBOSCH MUNICIPALITY PAUPER BURIAL**STEP 1.**

Relevant funeral directors liaise with our Cemeteries booking offices for a date for burial after providing the necessary documents from Cape Winelands District.

STEP 2.

After liaising with our Cemeteries booking office the Superintendent gives a date for the burial to take place and the relevant funeral director must confirm that the burial is going to take place.

STEP 3.

The Supervisor will meet the relevant undertaker at the burial site where Pauper burials is buried to monitor if the procedures are followed.
After the Supervisor marked the grave with a grave number on the records.

PAUPER AND INDIGENT BURIAL SERVICES (SALDANHA BAY MUNICIPLAITY)

APPLICATION FOR PAUPER/INDIGENT BURIAL FROM OUTSIDE INSTITUTIONS

Subject to the provision of the Imports Act, 1959 and the said Birth, Marriages and Deaths Act no. 51 of 1992, a person who has died in a hospital or other institution, shall be the responsibility of that hospital or institution care, in the case who has been admitted to or kept in such a hospital or institution on or on behalf of the Local Authority or in the case of a person who, not being a convicted person or a person, under arrest has died in any prison

RESPONSIBILITY

Formal Request via an email by the Ward Councillor when he/she reports a Pauper Funeral

The identification of a family who is in dire need of immediate relief and after a proper investigation by the CDP (Community Development Practitioner).

REQUIRED DOCUMENTS:

The relevant application forms are completed and signed. Attached to this document the following original copies must be attached as annexure "A": -

4.1 ID document of diseased and date of death

4.2 Death Certificate BR5

4.3 Burial Order-BI-14

4.4 SAP BL20

4.5 SAP report with (a) case number and (b) permission to bury

4.6 Quotation from the funeral undertaker unless instructed by the Officer in Charge to make use of an undertaker appointed by council

4.7 Social Service Report (if the deceased was in care of DSD or NPO)

4.9 Affidavit must indicate the following: -

4.9 The relationship of person giving the affidavit, indicating his/her ID number and place of residence

4.10 The permission to surrender the body to the Saldanha Bay Municipality to deal with it in a way as guided by this SOP and its cemetery

6. RISK MANAGEMENT:

Avoid political interference.

TASKS & PROCEDURES:

Incident must be reported via the indicated and correct channels (to CDP`s, and ward Councillor).

Investigation report to be submitted to the Senior Manager.

Councillor to provide an email to confirm that family has been assisted properly.

ANNEXURE C



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

BURIAL PARKS / CEMETERIES BY-LAWS

Approved by Council on 2007...
(Item

BURIAL PARKS/CEMETERIES BY-LAW

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1. Definitions

In this By-Law, unless inconsistent with the context "***anatomy subject***" means human remains from schools of anatomy.

"***Burial Park/ Cemetery***" means land on which the Council has established a Burial Park/Cemetery and which has been set aside as such by resolution of Council;

"***Burial order***" means an order issued in terms of the Births, Marriages and Deaths Registration Act, 51 of 1992, as amended (see 2.7(d));

"***coffin***" means any form of opaque shell, which completely encloses the body, is of sufficient strength to bear the mass of the body without collapsing and is of readily combustible, decomposable material;

"***authorized official***" means the person appointed by the Council as its official and includes any person lawfully acting in his stead;

"***burial***" includes cremation or any other lawful mode of disposal of a dead human body or anatomy subject, and "***bury***" shall have a corresponding meaning;

"***competent authority***" means any person authorized By-law to perform the functions contemplated by Section 3;

"***Council***" means the Council of Stellenbosch Municipality;

"***exclusive right***" means a right of burial issued in terms of Section 2 hereof;

"***memorial work***" means any headstone, monument, inscription thereon whether permanent or temporary;

"***plot***" or "***grave***" means one unit measuring-

(a) in respect of adults, 2 500mm in length, 1 200mm in width and 1 800mm in depth; and

(b) in respect of children under 12 years, 1 500mm in length, 700mm in width; and 1 500mm in depth;

"***public holiday***" has the same meaning as in the Public Holidays Act, 36 of 1994, as amended;

"***Special resolution***" means a resolution as defined in the Municipal Ordinance, 20 of 1974, as amended;

"***superintendent***" means the duly appointed person in charge of the Burial Park/Cemetery .

"***municipal area***" means the area described in Clause 2 (1) of the Establishment Notice published under Provincial Notice 487 dated 22 September 2000;

"***municipality***" means the Municipality of Stellenosch established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof 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 political structure, political office bearer, councillor, agent or employee;

“name” includes any identifying description of a deceased human being who possessed no name or whose name is unknown.

2. Application

This by-law shall be applicable in the municipal area of Stellenbosch WC024.

3. Establishment

1. The municipality may acquire, hold and alienate land for the purpose of establishing cemeteries
2. and crematoria.
3. The municipality may set aside cemeteries or any section thereof for the burial of the dead of any religious denomination or other body or community; provided that such setting aside will not vest in any person the right to be buried in any particular place in any cemetery.
4. The municipality may set aside cemeteries or any section thereof to be maintained by the municipality in the form of memorial gardens.

4. Control

Cemeteries and crematoria shall be under the control of the municipality.

5. Authority of burial

1. No person shall bury anybody in the earth or cause such body to be so buried within the municipal area other than in a cemetery.
 - a. No body shall be buried in the earth in a cemetery within the municipal area without permission of the municipality.
 - b. Such permission shall not be given without a burial order authorising such burial, and payment of the fees determined by the municipality.
 - c. Permission for Muslim and Jewish burials shall not be given without the provision of a medical certificate granted by a certified/ qualified practitioner stating the cause of death. This certificate must be providing to the cemetery official before the burial take place.
 - d. Payment for Muslim and Jewish burials must be done within 48 working hours after the burial took place.
2. All interment fees relating to the Burial Park/Cemetery are paid in advance and are fixed by Council by special resolution.
3. The Council may sell or dispose of the right of burial in a grave or a plot subject to the conditions and fees as it may determine by special resolution and shall issue to a person acquiring an exclusive right the conditions attaching to such acquisition and a certificate of acquisition.
4. Should a holder of a right of burial wish to relinquish such right, he may return such right to the Council upon such terms and conditions as the Council may determine.

5. No vaults or brick-lined graves shall be permitted in the Burial Park/Cemetery.

6. Hours of burial.

1. Interments shall only commence between the hours of 09:00 and 16:00 and must be completed no later than 17:00. No interments shall take place on Sundays and public holidays with the following exceptions:

- (a) where the public holiday falls on a Saturday;
- (b) Muslim Religious groups where the body must be buried before sun set;
- (c) Any other religious group where the Sabbath day is on a Saturday;
- (d) Christian denominations where it is tradition in the community to bury church members on a Sunday; and
- (e) In cases of extreme urgency.

2. Application shall be made to the Municipal Manager for approval for all exceptions. The application must state the reasons for having the burial on a Sunday or Public Holiday. The Municipal Manager may approve it subject to a tariff applicable on Sundays and Public Holidays and any other conditions that he/she deems fit.

3. That a tariff subjected to the tariffs as described in the annual updated tariff structure as approved by council be applicable for any part of the first 4 hours, calculated from half an hour before the ceremony until completion of the interment

4. That an additional R1 200 be levied for any period longer than 4 hours to a maximum of eight hours.

7. Notice of Burial

- a. Except in urgent cases, the municipality shall be notified of any burial at least one working day before the time set for such burial; provided that for a burial on a Saturday, Sunday, Monday or public holiday, at least two working days' notice shall be given. If a burial will take place on the day after a public holiday or a weekend, the requirement of two working days' notice shall also apply.
- b. Every such notice shall be accompanied by the fees determined by the municipality and, in the case of the prior reservation of a grave plot, also by the certificate of reservation or transfer concerned, as the case may be.
- c. The municipality shall, as soon as possible, issue the necessary authority for such burial.
- d. Notice of an interment shall be given to the caretaker not less than 24 hours previous to the time fixed for such interment, provided that 48 hours' notice shall be given for an interment on a Saturday, Sunday or public holiday.

- e. No burial of the body of the deceased person shall be performed unless a burial order, issued in accordance with the provisions of the Births, Marriages and Death Registration Act, No 51 of 1992, is submitted to the caretaker;
- f. Any service rendered by the Council on Saturdays, Sundays and Public Holidays, shall be at such times and on such conditions as determined by the Council from time to time.
- g. The Municipal Manager or his/her delegeetee will have the discretion to allow the community/family members to prepare the grave and execute the burial without the presence/assistance of Municipal employees subject to the grave being prepared and inspected during normal working hours. In such a case the relevant municipal tariffs will not be charged.

7. Register of burial

1. Applications for interments in the Burial Park/Cemetery must be made at the Council's offices.

No person shall –

- (a) bury a body unless the top of the body or of the coffin, if the body is contained in a coffin, is after being covered up, at least 1 000mm from the surface of the ground;
- (b) bury another body unless the soil on top of the last body interred is left undisturbed for a space of at least 300mm when the further interment is made; or
- (b) bury a body in a grave unless the person whose body is to be buried had a right to be buried in that grave.

2. The Council reserves the right to lower any mound on any grave.

3. A coffin shall be used for interments except when religious beliefs prohibit its use. The Council may request written proof of believed prohibitions.

4. The municipality shall keep a register of burials and of graves.

5. Such register shall be completed as far as possible immediately after a burial has taken place.

8. Demarcation of grave plots

The municipality shall demarcate grave plots in accordance with an approved layout plan.

9. Exhumation

1. No person shall exhume or cause to be exhumed a body from a grave –

- (a) unless he shall first have obtained the authority of the the Council and and
- (b) otherwise than in accordance with the conditions specified in such authorities.

2. Whenever the authorised official deems it advisable that a body be removed from the grave, he may, after consultation, if possible, with any near relative of such deceased person and with the approval of the Premier and the Council, remove such body to another grave.
3. Subject to the provisions of subsection (1) and (2), no body shall be exhumed less than two years after burial except when so decided by a competent authority or unless the coffin was hermetically sealed prior to interment.

11. Memorial work

1. No memorial work other than a headstone shall be permitted in the Burial Park/Cemetery.
2. No person shall commence any memorial work, whether erection or removal;
 - a. except under authority of a written permit issued by the authorized official;
 - b. otherwise than in accordance with the conditions attached to such permit as determined by the Council; and
 - c. as such manner as to encroach upon other graves, footpaths or roads in the Burial Park/Cemetery.

12. Burials in one grave

In the case of a family, more than two bodies may be buried in one single grave at the discretion of the municipality; provided that not more than two coffins shall be used; provided further that the lid of the second coffin placed in the grave under no circumstances be less than 900 mm from the surface, that, in the event of the reopening of the grave for the purpose of the burial of a further body, a layer of soil not less than 150 mm thick shall be left undisturbed above the coffin previously placed in the grave and that, if on the reopening of any grave the soil is found to be offensive, the reopening shall not be proceeded with and the grave shall be refilled.

13. Preparation of graves, and coffins

1. All graves shall be prepared under the supervision of the municipality.
2. Bodies shall be placed in coffins for burials except where religious beliefs prohibit its use.
3. A coffin not constructed of perishable material shall not be placed or caused to be placed in a grave.

14. Provisions relating to funerals

1. No person shall, without prior permission of the municipality, conduct any religious ceremony or service according to the rites of any denomination in any portion of any cemetery which in terms of section 11 (3) has been set apart by the municipality for the use of any other denomination.
2. No person shall cause any hearse, while a cemetery, to leave the roads and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.

3. Every person taking part in any funeral procession or ceremony shall comply with the directions of the municipality as to the route to be taken within the cemetery.
4. An application for a permit referred to in subsection (2) shall obtain such particulars of the erection and the inscription to be placed thereon as the Council may require, and the authorized official may refuse to issue such permit if in his opinion such erection is likely to be of inferior workmanship or quality or is likely in any way to disfigure the Burial Park/Cemetery or is calculated to hurt or offend the feelings of the public, or is likely to be a danger.
5. No memorial work whatsoever will be authorized on a grave until an interment in such grave has been effected.
6. No headstone shall be erected in an upright (vertical) position which exceeds the following maximum dimensions:
 - (a) Length: 1 000mm
 - (b) Width: 600mm
 - (c) Thickness: 120mm
7. Bricks on edge are permitted as a lining around the headstone, provided they are below grass/ -ground level and do not interfere with maintenance work.
8. No person shall –
 - (a) Solicit any business or order, or exhibit, distribute or leave any tract, business card or advertisement within the Burial Park/Cemetery, or shall use the Burial Park/Cemetery , or shall use the Burial Park/Cemetery, road or walk therein for the conveyance of goods, parcels, or other materials except such as are intended for use in the Burial Park/Cemetery, or
 - (b) use any part of the Burial Park/Cemetery for the cutting, dressing and manufacturing of headstones, except with the consent of the authorised official.
9. No person shall carry out any memorial work or bring any materials into the Burial Park/Cemetery for the purpose of such work on Saturdays, Sundays and public holidays, except where the removal of monumental work is necessary to effect an interment.
10. The holder of a right or the owner of a memorial work shall keep the grave or plot concerned and the memorial work thereon in good order and repair.
11. a. Whenever the holder of a right or the owner of a memorial work has erected any memorial work in the Burial Park/Cemetery and allows it to fall into such state of disrepair as in the opinion of the authorized official constitutes a danger or a disfigurement in the burial park/cemetery, the authorized official may call upon such holder or owner or his near relatives to effect such repairs as may be specified within the period stipulated.
 - b. In the event of the required repairs not being effected within the period stipulated, the Council may itself effect the repairs or remove the memorial work without paying compensation and may recover the expense of such repair or removal from such holder or owner or his near relative.

12. No person shall be at any time leave or deposit any rubbish, loose soil, stone or other debris within the Burial Park/Cemetery other than at a place provided for that purpose or in any way damage or deface any part of the Burial Park/Cemetery or anything therein contained.
13. Where it is necessary to cause a subsequent interment in a grave or plot the onus shall be upon the person requiring the interment to remove any existing memorial work required to be removed for that purpose and for its replacement if necessary.
14. No person shall erect palings, or any other structure, improvement or ornamentation on a grave.
15. No person shall obstruct, restrict or oppose the superintendent or authorised official in the course of his duty or refuse to comply with any order or request of the superintendent or authorised official.
16. No person shall plant a tree or shrub on a grave or plot without the permission of the superintendent or authorised official.
17. The superintendent or authorised official may prune, cut down, dig up or remove any shrub or plant or flower in the burial park without any notice.

15. Maintenance of graves

- a. Any memorial stone or monument erected upon any grave shall at all times be maintained in good order and condition by the holder of the reservation certificate in respect of such grave.
- b. If any such memorial stone or monument is allowed to fall into a state of disrepair or to constitute a danger or to disfigure the cemetery, the municipality may, by written notice sent by registered post to the holder of the reservation certificate at his last-known postal address, require him to effect such repairs as may be necessary.
- c. Failure on the part of the holder of the reservation certificate to effect the required repairs within one month of the date of such notice shall be a breach of this by-law and the municipality may have the repairs effected or may have the memorial stone or monument removed, as it deems fit, and may recover the expense of such repairs or removal from the holder of the reservation certificate.
- d. Every person in charge of memorial work being carried out within the Burial Park/Cemetery shall, upon demand at any time produce his written permission to carry out such memorial work.
- e. No person shall fix or erect any memorial work while the ground is, in the opinion of the superintendent or authorised official, in an unfit state.
- f. The Council or its employees shall not be responsible for any damage to or theft from graves and memorial work within the burial park.

16. Memorials: Cremations

1. The Council may provide –
 - (a) buildings, niches or other facilities for the deposit and preservation of the ashes of cremated human remains, for definite periods or in perpetuity upon such terms and conditions as may be determined by the Council;
 - (b) facilities for memorial tablets of approved material upon such terms and conditions as may be determined by the Council; and
 - (c) gardens for the strewing of ashes of cremated human remains.
2. All inscriptions on niches, memorial tablets or in books of remembrance shall be subject to the approval of the authorised official.
3. No person shall –
 - (a) open a niche containing ashes, or
 - (b) remove an urn or casket containing ashes from a niche, without the permission of the authorised official.
4. Ashes to be interred in a grave shall be in a container constructed of perishable material.
5. The outer dimensions of urns or caskets to be deposited in a niche shall not exceed –
 - (a) for a double niche, 230 mm x 230 mm x 230 mm, and
 - (b) for a single niche, 150 mm x 150 mm x 230 mm.
6. Only urns or caskets containing ashes of a deceased person shall be deposited in a niche.
7. No permanent wreaths, sprays, flowers or floral tributes may be placed in the columbarium or in its ground.

17. Provisions relating to persons dying outside the municipal area

- a. The provisions of this by-law shall apply *mutatis mutandis* to any burial within the municipal area of the human remains of any person who has died outside such area.
- b. Every application and every document relating to any burial shall be marked with a number which corresponds with the number in the register referred to in section 7 and shall be filed in order and kept by the municipality for a period of not less than 10 years.

GENERAL

18. General provisions relating to cemeteries and crematoria

1. No person under the age of 12 years shall enter any cemetery or crematorium unless he is in the care of an adult.

2. No person shall –

- (a) enter or leave any cemetery or crematorium except by the gates and/or doors provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery except on business;
- (b) carry on any trade or solicit any business, or exhibit, distribute or leave any business card or advertisement, within any cemetery or crematorium, except on sites specifically determined and set apart for such purposes;
- (c) sit, stand or climb upon any grave, tombstone, work, gate, wall, fence or building in any cemetery or crematorium;
- (d) bring or cause to be brought any animal into any cemetery or crematorium without the permission of the municipality;
- (e) obstruct, resist or oppose the municipality or any employee of the municipality in the course of his duty, or refuse to comply with any order or request which the municipality may give or make under this by-law;
- (f) destroy or do or cause to be done any damage to, or shall mark or draw or erect any advertisement, bill or placard upon, or in any other way deface any grave, tombstone, monument, wall, building, fence, railing or other structure or any road in any cemetery or crematorium;
- (g) (g) disturb the soil, or plant or uproot any plant, shrub or flowering plant, or in any way interfere with any grave or structure in any cemetery or crematorium.
- (h) play any game or take part in any sport or fire any firearm, except as a salute in a military funeral, or discharge any airgun or catapult, or disturb or interfere with any person in any cemetery or crematorium;
- (i) use any part of a cemetery or crematorium, or any road or footpath therein for hawking or conducting of any other business without the written consent of the municipality;
- (j) leave or deposit any rubbish, loose soil, stone or other debris within a cemetery or crematorium other than at a place provided for that purpose;
- (k) (k) overnight in, trespass on or enter and remain in any cemetery unless for the purposes of a burial or visiting a grave in such cemetery;
- (l) (l) use a cemetery or crematorium, or any road or footpath therein, for the conveyance of goods, parcels or other materials or as a thoroughfare or short cut;
- (m) play or perform any music in a cemetery or crematorium without the permission of the municipality;
- (n) hold or take part in any demonstration for any purpose in a cemetery or crematorium without the prior consent of the municipality;

- (o) enter and drive in a cemetery with a vehicle except in accordance with the terms and conditions determined by the municipality;
 - (p) bring intoxicating liquor or any dependence-producing substance into a cemetery or crematorium, or be in possession of such liquor or dependence-producing substance in a cemetery or crematorium, without the consent of the municipality;
 - (q) expose or convey a body in an unseemly manner in a cemetery;
 - (r) pick or in any way interfere with plants, shrubs, flowers or trees in a cemetery;
 - (s) plant a tree or shrub on a grave or plot or in any other place in a cemetery without the permission of the municipality, and for these purposes, the municipality shall be entitled to prune, cut down or remove any shrub, plant, flower or tree in a cemetery and the municipality shall not be liable to any person who may suffer damages as a result of such pruning or removal;
 - (t) disturb or annoy any person lawfully present in a cemetery or crematorium;
 - (u) knowingly make any false statement under this by-law or wilfully conceal any fact or any document required by this by-law.
3. The maximum speed limit in a cemetery is 20 km/h or as otherwise determined by the municipality.
 4. The driver of a vehicle within a cemetery passing in close proximity to any point where a funeral service is being conducted, must pay the necessary respect by driving in an orderly and dignified manner.
 5. Persons entering the municipality's cemeteries and crematoria do so at their own risk and the municipality shall not be liable or accept any responsibility for damage, loss or injury to any person or property howsoever arising, except where such loss, damage or injury is proved to be due to the wilful misconduct of municipal employees acting in the course and scope of their employment.
 6. Every cemetery and crematorium shall be open to the general public from 09:00 to 17:00. No person may be present in a cemetery or crematorium outside these hours, except with the permission of the municipality.
 7. Where offices are operated within the cemeteries and crematoria, it shall be open during the hours as determined by the municipality.

19. Prohibited actions

1. All vehicles lawfully within the Burial Park/Cemetery shall proceed at a speed of not more than 20km/h and no vehicle shall pass in close proximity to any point where a funeral service is being conducted. No hooting shall be permitted. No person shall drive any vehicle in the Burial Park/Cemetery except upon the roads provided for that purpose.
2. No person under twelve years of age may enter the Burial Park/Cemetery unless such person is under the care of a responsible person.

3. No person shall hold or take part in any demonstration for any purpose in the Burial Park/Cemetery.
4. No person shall –
 - a. enter or leave the Burial Park/Cemetery other than by the official gates;
 - b. sit, stand or climb upon or over memorial work, a gate, wall, fence or building in the Burial Park/Cemetery ;
 - c. enter the Burial Park/Cemetery with a vehicle without the permission of the authorized official upon terms and conditions determined by Council;
 - d. expose or convey a body in an unseemly manner in the burial park;
 - e. play any game or sport, or discharge any fire-arm except as a salute at a military funeral, or discharge any air gun or catapult within the Burial Park/Cemetery or disturb or annoy any person present therein;
 - f. mark, draw, scribble or erect and advertisement upon, or in any way deface a wall, building, fence, gate, memorial work or other erection in the Burial Park/Cemetery;
 - g. pick or in any way interfere with plants or flowers in the burial park; or
 - h. bring an animal into the Burial Park/Cemetery.
5. Persons entering the Burial Park/Cemetery do so at their own risk. The Council will not accept any responsibility for damage, loss or injury sustained.
6. No instrumental music shall be performed within the Burial Park/Cemetery without the permission of the Superintendent or authorized official.

20. Offences and penalties

1. Any person contravening the provisions of this by-law shall be guilty of an offence and liable on conviction to –
2. a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
3. 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
4. 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.

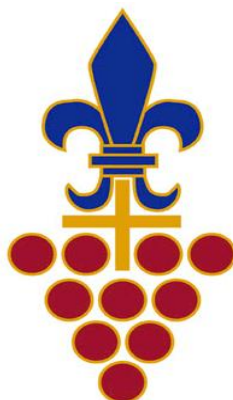
21. Repeal of by-laws

The by-laws listed in the fourth schedule hereto are hereby repealed to the extent indicated in the third column thereof.

22. Short title and commencement

This by-law shall be known as the By-Law Relating to Cemeteries and Crematoria and shall come into operation on the date of publication thereof in the Provincial Gazette

ANNEXURE D



STELLENBOSCH MUNICIPALITY

POLICY FOR THE BURIAL OF DESTITUTE AND INDIGENT PERSONS

Document control

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DEFINITIONS

In this policy, unless the context otherwise indicates

'Applicant'	means any person, non-governmental organisation (NGO), welfare organisation or any other entity who seeks assistance to bury/cremate a deceased person who qualifies for a destitute person's burial/cremation;
'Burial'	means when land is excavated for the interment of a body or ashes or when a structure is employed for the interment of a body or ashes;
' Municipality'	means Stellenbosch Municipality;
'Constitution'	means the Constitution of the Republic of South Africa Act, Act 108 of 1996;
'Council'	means the Council of Stellenbosch Municipality or any political structure, political office-bearer, councillor or any staff member acting under Council's delegated or sub-delegated authority;
'Indigent Policy'	means the Indigent Policy of Council and subsequent versions of this policy;
'Indigent person'	Is defined as a person who is poor or needy.
'Destitute person'	is defined as a person who has died in destitute circumstances within the geographic boundaries of Council where no relative, other person, NGO or welfare organisation is able to pay for the burial or cremation cost of the deceased person;
'Grave'	includes any place, whether wholly or partly above or below ground level in which a corpse is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and also includes any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature forming part of or appurtenance to such grave;
'Health Officer'	means the Health Officer appointed by the Provincial Department of Health under regulation 20 of the Regulations: General control of human bodies, tissue, blood, blood products and gametes;
'IDP'	means the Integrated Development Plan;
'National Health Act'	means the National Health Act (Act 61 of 2003);
'Next of kin'	means any relative related to the deceased;
'NGO'	means nongovernmental organisation;
'Policy'	means the policy for the burial and cremation of destitute persons;
'Public holiday'	has the same meaning as in the Public Holidays Act, Act 36 of 1994;
'Regulations relating to the management of human remains	means regulations relating to the management of human remains published under Notice No. R363 in Government Gazette No. 36473 dated 22 May 2013, under the National Health Act, Act 61 of 2003.
'Regulations: General	means regulations regarding general control of human bodies, tissue, blood,

control of human bodies, tissue, blood, blood products and gametes'	blood products and gametes, published under Government Notice R180 in Government Gazette No. 35099 dated 2 March 2012, under the National Health Act, Act 61 of 2003.
'the service'	means the Forensic Pathology Service in a province and provides a medico-legal investigation of death due to natural or unnatural causes as defined in the Regulations regarding the rendering of forensic pathology service.
'Regulations regarding the rendering of forensic pathology service'	means the regulations regarding the rendering of forensic pathology service; published in Government Notice No. R636 dated 20 July 2007, under the National Health Act, Act 61 of 2003;

1. PROBLEM STATEMENT

1.1. Local government has a constitutional and statutory duty to regulate municipal cemeteries, ~~crematoria and funeral parlours~~ to provide for the internment of human remains in a dignified manner and to ensure that municipal services are effectively and equitably provided.

~~1.2. Stellenbosch Municipality provides support to deceased destitute persons, their families and communities by providing a simple and dignified burial and cremation service for such persons. This is in accordance with section 2 of the Municipality's Burial Park/Cemetery By-law.~~

1.3. Requests for the burial ~~and cremation~~ of destitute and indigent persons are currently processed and provided for in the absence of an approved policy in accordance with an established practice. The current best practice needs to be formalised in a written policy, and where necessary, more detailed criteria and a more structured decision- making process must be provided.

1.4. It is recognised that a degree of co-operation has been established between Stellenbosch Municipality, Department of Health and Cape Winelands District Municipality to ensure the effective implementation of this policy.

1.5. The criteria for the burial ~~or cremation~~ of destitute persons will differ from the criteria for indigent relief under the Municipality's Indigent Policy.

1.6. The criteria to decide on who may be considered destitute and qualify for burial ~~or cremation~~ by the Municipality are that the remains have not been claimed by a next of kin or any relative. In the event of indigent burial applications, the next of kin must be registered with the municipality as indigent. The indigent application will be dealt with in terms of the indigent policy and in terms of the approved discounted tariffs by council.

2. DESIRED OUTCOMES

2.1. The policy will guide the decision making around the burial procedure to be considered upon receipt of application of ~~or cremation~~ a person that is considered destitute and/or indigent.

~~2.2. The policy will guide the officials.~~

~~2.2. The outcome of this policy will be the burial or cremation of people considered to be destitute in order to afford that person a dignified burial or cremation.~~

3. STRATEGIC INTENT

3.1 Integrated Development Plan

- 3.1.1 This policy is aligned with the strategic focus areas of the IDP, in particular dignified living, preferred investment destination and good governance.

4. POLICY PARAMETERS

- 4.1. This policy applies to the geographical jurisdiction of Stellenbosch Municipality, but not to deceased persons who died in a provincial hospital or institution within the meaning of section 48(2) of the Health Act, Act 63 of 1977, now repealed.
- 4.2. It is current and accepted practice that a burial ~~or cremation~~ of destitute persons who have died in such an institution as described in 4.1, will be provided by a service provider who has been appointed by Cape Winelands District Municipality.
- 4.3. This policy applies to all destitute and indigent persons who meet the criteria set out in this policy.
- 4.4. Deceased persons not claimed are historically referred to as 'paupers' but this terminology is not used for the purposes of this policy, and the term 'destitute persons' applies to deceased destitute persons.
- 4.5. The term 'indigent person' is not used in this policy in order to distinguish between the criteria for indigent relief under the Municipality's Indigent Policy.
- ~~4.6. In the case of requests for the burial of deceased persons who are not claimed, the implementation of the policy is subject to the direction of the Health Officer and the Service, and the Regulations: General control of human bodies, tissue, blood, blood products and gametes.~~

5. ROLE PLAYERS AND STAKEHOLDERS

- 5.1. **Councillors:** Councillors must provide application forms to applicants and assist them to complete the forms.
- 5.2. **Municipal officials:** Officials must provide application forms to applicants, assist them to fill the forms out, interview applicants and make a recommendation to the Director: Community & Protection Services.
- 5.3. **Responsible official:** The responsible official must check and investigate the applications and, where necessary, make decisions on behalf of the Department Community Services. The application must then be submitted to the Director: Community & Protection Services for approval and processing.
- ~~5.4. **Health officer:** The body of a deceased person that is not buried or claimed for burial in the circumstances described in Regulation 10(1) of the aforesaid regulations is at the disposal of the health officer.~~
- ~~5.5. **Forensic Pathology Service:** A body is only released from the service after the requirements in terms of Regulation 30 of the Regulations regarding the rendering of forensic pathology service are complied with.~~

6. REGULATORY CONTEXT

6.1. Constitution of the Republic of South Africa 1996

6.1.1. Part B of Schedule 5 of the Constitution provides that cemeteries, crematoria and funeral parlours are local government matters.

6.2. Local Government: Municipal Systems Act, Act 32 of 2000

6.2.1. Section 73 of the Local Government: Municipal Systems Act, Act 32 of 2000 places a general duty on municipalities to give effect to the provisions of the Constitution;

6.3. Municipality of Stellenbosch: Burial Park/Cemetery By-Law

6.3.1. The Cemeteries By-law provides for the control, regulation and development of cemeteries, the disposal of corpses and the internment of human remains in a dignified manner, matters connected therewith, and seeks to ensure the proper management of cemeteries, ~~crematoria~~ and funeral undertakers within the area of jurisdiction of the Municipality.

6.4. Regulations: General control of human bodies, tissue, blood, blood products and gametes, 2003

6.4.1. Regulations 10(1) of these regulations provides that the body of a deceased person that is not buried, or claimed for a burial within 30 days after the death of that person by the spouse, partner, major child, parent, guardian, major brother, or major sister in the specific order mentioned or bona fide friend of the deceased, will be at the disposal of the health officer in whose area the body is.

6.4.2. The requirements pertaining to the disposal of unclaimed bodies of deceased persons, notice to the health officer, and preservation period of bodies before use, are set out in regulations 10, 11, 12 and 13, respectively, of the aforesaid regulations.

6.5. Regulations relating to the management of human remains, 2003

6.5.1. Regulation 29 of these regulations provides that any unclaimed bodies or unidentified human remains must be dealt with in accordance with the provisions of regulations 32 and 34 of the Regulations regarding the rendering of forensic pathology service; published in the Government Notice No. R636 dated 20 July 2007.

6.6. Regulations regarding the rendering of forensic pathology service, 2003,

6.6.1. Regulation 30 of these regulations provides that a body must only be released from the service after:
(a) the spouse, partner, major child, parent, guardian, major brother, major sister, care-giver has given written consent, or by order of the Court;

(b) the authorised person, after consultation with the investigating officer, has given approval for such release of the body;

(c) an appropriate tissue or blood sample has been procured or other investigations done, where necessary, in order to assist with the medico-legal investigation and to facilitate the scientific investigation of the deceased.

6.6.2. Regulation 31 of the regulations provides that where the person giving consent as contemplated in regulation 30(a), namely (the spouse, partner, major child, parent, guardian, major brother, major sister, care-giver consenting to the release of a body from the forensic pathology service in a province, providing medico-legal investigation of death due to natural or unnatural causes) is unable to pay for

the burial of the body, the local municipality having jurisdiction of the area where the body was stored, must provide for a pauper burial or cremation of such a body.

- 6.6.3. Regulation 32 of the regulations provides that a body that has not been identified must be moved to a freezer within seven days of admission, and if such body remains unidentified for 30 days, the local municipality under whose jurisdiction the designated facility is, must provide for a pauper burial or cremation of such a body.
- 6.6.4. Regulation 32 of the regulations provides that the provincial head of the service must immediately be notified when a facility is requested to admit a body of a person who died of unnatural causes while being detained by the South African Police Service or the Department of Correctional Services as an awaiting-trial or convicted prisoner.

7. POLICY DIRECTIVE DETAILS

7.1 Qualification criteria for indigent persons:

A deceased person may qualify for an indigent person's burial/~~cremation~~ if they comply with all of the following circumstances:

- 7.1.1. The deceased did not have an income greater than the state old age pension or state disability pension.
- 7.1.2. The deceased did not have an insurance policy or estate which could be used to pay for the burial.
- 7.1.3. Where there are extenuating circumstances, or where a critical, emergency or any other situation arises in terms of which the Municipality is required to fulfil its legal obligations in terms of the Health Act, and/or any other applicable law, the Municipal Manager may exercise its sole discretion to accept an application for a indigent burial without compliance of the aforesaid criteria, in order to fulfil those obligations.
- 7.1.4. The deceased must be registered on the municipal database for indigent persons.

7.2 Qualification criteria for destitute persons:

A deceased person may qualify for a destitute person's burial/~~cremation~~ if they comply with all of the following circumstances.

- 7.2.1. The deceased died in destitute circumstances, and no next of kin or relative of the deceased can be traced.
- 7.2.2. No other person, NGO or welfare organisation can be found to pay for the burial ~~or cremation~~ costs of the deceased person.
- 7.2.3. The deceased has no proof of residence.
- 7.2.4. The deceased did not have an insurance policy or estate which could be used to pay for the burial.

Council's obligation for indigent persons:

7.3. Councils obligations in terms of this policy will be limited to:

- ~~7.3.1. Transport of the body to and from mortuary.~~

~~7.3.1.1. The transport provided will include a trip from the mortuary to a cemetery or crematoria.~~

~~7.3.2. Provision of a biodegradable non-emission type coffin.~~

~~7.3.3. Provision of a public grave.~~

A discount as determined in the approved tariff structure of Stellenbosch Municipality.

~~7.3.4. A cremation.~~

Council's obligation for destitute persons:

Provision, preparation, digging and closing of burial space.

Conditions of burial of indigent persons:

7.4. At least two working days' notice and paperwork is required from the approval of the application for a burial ~~or cremation.~~

7.7. Applicants may not select parts of the service and provide an expensive coffin, or an elaborate or extensive funeral service.

7.8. Indigent burials may be accommodated in the designated area of a municipal cemetery.

Only wooden crosses is allowed on such grave sites.

No tombstones or any other form of commemoration is allowed.

No building will be allowed at the grave site,

Conditions of burial of destitute persons:

7.5. Burials of destitute persons ~~and cremations~~ are to take place on weekdays (Mondays-Thursday) only, excluding public holidays

7.6. No memorial work is permitted on the grave for of a destitute person.

Destitute burials may be accommodated in the designated area of a municipal cemetery.

No tombstones or any other form of commemoration is allowed.

No building will be allowed at the grave site

Application forms

7.9. Application forms for indigent persons are available from:

7.9.1.1. All councillors

7.9.1.2. Ward offices

7.9.1.3. Municipal officials

Submission of form:

The applicant must complete and sign the application form, and confirm the information supplied therein by means of an affidavit, and is required to depose to the affidavit by way of an oath or affirmation in the presence of a Commissioner of Oaths.

Completion of forms

~~7.10. The applicant may obtain an application form for the burial or cremation of a destitute person by contacting the designated officials.~~

~~7.11. The applicant must complete the application form 'Application for destitute burial/cremation. (See Part 1 and 2 of the application form in annexure 1.)~~

~~7.12. If necessary, the applicant will be assisted to complete the form by Municipality officials.~~

~~7.13. The conditions for a destitute burial and/or cremation will be explained to the applicant.~~

~~7.14. The applicant may choose either burial or cremation.~~

Service provided

~~7.16. The designated service provider, will provide the following service on behalf of the Municipality:~~

~~7.17.1. Book the burial or cremation at the relevant cemetery or crematorium.~~

~~7.17.2. Collect the body from the relevant mortuary.~~

~~7.17.3. Provide a coffin~~

~~7.17.4. Where a service is required, transport the deceased from the mortuary to the cemetery or crematorium.~~

~~7.18. A cemetery official must record the grave number, ward number and application number in a destitute burial register.~~

8. IMPLEMENTATION PROGRAMME

~~8.1. This policy will apply with immediate effect.~~

9. MONITORING, EVALUATION AND REVIEW

~~9.1. The details of the burial or cremation will be recorded in the destitute burial register.~~

~~9.2. The policy will be monitored regularly and reviewed on a (5) five year basis.~~

~~MUNICIPALITY PARKS – CEMETERIES~~

FOR OFFICIAL USE

Ward no.		Sub-council no.	
----------	--	-----------------	--

APPLICATION FOR DESTITUTE BURIAL/CREMATION (Part 1)

Particulars of the deceased

Surname: _____

First name: _____

Date of birth: ____/____/____ Date of death: ____/____/____

Identity number

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Address: _____

Place of death: _____

Death Certificate number and details _____

Particulars of the applicant

Surname: _____

First name: _____

Identity number

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Relationship to deceased: _____

Address: _____

Contact details: Tel no. (____) _____

Cell no. _____

Additional tel. (____) _____

I select: Burial Cremation

CONDITIONS FOR A DESTITUTE BURIAL/CREMATION

1. ~~At least two working days' notice is required from approval of application for a burial/cremation.~~
2. ~~Burials/cremations to take place on weekdays only, excluding Saturday, Sunday and public holidays.~~
3. ~~No memorial work is permitted.~~
4. ~~The complete burial/cremation offered to indigent persons must be utilised. Applicants may not select parts of the service and provide an expensive coffin or other special arrangements.~~
5. ~~Destitute burials may only be accommodated in certain cemeteries where they have 'Public' burial space, at the discretion of Municipality's officials.~~

I, Mr / Mrs / Miss / Ms _____ (full name) have read, understood and agreed to the conditions as set out above.

Signature: _____ Date (dd / mm / yyyy): _____

FOR USE OF THE COMMUNITY SERVICES DIRECTORATE, MUNICIPALITY DEPARTMENT COMMUNITY SERVICES

Ward no.	
Sub-council no.	

RECOMMENDATION FOR DESTITUTE BURIAL/CREMATION (Part 3)

I, _____ official at _____

- Recommend
- Do not recommend

the granting of destitute status to the late (full name): _____ age _____
 _____ from address _____ who died on (dd/mm/yyyy) _____
 _____ at _____ (place).

I have interviewed the applicant who stated that: (Tick the applicable box or boxes)

- The deceased did not have an income greater than the state old age pension or disability grant.
- There are no insurance or funeral policies or estate left by the deceased to pay for the burial.
- The deceased died in destitute circumstances within the geographic area of Stellenbosch Municipality, and no next of kin, relative, other person, NGO or welfare organization can be found to pay for the burial or cremation.

Other reason: _____

Reason for rejection (if applicable): _____

Signed at (place) _____ on (dd / mm / yyyy): _____

Signature: _____

MUNICIPALITY OFFICIAL/MANAGER

Tel no. _____

FOR OFFICE USE OF THE MUNICIPALITY HEALTH DIRECTORATE

APPROVAL OF BURIAL/CREMATION (Part 4)

Fax to: For attention: Manager of Community Services
 Fax no. 021-887-7446
 Tel no. 021-808-8160

- Approved Not Approved

Signed at (place) _____ on (dd / mm / yyyy): _____

Signature: _____

Municipality Health reference number: _____

ANNEXURE E

STELLENBOSCH MUNICIPALITY**THE FOLLOWING STANDARD PROCEDURES SHOULD BE FOLLOWED FOR INDIGENT****STEP 1.**

Indigent deaths are communicated to the Cemeteries office by the relevant funeral director to finalize the burial details.

STEP 2.

The relevant funeral director must liaise with the Municipality Indigent offices to confirm if the deceased was registered on the database as Indigent.

STEP 3.

The relevant funeral director must receive the approved document that state that the deceased was Indigent and provide that, with the necessary documents to the Cemeteries booking.

STELLENBOSCH MUNICIPALITY PAUPER BURIAL**STEP 1.**

Relevant funeral directors liaise with our Cemeteries booking offices for a date for burial after providing the necessary documents from Cape Winelands District.

STEP 2.

After liaising with our Cemeteries booking office the Superintendent gives a date for the burial to take place and the relevant funeral director must confirm that the burial is going to take place.

STEP 3.

The Supervisor will meet the relevant undertaker at the burial site where Pauper burials is buried to monitor if the procedures are followed.
After the Supervisor marked the grave with a grave number on the records.

5.2	DELEGATED MATTERS
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5.2.1	MAY 2021 MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES
--------------	--

Collaborator No:

IDP KPA Ref No: Green and Sustainable Valley

Meeting Date: 11 August 2021

1. SUBJECT: MAY 2021 MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES

2. PURPOSE

To notify the Committee of the monthly activities (**ANNEXURE A**) that were conducted by the Sections: Environmental Management, Parks and Cemeteries for May 2021.

3. DELEGATED AUTHORITY

For notification by the Portfolio Committee

4. EXECUTIVE SUMMARY

To present the monthly activity report of the Sections Environmental Management, Parks and Cemeteries for the month of May 2021 to the Committee for notification.

5. RECOMMENDATION

That the monthly report be noted.

6. DISCUSSION / CONTENTS

6.1 Background

The Section: Parks and Cemeteries specialises in maintaining all parks and cemeteries in the WCO24. The Section: Environmental Management specialises in maintaining all nature reserves, natural areas, wetlands and picnic sites in the WC024.

6.2 Discussion

The Parks and Cemeteries Section consists of one Manager, two Superintendents: Parks, one Superintendent: Ornamental Horticulture and one Foreperson: Cemeteries. They are responsible for overseeing and coordination of maintaining public open spaces and parks. The management team is responsible for the management of operational expenditure as well as capital projects. This Section is also responsible for the management and utilisation of cemeteries.

The Environmental Management Section consists of one Manager and two Superintendents for the sub-sections, namely Environmental Planning, Environmental Management Implementation and Small Plant Maintenance. This section is responsible for the management of all horticultural and arboriculture operations. This section is also responsible for the maintenance of the nature reserves, plantations, all municipal gardens, trees, air quality & noise pollution control, environmental planning. To manage the effective, efficient and economical operation of small plant, minor repairs and maintenance service to ensure the readily availability of Community's plant, machinery and equipment.

8.2 Financial Implications

As per the approved budget.

6.4 Legal Implications

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

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

None

6.8 Comments from Senior Management

6.8.1 Municipal Manager

Content noted.

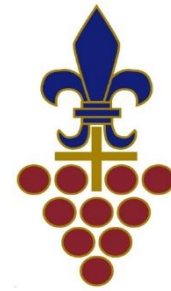
ANNEXURES

Annexure A: - Environmental Management, Parks and Cemeteries Monthly Report, May 2021

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	Ext 8161
E-MAIL ADDRESS	albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	

ANNEXURE A



**MONTHLY REPORT
MAY 2021**

ENVIRONMENTAL
MANAGEMENT
SECTION

**COMMUNITY
SERVICES**

Table of content

1. Urban Forestry

1.1 General

- 1.1.1 Pruning
- 1.1.2 Felling of Trees
- 1.1.3 Management of Trees in the WC024
- 1.1.4 Watering of Trees
- 1.1.5 Tree Planting Programme
- 1.1.6 Formal Quotations submitted
- 1.1.7 Capital Projects
- 1.1.8 Incidents Reported
- 1.1.9 Injury On Duty

1.2 Urban Forestry Complaints Register

1.3 EPWP Projects

1.4 Wayleaves application

2. Environmental Implementation

2.1 General

2.2 Operational Functions

2.3 Capital Projects

2.3.1 Fencing

2.4 Incidents Reported

2.5 Occupational Health and Safety

2.7 EPWP Projects

2.8 Visitors Statistics: Nature Reserves

2.9 Revenue from Nature Reserves

2.10 Achievements

2.11 Events

2.12 Achievements

2.13 Events

2.14 Research Conducted

3. ENVIRONMENTAL PLANNING

4. OVERTIME WORKED FOR MAY 2021: COMMUNITY SERVICES

5. CAPITAL EXPENDITURE: ENVIRONMENTAL MANAGEMENT: MAY 2021

6. KPI'S FOR MAY 2021: COMMUNITY SERVICES

7. HUMAN RESOURCES: COMMUNITY SERVICES



URBAN FORESTRY

1. URBAN FORESTRY

1.1.1 General

The sub-section is responsible for the maintenance of the urban forest; specifically, street trees. The sub-section is also responsible for the implementation of operational plans to pre-set standards and best practices in a sustainable manner.

1.1.2 Urban Forestry operation conducted

Description	Completed	Incomplete
Pruning	2	0
Felling	0	3
Stump grinding	0	0
Dead tree	0	0
Root barrier	0	0
Fallen branches	1	0
Tree failure	0	0
Bee removal	0	0
Fungicide	0	1

1.1.3 Management of trees in WC02

- Pruning of trees in Onderpappegaaiberg, Raithby, Klapmuts
- Pruning of trees in Brandwacht, CBD, Paradyskloof
- Pruning and felling of trees in Cloetesville, Ida's Valley, Stoffel Smith Rd,
- Pruning of trees in Franschoek, Pniel, Khayamandi
- Stump removal throughout Stellenbosch

Areas drenching completed: None koinor is out of stock

Tree Basin Management: Klapmuts, Ida's Valley

Areas Tree Basin Maintenance completed:

Completed all areas in November accept CBD due to lack of mulch.

1.1.4 Watering of trees

- No watering in the rainy season

1.1.5 Tree Planting Programme: None



Kwikstert in Ondepapagaai pruning



Jan Pierewit in Onderpapagaai pruning completed



Basins in Old Heelshoogte Idas Valley completed



Pruning in CBD

1.1.6 FQ's approved and loaded for the section

DESCRIPTION	AMOUNT	REASON
FQ23/21: Purchasing of containers	R26 392.50	Storage space
FQ09/20: FQ Spraying of Oaks	R195 000.00	To keep insects and fungus in control
FQ32/21: Bee removal	R100 000.00	For bees and wasps removal

1.1 7 CAPITAL PROJECTS

Three vehicles were delivered.

1.1.8 INCIDENTS REPORTED

1.1.9 INJURY ON DUTY			
Team	Short Description of Incident	Date of Incident	Progress
No injuries reported.	N/A	N/A	N/A

1.2 Urban Forestry Complaints Register: May 2021

- A total of 7 complaints, of which 1 was fallen branches due to winds, 2 was pruning, 1 fungicide and 3 felling.
(Please refer to the complaints register below)

	A	B	C	D	E	H	I	J	K	L	M	N	O	P	Q	R
	CALL LOG REFERENCE eg. GREEN	DATE COMPLAINT RECEIVED eg	COMPLAINANT	Email/ Telephone/ Walk in (use dropdown)	TEL #	RECEIVED BY eg	HOUSE NUMBER/ ERF	Street ADDRESS. eg (Lang St 46,	SUBURB	TYPE OF COMPLAINT (use dropdown)	PLANT SPECIE	ADDITIONAL INFORMATION REGARDING COMPLAINT eg 2ND REQUEST , MAKE AN APPOINTMENT WITH CLIENT	RESPONSIBLE OFFICIAL	OFFICIAL WHO FINALIZED COMPLAINT	DATE FINALIZE D eg 14 March 2016	Notes/Outcome eg. (Repaired/ Private Property, referred to...)
1	2021_00	05/05/2021	Anna	email		Joswin	9	Pison	Paradyskloof	Felling	<i>Ficus nitida</i>	oximately 6 trees have been removed here without perm	Buhle Jabanga			Awaiting application
2	2021_74	05/05/2021	Anna	email		Joswin	9	Pison	Paradyskloof	Felling	<i>Ficus nitida</i>	oximately 6 trees have been removed here without perm	Buhle Jabanga			Awaiting application
3	2021_75	06/05/2021		email	061164 280	Joswin	30	Carriem	Cloetesville	Felling	<i>Phoenix reclinata</i>		Buhle Jabanga	Zayne		Private Property
4	2021_76	12/05/2021		email		Tammy			Langenwoven	branches	Oak		Buhle Jabanga	Frederick		completed
5	2021_77	12/05/2021	Elmerie Viljoer	tel	082 923 3661	Chanel	21	Spaciosa	Paradyskloof	Pruning	<i>Liquidamber</i>		Buhle Jabanga	Luvo		completed
6	2021_78	20/05/2021	Sarah	email	736809652	Maidren	7	Cornelson	Cloetesville	Felling	Sering		Buhle Jabanga	Michael		completed
7	2021_79	24/05/2021			0837711154	Joswin	12	Formosa	Die Boord	Pruning	Oak		Buhle Jabanga	Petrose		completed
8	2021_80	26/05/2021		tel		Giel	69	Peeka	Die Boord	Fungicide	Oak		Maidren Chettiar			No stock

1.3 EPWP Projects

Name of EPWP PROJECT	NUMBER OF WORKERS	RESPONSIBILITY
Cleaning and greening	0	Administrator
Cleaning and greening	5	Drivers
Cleaning and greening	16	General worker

EPWP Statistics – Environmental Management

Type of service	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	June 2021	Total
Forest Guards	20	20	23	23	23	23					
Fire Management	11	11	13	13	13	13					
Mountain Trails	0	0	13	13	13	13					
Jan Marias Nature Reserve	7	7	7	7	7	7					
Integrated River Management	0	0	15	15	15	15					
Biodiversity Veld Rehabilitation	0	0	5	5	5	5					
Environmental Clerk	1	1	1	1	1	1					
Urban Forestry Cleaning and Greening Project	11	5	23	23	23	23	22	22	21		
Veld Rehabilitation	0	0	0	0	0	0					
Mountain Bike Trail	0	0	0	0	0	0					
Mont Rochelle Nature Area	0	0	0	0	0	0					
Medicinal Plants	0	0	0	0	0	0					

1.4 Compliments

Dear Buhle,

Herewith confirmation that the contractor arrived last Wednesday and completed the topping by Thursday afternoon.

They were courteous and careful as best is possible with such a sizeable task. They have undertaken to replace one of my garden sprinklers that was damaged during the work.

Thank you for your efforts in ensuring this important pruning was completed. My thanks also to the Municipality for providing such important services.

With very Best regards - sawobona - cordialement – groete

Ian

Ian Dean

Live, love, learn, share

*My man se dit is so lekker om in n plek te bly waar die munisipaliteit actually diens lewer
Die Boord, Peekas str 67*

SERIAL NO	ADRESS	SURBURB	DESCRIPTION	ACTION/ DECISION
1	Paradyskloof	Paradyskloof	Build accessible pipe junction box; open and close existing infrastructure to haul new fibre cable	2m away from trees to remove the tree. Consult department regarding tree
2	17 Lappan	Tenantville	Installation of telecommunication services	No comment
3	Distillery Rd, Bosman Crossing	Stellenbosch	Build accessible pipe junction box; open and close existing infrastructure to haul new fibre cable	No comment
4	Bird + Plein circle	CBD	Lay paving and slate on edge of circle	2m away from trees or tunnelling
5	Tenant Rd opposite police station	Tenantville	Reconstruction of damaged sewerline	No comment
6	Merriman, Jannasch + Endler	Mostertdrift	Formalize existing footpath on the southern side	2m away from trees or tunnelling
7	Electron Ave	Techno Park	Connect MV cable to underground network	2m away from trees or tunnelling
8	Lindida Adendorff	Ida's Valley	Drill plans for Fibre required	2m away from trees or tunnelling
9	Langeveldt + Gorridon	Idas Valley	Drill plans for fibre	No comment
10	Paradyskloof Welgegund Development	Paradyskloof	Electrical connection at minisub for the construction of welgegund private development guard house, boundary walls, civil and electrical infrastructure	No comment
11	Merriman De Beer	Stellenbosch	Central campus precinct: emergency water main replacement	No comment
12	c/o Pool Valentyn, Rhode, Long	Cloetesville	Open existing infrastructure to facilitate cable haul	2m away from all trees



2. ENVIRONMENTAL IMPLEMENTATION

2.1 ENVIRONMENTAL IMPLEMENTATION (E.I)

2.1 GENERAL

Due to the COVID 19 pandemic under level 1 all operations has commenced.

2.2 OPERATIONAL FUNCTIONS

Staff has been attending to complaints and or addressing daily operational functions within area of responsibility.

2.3 CAPITAL PROJECTS

2.3.1 Fencing

Papegaaiberg

- Completed.

2.4 TENDERS

2.4.1 Mont Rochelle

- Tender is approved by SCM for implementation for FY2021/2021

2.4.2 Preparation and Maintenance of Fire break and De-bushing of Alien

- **Invasive Species:** Project is on-going.

2.5 FORMAL QUOTATIONS

2.5.1 Hiring of 2-ton tipper truck

- Invoice submitted to for payment

2.5.2 Herbicide

- Order received and sent to supplier. Awaiting delivery.

2.5.3 Purchasing of mountain bicycles, helmets and tools

- Awaiting order from SCM.

2.6 INCIDENTS REPORTED

2.6.1 Complaints Register

Incidents of illegal swimming in the Idas Valley dam occurred during the month and resolved by our Forest Guards. This matter is on-going.

Incidents of illegal wood cutters occurred this month. This matter is on-going.

2.6.2 Reported Fires

None reported for the month.

2.7 MAINTENANCE AND REPAIRS OF FENCING

Incidents of vandalism was reported. Matter in on-going

2.7.1 Installation of gate at Paradyskloof Plantation

Completed.

2.7.2 Maintenance and repairs on gate at Botmaskop Plantation

Order received and in progress. Contractor to complete work in first week in June 2021.

2.8 VEHICLES

No incidents to report.

2.9 FIREBREAKS

The E.I team started with firebreak preparation in Raithby. Project is on-going.

2.10 OCCUPATIONAL HEALTH AND SAFETY

2.10.1 INJURY ON DUTY

Team	Short Description of Incident	Date of Incident	Progress
No injuries reported for this month.			

2.10.2 COVID 19 RELATED: none

2.11 EPWP PROJECTS

EPWP PROJECTS	TOTAL
Forest Guards	22
Integrated Fire Management	11
Mountain Trails	9
Jan Marias Nature Reserve	5
Integrated River Management	11
Biodiversity Veld Rehabilitation	11
Environmental Clerk	1
TOTAL AMOUNT OF EPWP	70

2.12 VISITORS STATISTICS: NATURE RESERVES

Type of service	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	June 2021	Total
Paradyskloof Nature Area	35	45	108	0	0	0	N/A	N/A	N/A		
Jan Marais Nature Reserve	70	100	351	0	95	78	N/A	N/A	N/A		
Eco Centre Visits – Training, Group Visits / Schools	19	20	0	0	0	0	N/A	N/A	N/A		
Mont Rochelle Nature Reserve	0	0	0	0	0	0	N/A	N/A	N/A		
Ida's Valley Protected Area	0	0	0	0	53	40	N/A	N/A	N/A		
Onderpapeggaiberg	0	0	0	0	0	0	N/A	N/A	N/A		

2.13 REVENUE FROM NATURE RESERVES

Type of service	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	June 2021	Total
Jan Marias Nature Reserve	R348.32	TBC	R2818.87	R6 269.76	R696,64	R696,64	N/A	N/A	N/A		
Firewood Permits	R1966.30	TBC	R3419.64	R0.00	R1450	R1 966,30	N/A	N/A	N/A		
Paradyskloof Club House	N/A	N/A	R2296	R457,92	R0.00	R0.00	N/A	N/A	N/A		
Mont Rochelle Nature Reserve	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		

2.14 REVENUE FOR THE SALE OF TIMBER

Project completed in March 2021.

Area	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021
Paradyskloof Plantation	-	R 84 508.90	R 195 552.39	R 110 515.23	-		
Botmaskop Plantation	-	-	R 20 857.09	R 125 772.83	R 96 248.10	R 119 753.82	R16 625
TOTAL		R84 508.90	R280 061.29	R236 288.06	R96 248.10	R119753.82	R16 625

2.15 ACHIEVEMENTS: None

2.16 EVENTS: No events for the month of April 2021.

2.17 RESEARCH CONDUCTED: Stellenbosch University Students have been conducting research in the Nature Reserve for academic and scientific purposes. The Jan Maria's Nature Reserve is rich in flora and fauna that will hold positive results within the academic field of Botany and Zoology Department at Stellenbosch University. An agreement between the

Environmental Section of Stellenbosch Municipality and the University is to permit students to conduct research within the Jan Maria's Nature Reserve as and when required.

2.18 COMPLAINTS REPORT

COMPLAINANT DETAILS										
DATE COMPLAINT RECEIVED	NAME AND SURNAME	CONTACT	COMPLAINT	STREET ADDRESS	SUBURB	RECEIVED BY	RESPONSIBLE OFFICIAL	DATE FINALIZED	Notes/Outcome eg. (Repaired/ Private Property, referred to...)	STATUS
03/05/2021	Cllr Jan Hendrick		River Park_ Cleaning of river		Cloetesville	Tammy Leibrandt	Wendy Mhlauli		River cleaning inspection conducted on the 3 May 2021	IN PROCESS



3. ENVIRONMENTAL PLANNING

The following matters are herewith reported on for the month of May 2021:

PROJECTS

Project	Progress	Date of Completion
Mount Rochelle (land exchange)	<u>Phase 1 - Completed</u> Owners have been contacted and all but one has indicated that they are willing to negotiate the exchange of land. The one that declined (identified as part of the project due to a stream flowing across the relevant erf) is not critical in terms of the purpose of the land-swop which is to mitigate the potential visual impact of development within Mont Rochelle Nature Reserve.	Nov 2016
	➤ <u>Phase 2 - Completed</u> Individual properties have been surveyed and marked.	Nov 2016
	➤ <u>Phase 3 – In process</u> Individual property owners informed of the project status and issued with a writing offering erven within Mont Rochelle in exchange for their current erven. The basis of the erven offered is to offer land with similar area size as an individual's current land. Some feedback from landowners has already been received. At the successful conclusion of this Phase the department will approach Council to give consent to proceed with Phase 4.	Jan 2017

<p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p>	<p><u>Phase 4</u></p> <p>Phase 4 will be the conclusion of the property transfers should the municipality be successful with the negotiations during Phase 3.</p> <p>Request from Manager: Spatial Planning, Heritage & Environment (Staff Meeting: 27 February 2017) for the preparation of a status report on the project to be submitted to the Director: Planning & Economic Development for information and further instruction.</p> <p>Status report completed and submitted to Director: Planning & Economic Development. Feedback: Item to Council to be prepared.</p> <p>Item to Council prepared and submitted to the Director: Planning & Economic Development for approval before Item circulated for internal comment.</p> <p>Item submitted to Council.</p> <p>MayCo concluded that a site visit for the Mayor needs to be arranged by the Director: Planning & Economic Development.</p> <p>A meeting was held with the Mayor (28 Aug) to provide background on the status of the project. Awaiting instruction from the Mayor on the way forward. Project is on hold until such time as the above instructions are received.</p> <p>Meeting held with MM (03 Oct) providing background. Item prepared on the way forward and submitted to the MM. Re-circulated to the MM on 20 August 2020.</p> <p>Item circulated to internal Directorates, approved for Council submission. Item served (Nov) and accepted.</p> <p>Meeting held with Property Management to further facilitate and execute the Council resolution of November 2020. Meeting with MM requested.</p> <p>Meeting held with MM on proposal that a set of building guidelines be prepared. Item to Council in this regard prepared and Route Form circulated.</p>	<p>Aug 2017</p> <p>March 2017</p> <p>May 2017</p> <p>Oct 2017</p> <p>Aug 2018</p> <p>Jan 2020</p> <p>Oct 2020</p> <p>March 2020</p> <p>May 2020</p>
<p>Cemetery Study</p>	<p>Item approved by Council, four sites approved:</p> <ul style="list-style-type: none"> • Farm Culcatta No. 29 • Remainder of Farm Louw's Bos No. 502 • Farm De Novo No. 727/10 	<p>April 2017</p>

<p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p>	<ul style="list-style-type: none"> • Portion 1 of 'Farm Meer Lust No 1006 <p>Meeting held with appointed consultants on the way forward.</p> <p>Consultants to meet with the Department of Roads and Public works on the proposed development cemeteries on its land. Consultants to present proposed cemetery establishment plans for the proposed development cemeteries on municipal land.</p> <p>Meeting held (17 August) with appointed environmental consultant (Enviro Africa). Notice of Intent to apply for a listed activity will be submitted to DEA&DP for cemetery establishment at Louw's Bos (Remainder of Farm No. 502), the Farm Culcatta (No. 29) and Meerlust (Portion 1 of Farm No. 1006).</p> <p>Notice of Intent to Develop (NOI) Meeting held with DEADP.</p> <p>Pre-Application Public Participation concluded.</p> <p>Meeting with Directors and relevant officials scheduled for 14 May 2018 to decide on the way forward.</p> <p>Memorandum submitted to the Municipal Manager on the proposed way forward.</p> <p>Memorandum and recommendations for the development of Louw's Bos (Area B) and Culcatta as regional cemetery sites accepted.</p> <p>Meeting (25 Oct) held with DEA&DP on the projects status and way forward.</p> <p>Environmental Impact Assessment (EIA) proceeding on 2 sites, Louw's Bos and Culcatta Bos. Application documentation for Environmental Authorization for Culcatta Bos has been submitted to DEADP. Louw's Bos' application will be submitted end of August 2019. Excepting a decision from the DEADP on both by November 2019.</p> <p>Environmental Authorisation (EA) issued for Culcatta on 20 September 2019. EA for Louw's Bos issued 22 January 2020.</p> <p><u>Culcatta Bos:</u></p> <p>Phase: Landuse Application submitted in terms of Planning By-Law.</p> <p><u>Louw's Bos:</u></p>	<p>June 2017</p> <p>Aug 2017</p> <p>Oct 2017</p> <p>Mrt 2018</p> <p>May 2018</p> <p>June 2018</p> <p>Nov 2018</p> <p>Jan 2020</p> <p>March 2020</p>
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	<p>Phase: Landuse Application submitted in terms of Planning By-Law / Environmental Authorisation.</p> <p>➤ BAC Meeting for the deviation of project funds.</p> <p>➤ Appeal on the EA for Louw's Bos received. Meeting to be held with the MM on the way forward. Response to appeal submitted to DEADP during July 2020.</p> <p>Municipal Planning Tribunal - Land Use approval granted for Culcatta Bos.</p> <p>➤ Municipal Planning Tribunal - Land Use approval granted for Louw's Bos.</p> <p>➤ Appeal on the EA of Louw's Bos upheld by the Minister. The latter decision to be communicated to the MM and Council.</p> <p>➤ Progress report submitted to Portfolio Committee Meeting.</p>	<p>June 2020</p> <p>Aug 2020</p> <p>Jan 2021</p> <p>Feb 2021</p>
	<p>➤ Project note:</p> <p>The appointed consultants assisting Stellenbosch Municipality on this project is CK Rumboll & Associates.</p> <p>Project Extension has been approved by the BAC during March 2020.</p>	
<p>Mont Rochelle Gatehouse upgrade</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p>	<p>Building plans submitted with Building Control.</p> <p>Bill of Quantities prepared.</p> <p>BSC – Draft Tender Document (for appointment of a contractor) approved by BSC.</p> <p>Building Plans Approval received. For implementation during next financial year.</p> <p>Tender for construction advertised. Clarification Meeting held.</p> <p>Tenders received and being evaluated.</p>	<p>26 Feb 2020</p> <p>7 May 2020</p> <p>Aug 2020</p> <p>25 Sep 2020</p> <p>April 2021</p>
<p>Management Plans</p>	<p>Annual Plan of Operation for past year reviewed with Cape Nature. Review documentation to be completed and submitted to Cape Nature end of 2020.</p> <p>Approved Papegaaiberg EMP up for 5-year review. Document to be completed and forwarded to Cape</p>	<p>16 Mrt 2020</p>

	Nature during 1 st quarter of 2021. 2 nd Draft Jan Marais Park to be submitted to Cape Nature during 2 nd quarter of 2021.	
Stellenbosch River Stewardship Action (SRSA)	Ongoing. Control Plan Completed for ER_1 to ER_2. Submitted to DEA for input.	24 Feb 2021
Upgrading of office space	Appointment of contractor complete. Way leaves acquired and contracts signed. Construction to commence during June. Construction work has commenced. Planned occupation middle December 2020. Offices Occupied. Snagging being done. Final account being completed.	28 May 2020 June 2020 Nov 2020 Jan 2020 March 2021

The following matters are herewith reported on for the month of May 2021:

NOISE CONTROL:

Area	Number
Stellenbosch	7
Franschhoek	2
Klapmuts	1
Jamestown	1
Pniel	0
Groot Drakenstein	2
Kylemore	0
Farms	2
Total	15

Further to the above, the following information in respect of current cases being investigated:

Complaint	Progress	Date of Completion	Comments
Renewed/on-going complaints concerning the noise caused by the mechanical ventilation plant at Rhodes Foods Group (RFG) Groot Drakenstein, Paarl	All sources of noise, i.e. mechanical plant noise, truck delivery noise etc., have been identified by means a process of elimination. Noise abatement measures are still in process to be implemented and are	On-going	For the sake of auditing, RFG have decided to engage into a complete Environmental Noise Impact Assessment (ENIA) of all the machinery, i.e. all the HVAC, the location and sound levels of all the refrigeration units,

	reaching its completion phase.		generator/s, boiler room etc., which would also include the separation of the industrial zone vs. the agricultural zone 1 in order of clarity and finality.
On-going noise nuisance emanating from Libertas Farm, Stellenbosch	<p>Attended a meeting on 17 May, 21 on request of the MM to clarify issues in the Noise Impact Assessment Report that was compiled following this Department's investigation into the noise emanating from the Libertas farm workers cottages.</p> <p>The complainant (Mr Alderman) who were present in the meeting now have a better understanding of council's processes and the application of the noise regulations in particular.</p>	17 May 21	<p>The following was resolved and noted by the MM:</p> <ul style="list-style-type: none"> • That the noise control officer would only get further involved if necessary and if the complaints falls in the scope of NCR's 2013. • The complainant stated that he does not want any further intervention from the authorities because there is currently no noise on the farm. • Complainant request for this matter to be re-investigated by end Sept.21 • The MM duly noted this request from the complainant. <p>In view of the above this matter is considered closed.</p>
Complaints received from neighboring residents concerning noise emanating from the cooler tower at Le Cap Foods, Lappan Road, Tennantville, Stellenbosch	<p>During a follow-up inspection and further discussions with the Operations Manager, the following mitigation measures are in process to be implemented:</p> <ul style="list-style-type: none"> • the application of sound moderation by means of mufflers which can reduce the noise 	On-going	This complaint is being treated as priority, therefore the complainant are being kept informed as things progress.

	<p>level at full fan speed, or</p> <ul style="list-style-type: none"> the use of an inverter to reduce fan speed and subsequently the sound level <p>We will keep you informed about the progress and be assured that we are treating the matter as a priority.</p>		
Panel beating & Spray-painting noise complaints: 21 Rolindie Crescent, Jamestown	<p>Further to a previous inspection, dated, Wednesday, 21 April 21 (a/h), a follow-up compliance inspection carried out on Thursday, 27 May 21, between, 21h00 & 22h00, confirmed the following:</p> <ul style="list-style-type: none"> No further noisy or after hour work present. The complainant reported via telecom that the noisy works has ceased. 	27 May 21	Land Use Management is still busy with their investigation for possible Land use contraventions, however, from a noise & air pollution perspective this matter is considered closed.
Dog barking complaints: Continuous barking from dogs at 7 Jan Frederick Street, Onderpapagaiberg, Stellenbosch	<p>Further to a previous inspection, dated, Thursday, 29 April 21, a follow-up inspection at the said premises was done on Thursday, May 27, 2021. No dog barking was observed and the occupants were not at home.</p>	27 May 21	<p>Telephonic feedback provided to the complainant. Requested complainant to address the concern with the neighbor directly.</p> <p>Considered closed.</p>

Complaints via Contact Us, Law Enforcement call Centre re. Spray-painting & panel beating taking place at 77 Tennant Street, Cloeteville, Stellenbosch	Visited the premises, 77 Tennant Street, Cloeteville on, Tuesday, 04 May 21. Visible signs of spray-painting activities were observed, 2 vehicles was in process to be worked on at the time of inspection.	On-going	Issued noise nuisance notice for noise contraventions. Matter referred to Land Use Management for possible Land Use contraventions. Follow-up inspection to be carried out.
Noise nuisance complaints via Ward Cllr Groenewaldt, concerning loud music and parties by students at flat number 12, Oudorp apartments, Stadler Road, Stellenbosch	This is a complaint that resurfaces on continuous basis. This matter, however, is being addressed by means of a letter to the Maranatha Managing Agent whom in return enforced the applicable Body corporate rules upon the occupants	28 May 21	Feedback was provided to the complainant & no further complaints being received. Considered closed.
Building noise complaints emanating from the Trumalie House construction project, Trumalie Street, Stellenbosch	Inspection (on-site) on Thursday, 13 May 21 revealed the following: <ul style="list-style-type: none"> • Building noise occurs within the prescribed hours as stipulated in NBR. • No after hour building or noisy works present. • The majority of noise that was observed at the time of inspection, i.e., crushing of trees & site cleaning with bulldozers etc. already discontinued. 	28 May 21	Feedback was given to the complainants. Note: Building noise is permitted within the prescribed hours as stipulated in the NBR & Standards Act. For after hour building work a noise exemption permit i.t.o the NCR'S, 2013 must be obtained.

<p>Renewed complaints from the Rozenmeer Estate residents concerning a noisy generator at Klapmuts Motors, Old Paarl Road, Klapmuts</p>	<p>A site inspection and subsequent discussion with Mr. Mark Alport (owner), on Wednesday, 19 May 21, have let me to understand that the electric cables of the service station were stolen, the previous night resulting in a power outage. The generator therefore was activated to provide electricity to the business for ±24 hours.</p> <p>The electricity supply to Klapmuts Motors, in the interim was restored and the use of the generator discontinued.</p>	<p>28 May 21</p>	<p>Considered closed.</p>
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AIR QUALITY CONTROL:

The following air quality control matters have been investigated:

Complaint	Progress	Date of Completion	Comments
Spray-painting fumes complaints: 21 Rolindie Crescent, Jamestown	a follow-up compliance inspection carried out on Thursday, 27 May 21, between, 21h00 & 22h00, confirmed the following: No further spray-painting fumes or after hour work present.	28 May 21	Considered closed.
Spray-painting fumes complaints & emanating from 77 Tennant Street, Cloeteville, Stellenbosch.	Spray-painting activities was observed during a site inspection on 04 May 21.	On-going	Verbal warning issued for a possible air pollution nuisance. Matter furthermore, referred to Land Use Management for possible Land Use contraventions. Follow-up inspection to be carried out.
Dust pollution complaints reported and emanated from the Trumalie House construction site, Trumalie Street, Stellenbosch.	Inspections carried out on-site revealed the complaints are justified. Extreme dust pollution was caused during excavation, crushing activities and site clearing processes	On-going	Instruction was issued to the Building Manager of Stabill-It Construction to implement dust control measures as a matter of urgency & to screen of the sections that is likely to cause dust and air pollution. Follow-up air pollution/routine inspections will be carried as the project continues.

NOISE EXEMPTIONS ISSUED AND SUPPORTED DURING MAY 2021

Date	Type of Event	Location
22 May 2021	Cape Fine & Rare Wine Auction	Rupert Museum, Stellenbosch
08 May 2021	Curro Schools MBT Cycling Event	Bottelary Conservancy & Tennis Club Believee
06-08 May 2021	Cana Grand Prix Swimming Gala	Coetzenburg Outdoor Swimming Pool, Stellenbosch
30 May 2021	PPA Sportive #1	Coetzenburg, Stellenbosch

BUSINESS LICENSE AND COMPLIANCE INSPECTIONS DURING MAY 2021

1. **Catwalk Nightclub**, Stellenbosch – routine inspection
2. **Da Lapa Bar**, Bird Street, Stellenbosch – routine inspection
3. **Bohemia Restaurant & Bar** – Business License follow-up Inspection
4. **Balboa Bar** – routine Inspection
5. **Die Akker**, Dorp Street, Stellenbosch - routine Inspection
6. **The Station Pub & Grill**, Franschoek – routine inspection
7. **Club La Roué**, Groendal, Franschoek – routine inspection

FUEL BURNING EQUIPMENT CERTIFICATES ISSUED DURING MAY 2021

In terms of Section 6 of the Stellenbosch Municipality Air Quality By-Law 2018, dated June 2018, the approval (written authorisation) of the installation and operation of fuel burning equipment within the geographical boundaries of the municipality is mandatory.

No.	Name/Nature of Business	Address of Business	Description of Equipment	Fuel Type
1	BP Service Station & McDonalds	Merriman Rd, Stellenbosch	Generator	Diesel
2	Protea Hotel & Spa	22 Dorp Street, Stellenbosch	Generator	Diesel
3	Absa Bank Pty Ltd	Plein Street, Stellenbosch	Generator	Diesel
4	Netbank Franschoek	22 Huguenot Rd, Franschoek	Generator	Diesel
5	The Vineyard Office Building	Papegaaiberg, Stellenbosch	Generator	Diesel
6	Stellenbrau Breweries	The Woodmill, Stellenbosch	Small Boiler	LPG
7	University of Stellenbosch	Victoria Street, Stellenbosch	Small Boiler	Diesel

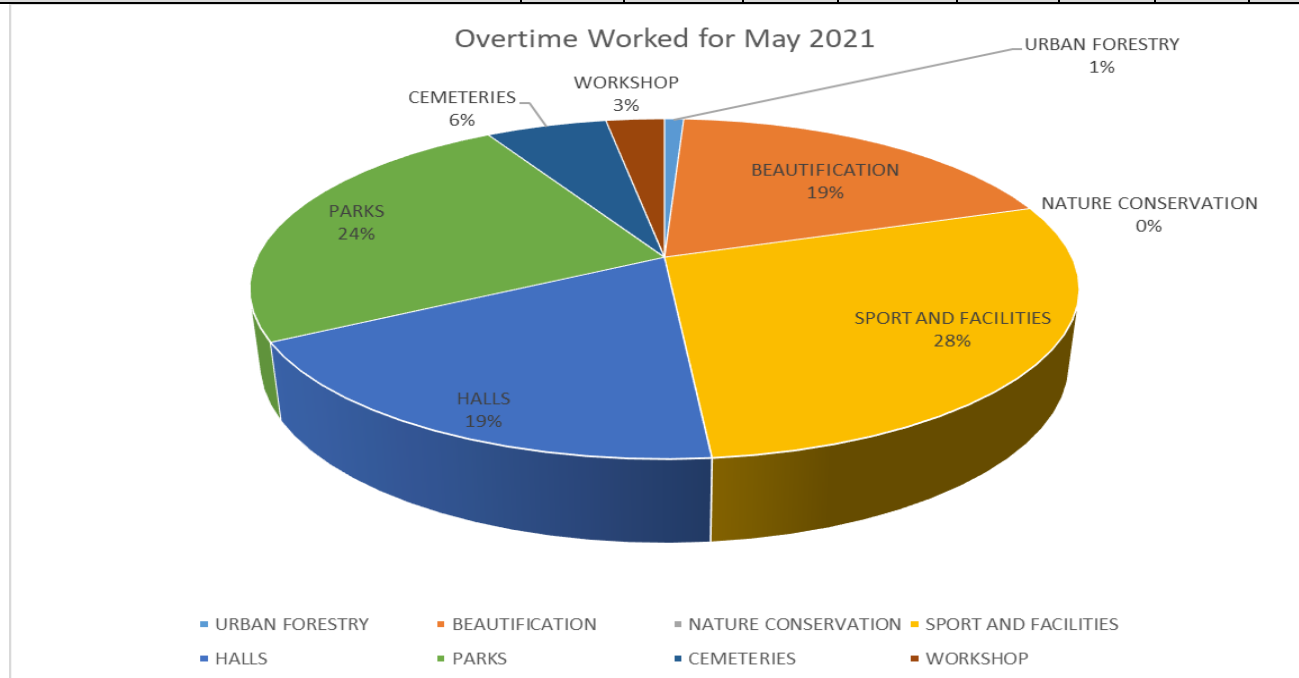
WORKGROUPS:

Representatives from the department participate regularly and actively in the following working groups:

- Stellenbosch River Collaborative
- Stellenbosch River Works Meeting
- Municipal Outreach Project (MOP) - DEADP
- Western Cape Air Quality Officer Forum
- Western Cape Noise Control Forum

4. OVERTIME WORKED FOR MAY 2021: COMMUNITY SERVICES

OVERTIME & STANDBY HOURS WORKED	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
URBAN FORESTRY	0	33	8	54	55	52	60	41	62	33	32	19
BEAUTIFICATION	0	672	550	600	550	670	760	760	726	606	703	405
NATURE CONSERVATION	0	107	213	308	340	-	330	0	262	265	260	0
SPORT AND FACILITIES	80	27	8	20	251	140	490	294	462	445.5	317.5	608
HALLS	35	80	25	88.5	315.5	371	300	300	142.5	363.5	455.5	397,5
PARKS	13	800	848	1081	1484	-	837	691	983	662	456	521
CEMETERIES	169.5	231.5	178	329	186	332	180	300	300	112	73	120
WORKSHOP	0	73	43	43	80	76	54	4	58	41	45	58
TOTAL	297.5	2023.5	1873	2523.5	3261	1641	3011	2390	2995.5	2528	2342	2128,5



6. KPI'S FOR MAY 2021: COMMUNITY SERVICES:

Ref	KPI Name	Description of Unit of Measurement	Source of Evidence	May-21		Overall Performance for May 2021 to May 2021
				Target	Performance Comment	Target
D1567	Spend the Environmental Management approved Capital Budget	Percentage of approved Capital Budget of the Environmental Management actually spent by 30 June	Report from Finance System	0.00%		0.00%
D1568	Capital spending committed on the financial management system	Percentage the approved Capital Budget committed by on the financial system by 31 March (30% by September, 60% by December and 90% by March)	Report from Finance System	0.00%		0.00%
D1569	Submission of final bid specifications for all capital projects to the Bid Specification Committee (BSC) (2021/22)	Percentage of final bid specifications for all capital projects submitted to the BSC by 30 June (50% by 31 March 2020 and 100% by 30 June 2020. For the 2021/22 financial year)	Reconciliation report from SCM	0.00%		0.00%
D1570	Submission of detailed procurement needs for all operational projects to the Supply Chain Management (SCM) Department	Number of quarterly detailed procurement needs submitted to SCM 10 days before start of the quarter	Detailed procurement needs for operational projects submitted to the SCM Department	0		0
D1571	Attendance of Quarterly Occupation Health and Safety meeting(s)	Number of quarterly meetings attended by Manager or secondee relating to department	Minutes of meetings	0		0

D1572	Develop or Review Standard Operating Procedures (SOPs) within the Department	Percentage of SOPs Developed or Reviewed of which must 50% must be completed by December and 100% by July.	Director approved Signed SOP	0.00%		0.00%
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Overall Summary of Results

N/A	KPI Not Yet Applicable	KPIs with no targets or actuals in the selected period.	6
R	KPI Not Met	0% <= Actual/Target <= 74.999%	0
O	KPI Almost Met	75.000% <= Actual/Target <= 99.999%	0
G	KPI Met	Actual meets Target (Actual/Target = 100%)	0
G2	KPI Well Met	100.001% <= Actual/Target <= 149.999%	0
B	KPI Extremely Well Met	150.000% <= Actual/Target	0
	Total KPIs:		6

Report generated on 24 June 2021 at 13:44.

7. HUMAN RESOURCES: COMMUNITY SERVICES

Departmental Human Resources:	2020	2020	2021	2021	2021	2021	2021
STAFF COMPLEMENT (CURRENT PERMANENT)	NOV	DEC	JAN	FEB	MAR	APR	MAY
Community Service offices	7	7	7	7	7	7	7
Urban Forestry	6	6	6	6	6	6	6
Ornamental Horticulture	20	20	20	20	20	20	20
Environmental Implementation	10	10	10	10	10	10	10
Sport And Facilities	30	30	30	30	30	30	30
Halls	15	15	15	15	15	15	15
Parks and Cemeteries	34	34	34	34	34	34	34
Libraries	35	35	35	35	35	35	35
Workshop	2	2	2	2	2	2	2
TOTAL	159	159	2021	2021	2021	2021	2021
FUNDED VACANCIES	NOV	DEC	JAN	FEB	MAR	APR	MAY
Urban Forestry	2	2	2	2	2	2	2
Ornamental Horticulture	1	1	1	1	1	1	1
Environmental Implementation	1	1	1	1	1	1	1
Sport And Facilities	5	5	5	5	5	5	5
Halls	2	2	2	2	2	2	2
Parks	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
Cemeteries	1	1	1	1	1	1	1
Workshop	1	1	1	1	1	1	1
TOTAL	13	13	13	13	13	13	13
EPWP	NOV	DEC	JAN	FEB	MAR	APR	MAY
Ornamental Horticulture	23	23	23	23	23	23	23
Urban Forestry	15	23	23	23	23	23	23
Environmental Implementation	64	64	64	64	64	64	64
Sport And Facilities	14	14	14	14	14	14	14
Halls	4	4	4	4	4	4	4
Parks and Cemeteries	22	22	22	22	22	22	22
Workshop	0	0	0	0	0	0	0
TOTAL	150	150	150	150	150	150	150
TEMPORARY + RELIEVE STAFF	NOV	DEC	JAN	FEB	MAR	APR	MAY
Urban Forestry	0	0	0	0	0	0	0
Ornamental Horticulture	0	0	0	0	0	0	0
Environmental Implementation	0	0	0	0	0	0	0
Sport And Facilities	0	0	0	0	0	0	0

Halls	0	0	0	0	0	0	0
Parks and Cemeteries	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
Workshop	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
RETIREMENTS / RESIGNATIONS	NOV	DEC	JAN	FEB	MAR	APR	MAY
Urban Forestry	0	0	0	0	0	0	0
Ornamental Horticulture	0	0	0	0	0	0	0
Environmental Implementation	0	0	0	0	0	0	0
Sport And Facilities	0	0	0	0	0	0	0
Halls	1	1	1	1	1	1	1
Parks and Cemeteries	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
Workshop	0	0	0	0	0	0	0
TOTAL	1	1	1	1	1	1	1
INCAPACITIES	0	0	0	0	0	0	0
DISABLED / CHRONIC ILLNESSES	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
INJURY ON DUTY	NOV	DEC	JAN	FEB	MAR	APR	MAY
Urban Forestry	0	0	0	0	0	0	0
Ornamental Horticulture	0	0	0	0	0	0	0
Environmental Implementation	0	1	0	0	0	0	0
Sport And Facilities	0	0	0	0	0	0	0
Halls	0	0	0	0	0	0	0
Parks Stellenbosch and Cemeteries	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
TOTAL	0	1	0	0	0	0	0
OVERTIME PRE-APPROVALS & STANDBY	NOV	DEC	JAN	FEB	MAR	APR	MAY
Urban Forestry	55	60	41	62	33	32	19
Ornamental Horticulture	550	760	760	726	606	703	405
Environmental Implementation	340	330	0	262	265	260	0
Sport And Facilities	251	490	294	462	445.5	317.5	608
Halls	315.5	300	300	142.5	363.5	455.5	397,5
Parks (Stellenbosch and FHK)	1484	837	691	983	662	456	521
Cemeteries	186	180	300	300	112	73	120
Workshop	80	54	4	58	41	45	58
TOTAL	3261	3011	2390	2995.5	2528	2342	2128,5

5.2.2	JUNE 2021 MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES
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Collaborator No:

IDP KPA Ref No: Green and Sustainable Valley

Meeting Date: 11 August 2021

2. SUBJECT: JUNE 2021 MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES

2. PURPOSE

To notify the Committee of the monthly activities (**ANNEXURE A**) that were conducted by the Sections: Environmental Management, Parks and Cemeteries for June 2021.

3. DELEGATED AUTHORITY

For notification by the Portfolio Committee

4. EXECUTIVE SUMMARY

To present the monthly activity report of the Sections Environmental Management, Parks and Cemeteries for the month of June 2021 to the Committee for notification.

5. RECOMMENDATION

that the monthly report be noted.

6. DISCUSSION / CONTENTS

6.1 Background

The Section: Parks and Cemeteries specialises in maintaining all parks and cemeteries in the WCO24. The Section: Environmental Management specialises in maintaining all nature reserves, natural areas, wetlands and picnic sites in the WC024.

6.2 Discussion

The Parks and Cemeteries Section consists of one Manager, two Superintendents: Parks, one Superintendent: Ornamental Horticulture and one Foreperson: Cemeteries. They are responsible for overseeing and coordination of maintaining public open spaces and parks. The management team is responsible for the management of operational expenditure as well as capital projects. This Section is also responsible for the management and utilisation of cemeteries.

The Environmental Management Section consists of one Manager and two Superintendents for the sub-sections, namely Environmental Planning, Environmental Management Implementation and Small Plant Maintenance. This

section is responsible for the management of all horticultural and arboriculture operations. This section is also responsible for the maintenance of the nature reserves, plantations, all municipal gardens, trees, air quality & noise pollution control, environmental planning. To manage the effective, efficient and economical operation of small plant, minor repairs and maintenance service to ensure the readily availability of Community's plant, machinery and equipment.

8.3 **Financial Implications**

As per the approved budget.

6.4 **Legal Implications**

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

6.5 **Staff Implications**

No additional staff implications.

6.6 **Previous / Relevant Council Resolutions**

None

6.7 **Risk Implications**

None

6.8 **Comments from Senior Management**

6.8.1 **Municipal Manager**

Content noted.

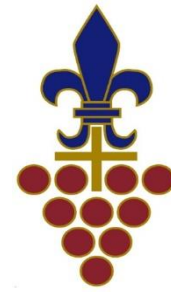
ANNEXURES

Annexure A: - Environmental Management, Parks and Cemeteries Monthly Report, June 2021

FOR FURTHER DETAILS CONTACT:

NAME	<i>Albert van der Merwe</i>
POSITION	<i>Manager: Community Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>Ext 8161</i>
E-MAIL ADDRESS	<i>albert.vandermerwe@stellenbosch.gov.za</i>
REPORT DATE	

ANNEXURE A



**MONTHLY REPORT
JUNE 2021**

**ENVIRONMENTAL
MANAGEMENT
SECTION**

**COMMUNITY
SERVICES**

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URBAN FORESTRY

1. URBAN FORESTRY

1.1.1 General

The sub-section is responsible for the maintenance of the urban forest specifically, street trees. The sub-section is also responsible for the implementation of operational plans to pre-set standards and best practices in a sustainable manner.

1.1.2 Urban Forestry operation conducted

Description	Completed	Incomplete
Pruning	7	0
Felling	0	7
Stump grinding	0	0
Dead tree	0	0
Root barrier	0	0
Fallen branches	2	0
Tree failure	0	0
Bee removal	0	0
Fungicide	0	0

1.1.2 Management of trees in WC02

- Pruning of trees in Kotzee
- Pruning of trees in CBD,
- Pruning and felling of trees in Pniel,
- Pruning of trees in KlapmutS
- Stump removal throughout Stellenbosch

Areas drenching completed: None koinor is out of stock

Tree Basin Management: R310, Jamestown

Areas Tree Basin Maintenance completed:

Completed all areas in November accept CBD due to lack of mulch

1.1.3 Watering of trees: No watering in the rainy season

1.1.4 Tree Planting Programme: None

1.1.5 FQ's approved and loaded for the section

DESCRIPTION	AMOUNT	REASON
FQ23/21: Purchasing of containers	R26 392.50	Storage space
FQ09/20: FQ Spraying of Oaks	R195 000.00	To keep insects and fungus in control
FQ32/21: Bee removal	R100 000.00	For bees and wasps removal

1.1 6 CAPITAL PROJECTS

Three vehicles were delivered.

1.1.7 INCIDENTS REPORTED

1.1.8 INJURY ON DUTY			
Team	Short Description of Incident	Date of Incident	Progress
No injuries reported.	N/A	N/A	N/A

1.2 Urban Forestry Complaints Register: June 2021

- A total of 16 complaints, of which 2 was fallen branches due to winds, 7 was pruning, 0 fungicide and 7 felling. (Please refer to the complaints register below)

CALL LOG REFERENCE eg. GREEN 2021_00	DATE COMPLAINT RECEIVED eg	COMPLAINANT	Email/ Telephone/ Walk in (use dropdown)	RECEIVED BY eg	HOUSE NUMBER/ ERF	Street ADDRESS.eg (Lang St 46,	SUBURB	TYPE OF COMPLAINT (use dropdown)	PLANT SPECIE	RESPONSIBLE OFFICIAL	OFFICIAL WHO FINALIZED COMPLAINT	DATE FINALIZED eg 14 March 2016	Notes/Outcome eg. (Repaired/ Private Property, referred to...)
2021_81	01/06/2021	Venter	kallaventer@gmail.com	Maindren			Die Boord	Felling	<i>Natal Mohagamy</i>	Maindren			Awaiting application
2021_82	1/06/2021		svdh@sun.ac.za	Joswin	58	Brandwacht	Brandwacht	Pruning	<i>Swamp Cyperus</i>	Buhle	Team		completed
2021_83	02/06/2021		whatsaap	Joswin	8	Brandwacht	Brandwacht	Pruning	<i>Syzygium</i>	Buhle	Team		completed
2021_84	02/06/2021			Joswin	5,7	Linnes	Brandwacht	Felling	<i>Cyperus spp.</i>	Buhle			await felling application
2021_85	02/06/2021	Van Niekerk	whatsaap	Joswin		Kaneel	Die Boord	Pruning	<i>Oak</i>	Buhle	Team		completed
2021_86		Mr Lambert	walkin	Buhle	2	Mozart houtkapper	Paradyskloof	Pruning	Gum	Buhle	Buhle		completed by contractor
2021_87	08/06/2021	Andrew Van Rooyen	email			Babin School	Mostertdrift	Pruning	Oak	Buhle	Team		completed
2021_88	09/06/2021	Jacky Adonis	housing internal	Buhle		Jan Cilliers	Stellenbosch	Felling	Pines	Buhle	Management		declined
2021_89	09/06/2021	Marius Snyman		Joswin	17	Pelikaan	Onderpapagaai	Pruning	Oak	Buhle	Team		completed
2021_90	17/06/2021				74	Hermitage	Franschhoek	Pruning	Oak	Buhle	Team		completed
2021_91	17/06/2021	Kotie Bezuidenhout	email	Buhle	24	Merriman	Simonsberg	Felling	<i>Silky Oak</i>	Buhle	Management		Approved
2021_92	21/06/2021	Andrea	email	Joswin	63	Bird	Stellenbosch	Felling	<i>Jacaranda</i>	Buhle	Management		declined
2021_93	22/06/2021	Paul Biscoombe	email	Tammy		Fir	Cloeteville	Branches		Buhle	Team		completed
2021_94	17/06/2022	Cllr Sedy	whatsaap	Rezaar		Kokkewiet/Tarental	Onderpapagaai	Felling	<i>Pines</i>	Buhle	Team		await felling application
2021_95	23/06/2021	Ronel Schoombee	whatsaap	Rezaar	6	Pelikaan	Onderpapagaai	Felling	<i>Podocarpus spp</i>	Buhle	Team		await felling application
2021_96	30/06/2021		whatsaap	Tammy		Blauklippen	Paradyskloof	branches		Buhle	Team		completed

1.3 EPWP Projects

Name of EPWP PROJECT	NUMBER OF WORKERS	RESPONSIBILITY
Cleaning and greening	0	Administrator
Cleaning and greening	5	Drivers
Cleaning and greening	16	General worker

SERIAL NO	ADRESS	SURBURB	DESCRIPTION	ACTION/ DECISION
1	c/o Jan Cilliers Aurora and Lavender Flats	Stellenbosch	CCTV camera	2m away from trees to remove the tree. Consult department regarding tree
2	Jan Maraise Park Entrance	Stellenbosch	CCTV camera	No comment
3	c/o Bartlett and Lindida Drive	Idas Valley	Drill plans for Fibre required	No comment
4	Co/ Lindida and Davy	Idas Valley	CCTV camera	2m away from trees
5	Jamestown Sports Field	Jamestown	CCTV camera	No comment
6	Mount Albert, Papa gaai, Voorpl ein	Lacolline	Drill plans for Fibre required	2m away from trees or tunnelling
7	Paul Ross, Taylor	Lacolline	Drill plans for Fibre required	2m away from trees or tunnelling
8	Lacolline, Co nde	Lacolline	Drill plans for Fibre required	2m away from trees or tunnelling
9	Ou Heelshogte and Gorridon	Idas Valley	CCTV camera	No comment



2. ENVIRONMENTAL IMPLEMENTATION

2.1 ENVIRONMENTAL IMPLEMENTATION (E.I)

2.1 GENERAL

Due to the COVID 19 pandemic under level 4 all operations has commenced.

All EPWP contracts ended on the 30th of June 2021, New contracts have been generated and the first group will begin in July 2021.

2.2 OPERATIONAL FUNCTIONS

Staff has been attending to complaints and or addressing daily operational functions within area of responsibility. Illegal wood cutters have been the most challenging factor at all our plantation sites.

2.3 CAPITAL PROJECTS

2.3.1 Fencing

Papegaaiberg

- The fence has been vandalised once again, few palettes have been was stolen from the fence-line.

2.4 TENDERS

2.4.1 Mont Rochelle

- Tender is was cancelled by SCM, this tender will be re-advertised.

2.4.2 Preparation and Maintenance of Fire break and De-bushing of Alien

Invasive Species

- Project is on-going into the new financial year.
- 223 ha from scatted and project3 (medium45%) has been completed, Paradyskloof, Rathby and Louwsbos Area
- No firebreaks done
- New orders will be generated as soon as the SCM system opens, the contractor will resume his duties only when he receives his newly generated orders.

2.5 FORMAL QUOTATIONS

2.5.1 Hiring of 2-ton tipper truck

- Invoice submitted. The invoices of the Suppliers who managed to deliver on time were all submitted to Creditors.

2.5.2 Herbicide

- Received and Invoice submitted.

2.5.3 Purchasing of mountain bicycles, helmets and tools

- FQ to stand-over into the new financial year.

2.6 INCIDENTS REPORTED

2.6.1 Complaints Register

Incidents of illegal wood cutters occurred this month. This matter is on-going. The number of poachers has gone up and they have become so aggressive and dangerous.

2.6.2 Reported Fires

None reported for the month.

2.7 MAINTENANCE AND REPAIRS OF FENCING

Incidents of vandalism was reported. Matter in on-going Papegaaiberg

2.7.1 Installation of gate at Paradyskloof Plantation

Completed.

2.7.2 Maintenance and repairs on gate at Botmaskop Plantation

The fence has been vandalised once again, few palettes have been removed. There was a reported of an attempted break-in of a vehicle.

2.8 VEHICLES

No incidents to report.

2.9 FIREBREAKS

The internal team started with firebreak preparation in Raithby. Project is on-going.

2.10 OCCUPATIONAL HEALTH AND SAFETY**2.10.1 INJURY ON DUTY**

Team	Short Description of Incident	Date of Incident	Progress
No injuries reported for this month.			

2.10.2 COVID 19 RELATED: none**2.11 EPWP PROJECTS**

EPWP PROJECTS	TOTAL
Forest Guards	23
Integrated Fire Management	10
Mountain Trails	9
Jan Marias Nature Reserve	5
Integrated River Management	11
Biodiversity Veld Rehabilitation	12
Environmental Clerk	1
TOTAL AMOUNT OF EPWP	71

2.12 VISITORS STATISTICS: NATURE RESERVES

Type of service	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	June 2021	Total
Paradyskloof Nature Area	35	45	108	0	0	0					
Jan Marais Nature Reserve	70	100	351	0	95	78					
Eco Centre Visits – Training, Group Visits / Schools	19	20	0	0	0	0					
Mont Rochelle Nature Reserve	0	0	0	0	0	0					
Ida's Valley Protected Area	0	0	0	0	53	40					
Onderpapeggaiberg	0	0	0	0	0	0					

2.13 REVENUE FROM NATURE RESERVES

Type of service	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021	June 2021	Total
Jan Marias Nature Reserve	R348.32	TBC	R2818.87	R6 269,76	R696,64	R696,64					
Firewood Permits	R1966.30	TBC	R3419.64	R0.00	R1450	R1 966,30					
Paradyskloof Club House	N/A	N/A	R2296	R457,92	R0.00	R0.00					
Mont Rochelle Nature Reserve	N/A	N/A	N/A	N/A	N/A	N/A					

2.15 ACHIEVEMENTS: None

2.16 EVENTS:

Bicycle event @ Paradykloof

Kiddies' outdoor party @ Paradyskloof

2.18 COMPLAINTS REPORT

COMPLAINANT DETAILS										
DATE COMPLAINT RECEIVED	NAME AND SURNAME	CONTACT	COMPLAINT	STREET ADDRESS	SUBURB	RECEIVED BY	RESPONSIBLE OFFICIAL	DATE FINALIZED	Notes/Outcome eg. (Repaired/ Private Property, referred to...)	STATUS
08/06/21		0218851059	River Park_ Cleaning of river	2 Klip Street, Kylemore	Kylemore	Joswin Paulse	Wendy Mhlauli		Trees fell at the back of the river and needs attention.	IN PROCESS
09/06/21	Cllr. Biscombe		Skoon maak van rivier	Essenhout str	Cloetesville	Tammy Leibrandt	Wendy Mhlauli			IN PROCESS
10/06/21	Fabian Van Wyk	021 888 5828	Request for Cleaning of River on Old Paarl road	Klapmuts	Klapmuts	Rezaar Van Niekerk	Tammy Leibrandt/ Wendy Mhlauli			IN PROCESS



3. ENVIRONMENTAL PLANNING

The following matters are herewith reported on for the month of July 2021:

PROJECTS

Project	Progress	Date of Completion
Mount Rochelle (land exchange)	<u>Phase 1 - Completed</u> Owners have been contacted and all but one has indicated that they are willing to negotiate the exchange of land. The one that declined (identified as part of the project due to a stream flowing across the relevant erf) is not critical in terms of the purpose of the land-swop which is to mitigate the potential visual impact of development within Mont Rochelle Nature Reserve.	Nov 2016
	➤ <u>Phase 2 - Completed</u> Individual properties have been surveyed and marked.	Nov 2016
	➤ <u>Phase 3 – In process</u> Individual property owners informed of the project status and issued with a writing offering erven within Mont Rochelle in exchange for their current erven. The basis of the erven offered is to offer land with similar area size as an individual's current land. Some feedback from landowners has already been received. At the successful conclusion of this Phase the department will approach Council to give consent to proceed with Phase 4.	Jan 2017
	➤ <u>Phase 4</u> Phase 4 will be the conclusion of the property transfers should the municipality be successful with the negotiations during Phase 3.	Aug 2017
➤ Request from Manager: Spatial Planning, Heritage & Environment (Staff Meeting: 27 February 2017) for the preparation of a status report on the project to be submitted to the Director: Planning & Economic Development for information and further instruction. Status report completed and submitted to Director: Planning & Economic Development. Feedback: Item to Council to be prepared.	March 2017	
➤ Item to Council prepared and submitted to the Director: Planning & Economic Development for approval before Item circulated for internal comment.	May 2017	
➤ Item submitted to Council.	Oct 2017	
➤ MayCo concluded that a site visit for the Mayor needs to be		

	<p>arranged by the Director: Planning & Economic Development.</p> <p>➤ A meeting was held with the Mayor (28 Aug) to provide background on the status of the project. Awaiting instruction from the Mayor on the way forward. Project is on hold until such time as the above instructions are received.</p> <p>➤ Meeting held with MM (03 Oct) providing background. Item prepared on the way forward and submitted to the MM. Re-circulated to the MM on 20 August 2020.</p> <p>➤ Item circulated to internal Directorates, approved for Council submission. Item served (Nov) and accepted.</p> <p>➤ Meeting held with Property Management to further facilitate and execute the Council resolution of November 2020. Meeting with MM requested.</p> <p>➤ Meeting held with MM on proposal that a set of building guidelines be prepared. Item to Council in this regard prepared and Route Form circulated.</p> <p>Item submitted to Portfolio Councillor for consideration.</p>	<p>Aug 2018</p> <p>Jan 2020</p> <p>Oct 2020</p> <p>March 2021</p> <p>May 2021</p> <p>June 2021</p>
Cemetery Study	<p>Item approved by Council, four sites approved:</p> <ul style="list-style-type: none"> • Farm Culcatta No. 29 • Remainder of Farm Louw's Bos No. 502 • Farm De Novo No. 727/10 • Portion 1 of 'Farm Meer Lust No 1006 <p>➤ Meeting held with appointed consultants on the way forward.</p> <p>➤ Consultants to meet with the Department of Roads and Public works on the proposed development cemeteries on its land. Consultants to present proposed cemetery establishment plans for the proposed development cemeteries on municipal land.</p> <p>➤ Meeting held (17 August) with appointed environmental consultant (Enviro Africa). Notice of Intent to apply for a listed activity will be submitted to DEA&DP for cemetery establishment at Louw's Bos (Remainder of Farm No. 502), the Farm Culcatta (No. 29) and Meerlust (Portion 1 of Farm No. 1006).</p> <p>➤ Notice of Intent to Develop (NOI) Meeting held with DEADP.</p> <p>➤ Pre-Application Public Participation concluded.</p> <p>Meeting with Directors and relevant officials scheduled for 14 May 2018 to decide on the way forward.</p>	<p>April 2017</p> <p>June 2017</p> <p>Aug 2017</p> <p>Oct 2017</p> <p>Mrt 2018</p> <p>May 2018</p>

➤	Memorandum submitted to the Municipal Manager on the proposed way forward.	June 2018
➤	Memorandum and recommendations for the development of Louw's Bos (Area B) and Culcatta as regional cemetery sites accepted.	Nov 2018
➤	Meeting (25 Oct) held with DEA&DP on the projects status and way forward.	
➤	Environmental Impact Assessment (EIA) proceeding on 2 sites, Louw's Bos and Culcatta Bos. Application documentation for Environmental Authorization for Culcatta Bos has been submitted to DEADP. Louw's Bos' application will be submitted end of August 2019. Excepting a decision from the DEADP on both by November 2019.	Jan 2020
➤	Environmental Authorisation (EA) issued for Culcatta on 20 September 2019. EA for Louw's Bos issued 22 January 2020.	
➤	<p><u>Culcatta Bos:</u></p> <p>Phase: Landuse Application submitted in terms of Planning By-Law.</p>	
➤	<p><u>Louw's Bos:</u></p> <p>Phase: Landuse Application submitted in terms of Planning By-Law / Environmental Authorisation.</p>	March 2020
➤	BAC Meeting for the deviation of project funds.	June 2020
➤	Appeal on the EA for Louw's Bos received. Meeting to be held with the MM on the way forward. Response to appeal submitted to DEADP during July 2020.	Aug 2020
➤	Municipal Planning Tribunal - Land Use approval granted for Culcatta Bos.	Jan 2021
➤	Municipal Planning Tribunal - Land Use approval granted for Louw's Bos.	Feb 2021
➤	Appeal on the EA of Louw's Bos upheld by the Minister. The latter decision to be communicated to the MM and Council.	
➤	Progress report submitted to Portfolio Committee Meeting.	
➤	<p>Project note:</p> <p>The appointed consultants assisting Stellenbosch Municipality on this project is CK Rumboll & Associates.</p>	

➤	Project Extension has been approved by the BAC during March 2020.	
Mont Rochelle Gatehouse upgrade	Building plans submitted with Building Control. Bill of Quantities prepared.	26 Feb 2020 7 May 2020
➤	BSC – Draft Tender Document (for appointment of a contractor) approved by BSC.	Aug 2020
➤	Building Plans Approval received. For implementation during next financial year.	25 Sep 2020
➤	Tender for construction advertised. Clarification Meeting held. Tenders received and being evaluated.	April 2021
Management Plans	Annual Plan of Operation for past year reviewed with Cape Nature. Review documentation to be completed and submitted to Cape Nature end of 2020. Approved Papegaaiberg EMP up for 5-year review. Document to be completed and forwarded to Cape Nature during 1 st quarter of 2021. 2 nd Draft Jan Marais Park to be submitted to Cape Nature during 2 nd quarter of 2021. Draft Mont Rochelle Nature Reserve Environmental Management Plan advertised for input (following Council Item).	16 Mrt 2021 20 May 2021
Stellenbosch River Stewardship Action (SRSA)	Ongoing. Control Plan Completed for ER_1 to ER_2. Submitted to DEA for input.	24 Feb 2021
Upgrading of office space	Appointment of contractor complete. Way leaves acquired and contracts signed. Construction to commence during June. Construction work has commenced. Planned occupation middle December 2020. Offices Occupied. Snagging being done. Final account being completed. Project completed	28 May 2020 June 2020 Nov 2020 Jan 2020 March 2021 June 2021

The following matters are herewith reported on for the month of June 2021:

NOISE CONTROL:

Area	Number
Stellenbosch	10
Franschhoek	2
Klapmuts	0
Jamestown	0
Pniel	0
Groot Drakenstein	2
Kylemore	0
Farms	0
Total	14

Further to the above, the following information in respect of current cases being investigated:

Complaint	Progress	Date of Completion	Comments
Complaints received from neighboring residents concerning noise emanating from the cooler tower at Le Cap Foods, Lappan Road, Tennantville, Stellenbosch	<p>During a follow-up inspection and further discussions with the Operations Manager, the following mitigation measures are in process to be implemented:</p> <ul style="list-style-type: none"> the application of sound moderation by means of mufflers which can reduce the noise level at full fan speed, or the use of an inverter to reduce fan speed and subsequently the sound level 	On-going	<p>Noise control measures are currently in process to be implemented.</p> <p>Compliance inspection is pending.</p>
Noise emanating from a standby generator located at 11 Repens Road, Paradyskloof, Stellenbosch	Noise measurements taken from the complainant's premises revealed a disturbing noise for machinery in residential areas.	On-going	<p>Notice was served to implement mitigation measures.</p> <p>Compliance inspection pending.</p>

Noise emanating from a mobile generator located at the Uitzicht Plaza, Andringa Street, Stellenbosch	Noise measurements taken from the complainant's premises revealed a disturbing noise for machinery in residential areas.	On-going	Verbal warning given to the Building Manager to implement noise mitigation measures where necessary. Compliance inspection pending.
Noise emanating from the standby generator located at the Fantastic Food Court, Bird Street, Stellenbosch	Noise measurements taken revealed that a disturbing noise is caused whenever the generator is activated.	On-going	Have met and spoken to the Mr. Daniel De Canha concerning noise mitigation. Follow-up noise measurements will be done if & when load shedding occurs again. Mr. De Canha request to be present during the follow-up measurements.
Noise emanating from the standby generator located & serving the Franschoek Municipal Building. MM request for an investigation following ongoing complaints	Noise measurements taken from the location of the complainant, 23 Dirky Uys Road, revealed that a disturbing noise is caused. Noise mitigation is required.	9 June 21	Feedback was given to the office of the MM that the generator serving the Municipal building in Franschoek are indeed a disturbing noise. Noise mitigation should be implemented.
Complaints received concerning noise caused by the Leaf Blower that is used by the general workers at the Franschoek Municipal building & in front of the complainant's home, 23 Dirky Uys Road, Franschoek. MM request for an investigation following ongoing complaints	The leaf blower was not in used at the time of inspection. However, & since the latter is a noisy machine it is likely that a disturbance noise & noise nuisance will be caused.	9 June 21	Given the noise levels caused by the use of a leaf blower it was recommended not to use it before 08h00 in the morning.
Noise emanating from the standby generator located at Vredenburg Manor, Winery Road, Raithby.	Noise measurements taken revealed that a disturbing noise is caused whenever the generator is activated.	On-going	Have met with Mr. Werner Geldenhuys, the operational manager on-site. Additional noise mitigation measures are in process to be implemented. Compliance inspection pending

Noise emanating from the generator room located the Letterkunde & Sosiale Wetenskap gebou, University of Stellenbosch	Noise measurements taken from Street Level revealed that a disturbing noise is caused every time load shedding occurs.	On-going	A disturbing noise notice was sent, via email to the maintenance manager responsible for the faculty of Applied Sciences to attend to the concerns as a matter of urgency. Follow-up inspection pending.
Noise emanating from a small mobile generator located at 29 Luckhoff Street, Idasvalley, Stellenbosch	Have met with the operator of the mobile generator on-site. The following recommendations were made: <ul style="list-style-type: none"> • To relocate the mobile generator towards an alternative site away from the complainant's bedroom window. • To inform the neighbor if & when they are planning to use the generator 	14 June 21	The operator of the small mobile generator agrees to the recommendations made. Complainant was informed. Matter considered closed.
Noise emanating from the generator located at Idasvalley Supermarket, 23 Tindell Street, Idasvalley, Stellenbosch	Noise measurements taken from the complainant's premises revealed that a disturbing noise is caused every time load shedding occurs.	14 June 21	Have met with the owners of Idasvalley Supermarket on 14 June 21. The owner, Mr. Khan acknowledged the complaint and undertook to apply noise mitigation measures. Complainant was informed. Matter considered closed.
Complaints received concerning the noisy extractor fan serving the Bossa Café, Paradyskloof Road, Stellenbosch	Inspection Bossa Café on Thursday, June 24 revealed the following: Strange noise is caused by a wall mounted compressor serving the walk-in freezer.	24 June 21	The fan was discontinued and is being repaired already. Feedback was given to the complainant Mr. Cronje from the Blaauwklippen Meent. Considered closed.

AIR QUALITY CONTROL:

The following air quality control matters have been investigated:

Complaint	Progress	Date of Completion	Comments
Complaints concerning Diesel fumes emanating from the standby generator located at 11 Repens Road, Paradyskloof, Stellenbosch	Notice was served upon the operator to address the fumes by re-routing the exhaust pipe of the generator	On-going	Follow-up inspection pending.
Complaints concerning Diesel fumes emanating from the standby generator located at Vredenburg Manor, Winery Road, Raithby.	Onsite discussion was held with Mr. Geldenhuys, Operations Manager on 11 June 21. Mitigation measures are in process to be implemented	On-going	Follow-up inspection pending.
Complaints concerning Diesel fumes emanating from the standby generator located at the Municipal Building in Franschoek	Inspection confirmed the exhaust pipe terminates towards Street level directly towards the complainant's home. Complaints is justified	On-going	Follow-up inspection will be done on completion of the recommended mitigation measures.
Complaints concerning Diesel fumes emanating from the standby generator located at 29 Luckoff Road, Idasvalley.	The concerns have been discussed with the owner, Mr. Abrahams. The mobile generator will be moved to an additional location	14 June 21	Considered closed.

NOISE EXEMPTIONS ISSUED AND SUPPORTED DURING JUNE 2021

Date	Type of Event	Location
04 June 2021	Change of Season Trial Run	Knorhoek Wine Estate, Stellenbosch
12 June 2021	Winter Trial Run	Knorhoek Wine Estate, Stellenbosch
18 June 2021	SA Rugby U20 International Series	Markotter Sports Centre, Stellenbosch
23 June 2021	SA Rugby U20 International Series	Markotter Sports Centre, Stellenbosch
28 June 2021	SA Rugby U20 International Series	Markotter Sports Centre, Stellenbosch
03 July 2021	SA Rugby U20 International Series	Markotter Sports Centre, Stellenbosch

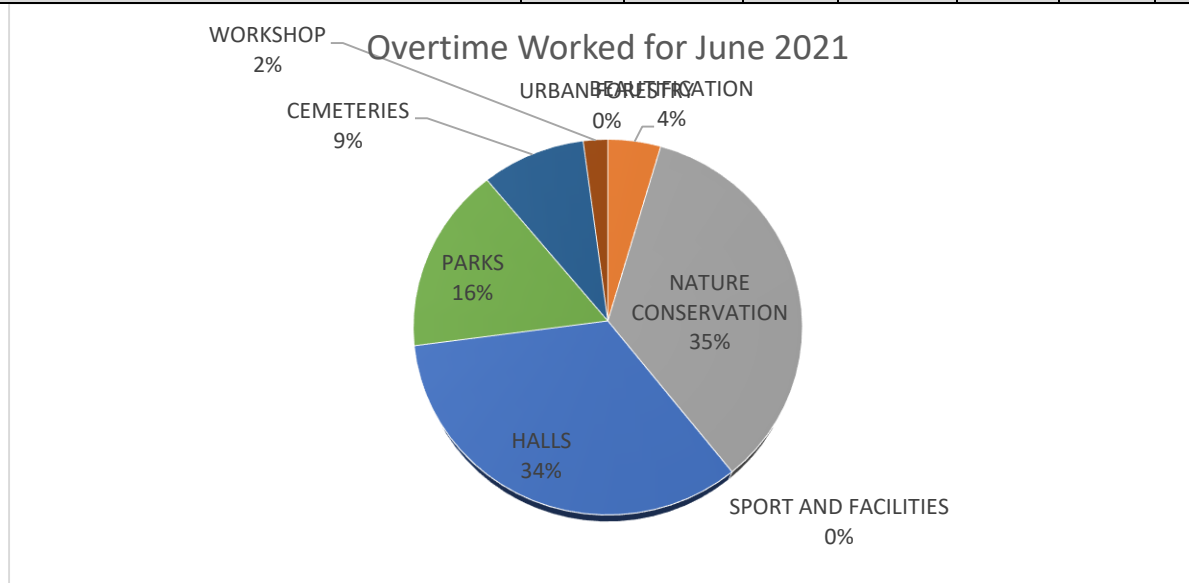
WORKGROUPS:

Representatives from the department participate regularly and actively in the following working groups:

- Stellenbosch River Collaborative
- Stellenbosch River Works Meeting
- Municipal Outreach Project (MOP) - DEADP
- Western Cape Air Quality Officer Forum
- Western Cape Noise Control Forum

4. OVERTIME WORKED FOR JUNE 2021: COMMUNITY SERVICES

OVERTIME & STANDBY HOURS WORKED	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
URBAN FORESTRY	0	33	8	54	55	52	60	41	62	33	32	19	0
BEAUTIFICATION	0	672	550	600	550	670	760	760	726	606	703	405	56
NATURE CONSERVATION	0	107	213	308	340	-	330	0	262	265	260	0	430
SPORT AND FACILITIES	80	27	8	20	251	140	490	294	462	445.5	317.5	608	478.5
HALLS	35	80	25	88.5	315.5	371	300	300	142.5	363.5	455.5	397,5	415
PARKS	13	800	848	1081	1484	-	837	691	983	662	456	521	199
CEMETERIES	169.5	231.5	178	329	186	332	180	300	300	112	73	120	110
WORKSHOP	0	73	43	43	80	76	54	4	58	41	45	58	26
TOTAL	297.5	2023.5	1873	2523.5	3261	1641	3011	2390	2995.5	2528	2342	2128,5	1714.5



6. KPI'S FOR JUNE 2021: COMMUNITY SERVICES:

Ref	KPI Type	Source of Evidence	YTD Actual	Jun-21		Overall Performance for June 2021 to June 2021
				Target	Performance Comment	Target
D1567	Operational	Report from Finance System	76.13%	90.00%	Of the total budget a percentage of 76,13 was spend.	90.00%
D1568	Operational	Report from Finance System	91.22%	0.00%		0.00%
D1569	Operational	Reconciliation report from SCM	100.00%	100.00%	Specifications for all capital projects submitted for the Environmental Management Section.	100.00%
D1570	Operational	Detailed procurement needs for operational projects submitted to the SCM Department	6	1	Attached proof of procurement needs for Q1.	1
D1571	Operational	Minutes of meetings	5	1	Attach Quarterly OHS Meeting attendance register for the Section Environmental Management.	1
D1572	Operational	Director approved Signed SOP	100.00%	100.00%	KPI 100% met. Attached report on All SOP's reviewed and approved.	100.00%

Overall Summary of Results

N/A	KPI Not Yet Applicable	KPIs with no targets or actuals in the selected period.	1
R	KPI Not Met	0% <= Actual/Target <= 74.999%	0
O	KPI Almost Met	75.000% <= Actual/Target <= 99.999%	1

G	KPI Met	Actual meets Target (Actual/Target = 100%)	4
G2	KPI Well Met	100.001% <= Actual/Target <= 149.999%	0
B	KPI Extremely Well Met	150.000% <= Actual/Target	0
	Total KPIs:		6

Report generated on 20 July 2021 at 11:25.

7. HUMAN RESOURCES: COMMUNITY SERVICES

Departmental Human Resources:	2020	2021	2021	2021	2021	2021	2021
STAFF COMPLEMENT (CURRENT PERMANENT)	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Community Service offices	7	7	7	7	7	7	7
Urban Forestry	6	6	6	6	6	6	6
Ornamental Horticulture	20	20	20	20	20	20	20
Environmental Implementation	10	10	10	10	10	10	10
Sport And Facilities	30	30	30	30	30	30	30
Halls	15	15	15	15	15	15	15
Parks and Cemeteries	34	34	34	34	34	34	34
Libraries	35	35	35	35	35	35	35
Workshop	2	2	2	2	2	2	2
TOTAL	159	2021	2021	2021	2021	2021	2021
FUNDED VACANCIES	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Urban Forestry	2	2	2	2	2	2	2
Ornamental Horticulture	1	1	1	1	1	1	1
Environmental Implementation	1	1	1	1	1	1	1
Sport And Facilities	5	5	5	5	5	5	5
Halls	2	2	2	2	2	2	2
Parks	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
Cemeteries	1	1	1	1	1	1	1
Workshop	1	1	1	1	1	1	1
TOTAL	13	13	13	13	13	13	13
EPWP	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Ornamental Horticulture	23	23	23	23	23	23	23
Urban Forestry	23	23	23	23	23	23	23
Environmental Implementation	64	64	64	64	64	64	64
Sport And Facilities	14	14	14	14	14	14	14
Halls	4	4	4	4	4	4	4
Parks and Cemeteries	22	22	22	22	22	22	22
Workshop	0	0	0	0	0	0	0
TOTAL	150	150	150	150	150	150	150
TEMPORARY + RELIEVE STAFF	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Urban Forestry	0	0	0	0	0	0	0
Ornamental Horticulture	0	0	0	0	0	0	0
Environmental Implementation	0	0	0	0	0	0	0
Sport And Facilities	0	0	0	0	0	0	0

Halls	0	0	0	0	0	0	0
Parks and Cemeteries	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
Workshop	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
RETIREMENTS / RESIGNATIONS	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Urban Forestry	0	0	0	0	0	0	0
Ornamental Horticulture	0	0	0	0	0	0	0
Environmental Implementation	0	0	0	0	0	0	0
Sport And Facilities	0	0	0	0	0	0	0
Halls	1	1	1	1	1	1	1
Parks and Cemeteries	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
Workshop	0	0	0	0	0	0	0
TOTAL	1	1	1	1	1	1	1
INCAPACITIES	0	0	0	0	0	0	0
DISABLED / CHRONIC ILLNESSES	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0
INJURY ON DUTY	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Urban Forestry	0	0	0	0	0	0	0
Ornamental Horticulture	0	0	0	0	0	0	0
Environmental Implementation	1	0	0	0	0	0	0
Sport And Facilities	0	0	0	0	0	0	0
Halls	0	0	0	0	0	0	0
Parks Stellenbosch and Cemeteries	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0
TOTAL	1	0	0	0	0	0	0
OVERTIME PRE-APPROVALS & STANDBY	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Urban Forestry	60	41	62	33	32	19	0
Ornamental Horticulture	760	760	726	606	703	405	56
Environmental Implementation	330	0	262	265	260	0	430
Sport And Facilities	490	294	462	445.5	317.5	608	478.5
Halls	300	300	142.5	363.5	455.5	397.5	415
Parks (Stellenbosch and FHK)	837	691	983	662	456	521	199
Cemeteries	180	300	300	112	73	120	110
Workshop	54	4	58	41	45	58	26
TOTAL	3011	2390	2995.5	2528	2342	2128,5	1714.5

6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

7.	NOTICES OF MOTIONS AND NOTICES OF QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

8.	URGENT MATTERS
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9.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE