



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2020-02-21

NOTICE OF THE 35TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2020-02-26 AT 10:00

TO The Speaker, Cllr N Jindela [Chairperson]
The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr WC Petersen (Ms)

COUNCILLORS

F Adams	MC Johnson
FJ Badenhorst	DD Joubert
FT Bangani-Menziwa (Ms)	N Mananga-Gugushe (Ms)
Ald PW Biscombe	C Manuel
G Cele (Ms)	NE Mcombring (Ms)
PR Crawley (Ms)	XL Mdemka (Ms)
A Crombie (Ms)	C Moses (Ms)
Z Dalling (Ms)	RS Nalumango (Ms)
R Du Toit (Ms)	N Olayi
J Fasser	MD Oliphant
A Florence	SA Peters
AR Frazenburg	MM Pietersen
E Fredericks (Ms)	WF Pietersen
T Gosa	SR Schäfer
E Groenewald (Ms)	Ald JP Serdyn (Ms)
JG Hamilton	N Sinkinya (Ms)
AJ Hanekom	P Sitshoti (Ms)
DA Hendrickse	Q Smit
JK Hendriks	LL Stander
LK Horsband (Ms)	E Vermeulen

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **35TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2020-02-26** at **10:00** to consider the items on the Agenda.

SPEAKER
N JINDELA

MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2020-02-26

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	MAYORAL ADDRESS	
3.	COMMUNICATION BY THE SPEAKER	
4.	COMMUNICATION BY THE MUNICIPAL MANAGER	
5.	DISCLOSURE OF INTERESTS	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
7.	APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING	
7.1	The minutes of the 34 th Council Meeting: 2020-01-29 refers (APPENDIX 1) FOR CONFIRMATION	
8.	STATUTORY MATTERS	
8.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2020	
9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS	
	The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as APPENDIX 1	
10.	ITEMS FOR NOTING	
10.1	REPORT/S BY THE EXECUTIVE MAYOR	
	NONE	
10.2	REPORT/S BY THE SPEAKER	
	NONE	
10.3	REPORT/S BY THE MUNICIPAL MANAGER	
	NONE	
11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]	
11.1	COMMUNITY AND PROTECTION SERVICES: [PC: CLLR R BADENHORST]	
11.1.1	NONE	
11.2	CORPORATE SERVICES: [PC: CLLR AR FRAZENBURG]	
11.2.1	TASK IMPLEMENTATION POLICY	
11.2.2	PROPOSED DISPOSAL OF ERF 718, KAYAMANDI TO THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE	
11.2.3	APPLICATION FOR A LONG TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH	

ITEM	SUBJECT	PAGE
11.2.4	POSSIBLE DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH	
11.2.5	PROPOSED SETTLEMENT OFFER IN THE MATTER BETWEEN G.S. VAN NIEKERK N.O & OTHERS ("THE APPLICANTS") / STELLENBOSCH MUNICIPALITY ("THE MUNICIPALITY") WITH REGARD TO THE REVIEW APPLICATION INSTITUTED TO REMOVE THE ILLEGAL ENCROACHMENT AND BOUNDARY FENCES ON ERF 1771 STELLENBOSCH ("THE MILLSTREAM")	
11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]	
	NONE	
11.4	HUMAN SETTLEMENTS: [PC: CLLR WC PETERSEN (MS)]	
11.4.1	PROPOSED DEVELOPMENT OF ERF 81/2 AND ERF 81/9, STELLENBOSCH, FOR BACKYARDERS OF STELLENBOSCH	
11.5	INFRASTRUCTURE SERVICES: [PC: CLLR Q SMIT]	
	NONE	
11.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR XL MDEMKA (MS)]	
	NONE	
11.7	PLANNING AND ECONOMIC DEVELOPMENT SERVICES [PC: CLLR E GROENEWALD (MS)]	
	NONE	
11.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]	
	NONE	
11.9	YOUTH, SPORT AND CULTURE: [PC: CLLR M PIETERSEN]	
	NONE	
11.10	MUNICIPAL MANAGER	
	NONE	
12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER	
12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]	
	NONE	
13.	REPORTS BY THE MUNICIPAL MANAGER	
13.1	POLICY FOR THE IMPLEMENTATION OF AN AUXILIARY LAW ENFORCEMENT SERVICE FOR STELLENBOSCH MUNICIPALITY	
13.2	POLICY ON EXTERNALLY FUNDED LAW ENFORCEMENT AND TRAFFIC OFFICERS	
13.3	SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING	
14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER	
14.1	MOTION BY COUNCILLOR DA HENDRICKSE: RETURN OF OWNERSHIP: HOSTELS IN KAYAMANDI	
14.2	MOTION BY COUNCILLOR F ADAMS: FREE PARKING IN THE CBD	
14.3	QUESTION BY COUNCILLOR DA HENDRICKSE: RETIREMENT DATE OF MR D LOUW: DIRECTOR: INFRASTRUCTURE	

ITEM	SUBJECT	PAGE
14.4	QUESTION BY COUNCILLOR F ADAMS: UPPER LIMITS AND REMUNERATION OF THE MUNICIPAL MANAGER	
14.5	QUESTION BY COUNCILLOR LK HORSBAND (MS): AMOUNT PAID TO ASLA: IDA'S VALLEY HOUSING PROJECT	
14.6	QUESTION BY COUNCILLOR LK HORSBAND (MS): THE NUMBER OF MEMBERS IN THE IDA'S VALLEY COMMUNITY THAT ASLA SOLD HOUSES TO	
15.	CONSIDERATION OF URGENT MOTIONS	
16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
17.	REPORTS SUBMITTED BY THE SPEAKER	
	NONE	
18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR	
	NONE	
19.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	(Pink documentation will be distributed in due course)	

1.	OPENING AND WELCOME
2.	MAYORAL ADDRESS
3.	COMMUNICATION BY THE SPEAKER
4.	COMMUNICATION BY THE MUNICIPAL MANAGER
5.	DISCLOSURE OF INTERESTS
6.	APPLICATIONS FOR LEAVE OF ABSENCE
7.	APPROVAL OF MINUTES OF PREVIOUS COUNCIL
7.1	CONFIRMATION OF MINUTES OF THE 34 TH COUNCIL MEETING: 2020-01-29

The minutes of the 34th Council Meeting: 2020-01-29 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2020-01-29

MINUTES

34TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2020-01-29 AT 10:00

Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)

MINUTES**MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY****2020-01-29****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	MAYORAL ADDRESS	
3.	COMMUNICATION BY THE SPEAKER	
4.	COMMUNICATION BY THE MUNICIPAL MANAGER	
5.	DISCLOSURE OF INTERESTS	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
7.	APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING	
7.1	The minutes of the 33 rd Council Meeting: 2019-11-27 refers (APPENDIX 1) FOR CONFIRMATION	4
8.	STATUTORY MATTERS	
8.1	TABLING OF THE DRAFT ANNUAL REPORT 2018/19	5
8.2	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2019/2020	7
8.3	MID-YEAR ADJUSTMENTS BUDGET FOR 2019/2020	8
8.4	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2019/20	10
8.5	MFMA SECTION 52 REPORTING UP TO DECEMBER 2019	12
8.6	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2019 - 31 DECEMBER 2019)	13
8.7	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER AND DECEMBER 2019	14
9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS	
	The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as APPENDIX 1	
10.	ITEMS FOR NOTING	
10.1	REPORT/S BY THE EXECUTIVE MAYOR	
10.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: OCTOBER 2019 TO DECEMBER 2019	15
10.1.2	REPORT BY THE EXECUTIVE MAYOR: DECISIONS TAKEN DURING COUNCIL RECESS	16
10.2	REPORT/S BY THE SPEAKER	
	NONE	
10.3	REPORT/S BY THE MUNICIPAL MANAGER	
10.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 OCTOBER 2019 UNTIL 31 DECEMBER 2019	17
10.3.2	REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) 2019	18

ITEM	SUBJECT	PAGE
11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]	
11.1	COMMUNITY AND PROTECTION SERVICES: [PC: CLLR R BADENHORST]	
11.1.1	NONE	
11.2	CORPORATE SERVICES: [PC: CLLR AR FRAZENBURG]	
11.2.1	PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH	19
11.2.2	PROPOSED RENEWAL OF LEASE AGREEMENT: BERGZICHT TRAINING CENTRE: PORTION OF REMAINDER ERF 235, STELLENBOSCH	21
11.2.3	ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722	23
11.2.4	CUSTOMER CARE FRAMEWORK	24
11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]	
11.3.1	WRITE-OFF OF DEBTS – INDIGENT CONSUMERS	25
11.3.2	REVISED INDIGENT POLICY	26
11.4	HUMAN SETTLEMENTS: [PC: CLLR WC PETERSEN (MS)]	
11.4.1	IDAS VALLEY LOW COST HOUSING PROJECT- CRITERIA FOR THE SELECTION OF BENEFICIARIES	27
11.4.2	TO ENTER INTO A LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHI'S) AND/OR OTHER DEVELOPMENT AGENCIES (ODA) FOR THE DEVELOPMENT AND MANAGEMENT OF AFFORDABLE RENTAL ACCOMMODATION IN THE APPROVED RESTRUCTURING ZONES	29
11.5	INFRASTRUCTURE SERVICES: [PC: CLLR Q SMIT]	
11.5.1	APPROVAL OF THE WATER SERVICES BY-LAW AND ADMISSION OF GUILT FINES	31
11.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR XL MDEMKA (MS)]	
	NONE	
11.7	PLANNING AND ECONOMIC DEVELOPMENT SERVICES [PC: CLLR E GROENEWALD (MS)]	
11.7.1	FEEDBACK ON THE PUBLIC PARTICIPATION PROCESS ON THE FUTURE USE / UPGRADE OF THE BRAAK	33
11.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]	
	NONE	
11.9	YOUTH, SPORT AND CULTURE: [PC: CLLR M PIETERSEN]	
	NONE	
11.10	MUNICIPAL MANAGER	
	NONE	
12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER	
12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]	
	NONE	

ITEM	SUBJECT	PAGE
13.	REPORTS BY THE MUNICIPAL MANAGER	
13.1	PERMISSION TO ATTEND A STUDY TOUR TO THE UNITED KINGDOM (UK) AND EUROPE OVER THE PERIOD OF 15 FEBRUARY 2020 UNTIL 29 FEBRUARY 2020	35
13.2	PERMISSION TO ATTEND THE WORLD URBAN FORUM IN ABU DHABI, UNITED ARAB EMIRATES FROM 8 TO 13 FEBRUARY 2020	36
13.3	STATUS REPORT - MUNICIPAL DEMARCATION BOARD: DELIMITATION OF WARDS 2019/20 PROCESS	37
14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER	
14.1	QUESTION 1 BY COUNCILLOR LK HORSBAND (MS): ARBITRATION AWARD: MATTER BETWEEN STELLENBOSCH MUNICIPALITY AND MS T RUBUSHA (APPENDICES 1-2)	38
14.2	QUESTION 2 BY COUNCILLOR DA HENDRICKSE: IDAS VALLEY COMMUNITY: ASLA (APPENDICES 1-2)	39
14.3	QUESTION 1 BY COUNCILLOR F ADAMS: PROJECT TO UPGRADE THE MUNICIPAL FLATS IN LONG AND KLOOF STREETS (APPENDICES 1-2)	40
14.4	QUESTION BY COUNCILLOR F ADAMS: REPLACEMENT OF CLLR F ADAMS TO COUNCIL IN JULY 2019 (APPENDICES 1-2)	41
14.5	QUESTION BY COUNCILLOR DA HENDRICKSE: AWARD OF TENDER: SOEKMEKAAR HOUSING PROJECT	42
14.6	QUESTION BY COUNCILLOR DA HENDRICKSE: APPOINTMENT OF MR D LOUW	43
15.	CONSIDERATION OF URGENT MOTIONS	
	NONE	
16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
	NONE	
17.	REPORTS SUBMITTED BY THE SPEAKER	
	NONE	
18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR	
18.1	RECONSTITUTION OF SECTION 80 COMMITTEES	44
19.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	(See pink documentation)	

MINUTES OF THE 34TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2020-01-29 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT	The Speaker, Cllr N Jindela [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr WC Petersen (Ms)	
COUNCILLORS	F Adams FJ Badenhorst FT Bangani-Menziwa (Ms) (until 12:00) Ald PW Biscombe G Cele (Ms) A Crombie (Ms) R Du Toit (Ms) (until 14:15) J Fasser A Florence AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) JG Hamilton AJ Hanekom DA Hendrickse JK Hendriks LK Horsband (Ms) (until 14:00)	MC Johnson DD Joubert N Mananga-Gugushe (Ms) NE Mcombring (Ms) (apology 14:30-15:20) XL Mdemka (Ms) C Moses (Ms) RS Nalumango (Ms) N Olayi SA Peters MM Pietersen WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) P Sitshoti (Ms) Q Smit LL Stander E Vermeulen

Officials:

Municipal Manager (Ms G Mettler)
Chief Financial Officer (K Carolus)
Director: Corporate Services (Ms A De Beer)
Director: Infrastructure Services (D Louw)
Director: Planning and Economic Development (T Mfeya)
Director: Community and Protection Services (G Boshoff)
Manager: Communications (S Grobbelaar)
Chief Audit Executive (F Hoosain)
Manager: Secretariat (EJ Potts)
Senior Administration Officer (T Samuels (Ms))
Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
-----------	----------------------------

The Speaker, Cllr N Jindela, welcomed everyone present at the 34th Council meeting. Pastor Fikeni opened the meeting with a prayer.

2.	MAYORAL ADDRESS
-----------	------------------------

"Speaker, Munisipale Bestuurder, Burgemeesterskomiteelede, Direkteure

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

Welkom terug!

- Voor ons begin, ons medelye aan die familie, kollegas en vriende van Mnr Jacobus Andrew Moses wat op 10 Januarie 2020 afgesterf het. Mnr Moses het gewerk in die Ingenieursafdeling by Afvalbestuur.
- Goeie rustyd gewees vir almal wat die geleentheid gehad het om tyd af te vat.
- Dankie aan al die wetstoepassers, verkeerspersoneel en brandweerspersoneel wat reg deur die vakansie gewerk het om ons gemeenskappe en besoekers veilig te hou.
- Julle opoffering en toewyding word ontsettend waardeer.
- Welcome back to all the students
- I had the opportunity to take part in the welcoming of the First Year students and their parents with the Dream Walk on Thursday.
 - Special new tradition where the first year students along with the entire faculty walk through town and have an opportunity to write down their dreams and share it by placing it on specially prepared trees.
- To all the new students and residents, please make an effort to learn who your councillor is and how to contact the Municipality.
 - Information on our Website and Social Media Sites.
- Die komende naweek is ook lekker besig
 - Vrydagaand is dit Vensters – Eerstejaarskonserte wat regoor kampus plaas vind
 - Saterdagoggend is die Oesfees parade met die vlotte van ons plaaslike wynplase
- Moedig inwoners aan om die geleentheid te ondersteun
- Dankie vir ons wetstoepassers wat ook saam met ons vennote gaan werk om seker te maak geleentheid verloop sonder insident

3.	COMMUNICATION BY THE SPEAKER
-----------	-------------------------------------

“Good morning to:

- The Executive Mayor, Advocate Gesie Van Deventer
- The Municipal Manager, Ms. Geraldine Mettler
- All other Aldermen and Alderwomen
- All Councilors
- All Directors and Staff members present
- Pastor Fikeni and all other members of the Public and other dignitaries.

Let me Welcome you all back to **Business** to the 34th Council Meeting and the first one of the Year 2020. Allow me to welcome you all after the break and may you all have a very successful year with your beloved families, friends and ward participants. To the matriculates of 2019 that was successful- congratulations on your achievements.

The year 2020 for me is: The Year of Vision and Self Reflection – With this in mind let me also welcome the Students back to the University as well to the learners back to school.

Councilors must please note the importance of attending the COMPUTER training scheduled for 17 & 18 February 2020. Furthermore Councilors please attend the All Ward Councilors meeting scheduled for 19 February 2020 – I value the commitment of all Ward Councilors to this training and All Ward Councilors session in order for us as a collective to phase the challenges of our different Communities.

Fellow members of Council – during the holiday season a few members of our town has pass on:

They were:

- Mrs. Aucamp from the Stellenbosch Ratepayers Organization
- The sister of the Chief Whip, Alderman Biscombe, Merle Pedro and
- The father of Cllr Charles Manuel, the Late Charles Manuel Senior.

Let us think of them during this time of bereavement

Birthdays

- During January 2020 the following Councillors celebrated their respective birthdays: Cllr Derrick Hendrickse on 12 January and Cllr Nokuthula Mananga-Gugushe on 5 January.
- During February 2020 the following Councilors will be celebrating their birthdays: Cllr Mzolisi Oliphant on 4 February
Cllrs Deputy Mayor Wilhelmina Petersen and the Twins
Cllrs Alwyn Hanekom and Cllr Donovan Joubert both on the 21st February

Allow us to congratulate them on their birthdays and may they enjoy this special days with their families.

VOTE OF THANKS

- A special thanks to all municipal staff who have worked hard during the festive season, especially the disaster management team and fire services.

We now move to the items on the Agenda / Ons beweeg nou na die items op die Agenda.

Thank you!”

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
-----------	---

- The Municipal Manager, Ms G Mettler, welcomed all Councillors back after the recess period. Her wish is that the municipality will continue this year in wisdom, peace and unity in service delivery.
- On behalf of the Administration, she expressed sincere condolences towards the family and friends of Mr Jacobus Andrew Moses who passed away on 10 January 2020. Mr Moses worked in the Engineering Department at Waste Management.

5.	DISCLOSURE OF INTERESTS
-----------	--------------------------------

NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE
-----------	--

6.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr P Crawley (Ms)	–	29 January 2020
Cllr Z Dalling (Ms)	–	29 January 2020
Cllr C Manuel	–	29 January 2020
Cllr MD Oliphant	–	29 January 2020

6.2 Permission was granted to the following Councillors to leave the meeting earlier:

Cllr FT Bangani-Menziwa (Ms)	–	at 12:00
Cllr NE Mcombring (Ms)	–	from 13:30-15:20
Cllr LK Horsband (Ms)	–	at 14:00; and
Cllr R Du Toit (Ms)	–	14:15

7.	APPROVAL OF MINUTES OF PREVIOUS COUNCIL
-----------	--

7.1	CONFIRMATION OF MINUTES OF THE 33RD COUNCIL MEETING: 2019-11-27
------------	---

The minutes of the 33rd Council Meeting: 2019-11-27 were **confirmed as correct**, subject to the following amendment on page 5:

That the name of Cllr N Mananga-Gugushe (Ms) be added to the list of Councillors whose APPLICATION FOR LEAVE OF ABSENCE were APPROVED and be removed from being ABSENT on page 5 of said minutes.

8.	STATUTORY MATTERS
-----------	--------------------------

8.1	TABLING OF THE DRAFT ANNUAL REPORT 2018/19
------------	---

Collaborator No: 674978
IDP KPA Ref No: *Good Governance and Compliance*
Meeting Date: 22 January 2020

1. SUBJECT: TABLING OF THE DRAFT ANNUAL REPORT 2018/19

2. PURPOSE

To table to Council the Draft Annual Report for 2018/19 for consideration and to be released for public comment.

Furthermore, it is also the purpose of this submission to, after consideration of the Draft Annual Report 2018/19 by Council, to refer the Draft Annual Report 2018/19 to the Municipal Public Accounts Committee (MPAC) to fulfill the role of an Oversight Committee and make to make a recommendation to Council as contemplated in Section 129(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA).

3. DELEGATED AUTHORITY

The Executive Mayor must table the Annual Report in Council in terms of Section 127(2) read together with Sections 121 and 129 of the MFMA. The report must also be released for public comments in terms of Section 127(5) of the MFMA.

4. EXECUTIVE SUMMARY

The Annual Report must be tabled by the Executive Mayor within 7 months after the end of the financial year. The Draft Annual Report must be made public and the Municipal Manager must invite the public to provide input into the report. It has become practise that the Oversight Committee also invites the public to make verbal representations at meetings where the report is being discussed. A schedule with proposed dates for the meetings is also included hereto as **ANNEXURE A**. Council resolved in 2017 that MPAC has, as part of their terms of reference, the role to sit as Oversight Committee to consider the Draft Annual Report.

34TH COUNCIL MEETING: 2020-01-29: ITEM 8.1

During the debate and while speaking to his amendment, Cllr DA Hendrickse expressed the view that all Councillors should be furnished with the Auditor-General's Management Report where the details of the A-G's findings are stated, whereto all councillors are legally entitled to in order for Council to exercise its oversight role. In support of his contention, Cllr Hendrickse quoted portions from written communication he had received from the A-G's Office in connection with a pertinent enquiry on this matter. Cllr Hendrickse wanted it noted that he is very dissatisfied with Administration's resolute refusal to provide the A-G's Management Report to all Councillors.

In response to Cllr Hendrickse's contention, The Municipal Manager clarified that the Management Report is for **Management**, and that it is the Auditor-General's Report that is for Council's perusal in terms of its oversight function. Nevertheless, the Municipal Manager explained that Administration's stance on the matter is within the framework of relevant legislation, and that, as per the Public Audit Act, any Councillor is free to apply for pertinent documentation or information by submitting an official Request For Information (RFI) to the Speaker's Office, whereupon the Speaker shall make an appropriate determination.

Cllr F Adams voiced his regret that the A-G's Management Report is not made available to Council as had been the case until some 2-3 years ago. Cllr Adams specifically requested that it be minuted that he (the DNCA) is extremely unhappy with the current situation where Council is denied access to an important document such as the A-G's Management Report.

RESOLVED (majority vote)

- (a) that Council notes the Draft Annual Report of 2018/19;
- (b) that Council takes note that the Municipal Manager will make the Draft Annual Report 2018/19 public for comment on the official website of the Stellenbosch Municipality and at the offices of the Municipality for a period of 21 days; the public will be invited through local print media to provide written inputs / comments on the draft report on or before 1 March 2020;
- (c) that Council refers the Draft Annual Report 2018/19 (**ANNEXURE B**) to MPAC to consider the Draft Annual Report 2018/19 and make recommendations to Council as contemplated in Section 129(1) of the MFMA;
- (d) that the proposed dates for the MPAC / Oversight meetings where the Draft Annual Report of 2018/19 will be discussed is detailed in Annexure A hereto: *(It should be noted that these are proposed dates which must still be confirmed by the MPAC Chairperson and the final dates will be advertised in the local print media);*
- (e) that Council approves MPAC's mandate to co-opt two members of the public with expertise in specific fields to assist and advise the Committee;

Rates for additional nominated community members as per Treasury Regulation 20.2.2. The once-off preparation tariff was used as a guide since the national Treasury does not have guidance in that regard. Consultation must take place to decide if the rate will remain the same.

Tariff	Number of co-opted Members	Not exceeding no. of hours	Remuneration
<i>Per hour tariff for attendance of meeting as a member</i>	2	45 hours	R 327.00 per hour
<i>Once-off Tariff for duties performed in preparation</i>	2	6 hours	R 1500 (for six hours)

- (f) that Council approves that the co-opted members can be remunerated in line with the recommendations of National Treasury Regulation in this regard.

The following Councillors requested that their votes of dissent be minuted:

Cllrs F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

8.2	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2019/2020
-----	---

Collaborator No: 675036
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 January 2020

1. SUBJECT: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2019/2020

2. PURPOSE

To submit the Section 72 Report (Mid-year Budget and Performance Assessment) to Council.

3. DELEGATED AUTHORITY

FOR NOTICE BY MUNICIPAL COUNCIL

In terms of Section 54 of the Municipal Finance Management Act (MFMA), 56 of 2003.

4. EXECUTIVE SUMMARY

This report provides the progress made by the Municipality in terms of the Service Delivery Budget and Implementation Plan (SDBIP) for the period 1 July 2019 to 31 December 2019.

34TH COUNCIL MEETING: 2020-01-29: ITEM 8.2

RESOLVED (majority vote)

- (a) that Council takes note of the report and more specifically the assessment and forecasts contained in the report;
- (b) that Council takes note that an Adjustments Budget will be tabled to Council as a result of the following:
 - the appropriation of additional allocations received and increased realistically anticipated revenue during the financial year;
 - the reprioritization of projects in line with being completed by the communicated cut-off dates to facilitate year- end preparation;
- (c) that Council notes the performance of the Municipality against the set objectives contained in Section 2; and
- (d) that the Accounting Officer attends to ensuring that Directors put the necessary corrective measures in place to ensure that projects are managed proactively in a bid to ensure that Council meets its strategic objectives contained in the Service Delivery and Budget Implementation Plan and to report on same at the end of quarter.

The following Councillors requested that their votes of dissent be minuted:

Cllrs F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

8.3	MID-YEAR ADJUSTMENTS BUDGET FOR 2019/2020
------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 January 2020

1. SUBJECT: MID-YEAR ADJUSTMENTS BUDGET FOR 2019/2020

2. PURPOSE

To table the adjustments budget as envisaged by section 28 of the Municipal Finance Management Act (Act No.56 of 2003), for the 2019/2020 financial year, for approval.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This adjustments budget addresses adjustments in terms of section 28 (2) a, b, d & f of the MFMA and is further explained as required by section 28 (2).

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

34TH COUNCIL MEETING: 2020-01-29: ITEM 8.3

The Executive Mayor's Budget Speech is attached as an **APPENDIX**.

RESOLVED (majority vote)

- (a) that the Adjustments Budget as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 and 2**, be approved;
- (b) that the following capital projects be adjusted over the MTREF (2020/2021) as follows:

Project	2020/2021	2021/2022
Upgrade Refuse disposal site (Existing Cell)- Rehab	2 500 000	1 000 000
Waste Minimization Projects	500 000	-
Basic Services Improvements: Langrug	8 220 682	5 500 000
Upgrade of WWTW: Pniel & Decommissioning Of Franschhoek	32 800 000	36 000 000
Bulk water supply pipe and Reservoir: Kayamandi	19 500 000	-
Water Conservation & Demand Management	10 000 000	5 000 000
Waterpipe Replacement	8 000 000	7 000 000
Khayamandi Pedestrian Crossing (R304, River and Railway Line)	2 000 000	-
La Motte Clubhouse	800 000	-
Public Ablution Facilities: Franschhoek	1 000 000	-
Upgrading of Traffic Offices: Stellenbosch	8 000 000	2 000 000
Spray/Water Parks	5 500 000	1 000 000
Upgrading of Stellenbosch Fire Station	5 000 000	-
Mont Rochelle Nature Reserve: Upgrade of Facilities.	1 000 000	-

- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

MINUTES

**34TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY**

2020-01-29

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	KEVIN CAROLUS
<i>POSITION</i>	<i>CHIEF FINANCIAL OFFICER</i>
<i>DIRECTORATE</i>	<i>FINANCIAL SERVICES</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8528</i>
<i>E-MAIL ADDRESS</i>	<i>Kevin.Carolus@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>29 January 2020</i>

8.4	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2019/20
-----	--

Collaborator No: 674961
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 22 January 2020

1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2019/20

2. PURPOSE

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2019/20.

3. DELEGATED AUTHORITY

In terms of the Local Government: Municipal Finance Management Act, No. 56 of 2003, section 54(1)(c) *"the mayor must, consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget..."*

4. EXECUTIVE SUMMARY

The TL SDBIP 2019/20 was approved by the Executive Mayor on 26 June 2019.

It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA), to review its performance indicators and targets after approving the adjustments budget.

The TL SDBIP 2019/20 (as approved by the Executive Mayor) is attached hereto as **ANNEXURE A**. All changes (for ease of reference) which should be deleted and or amended are indicated with a strikethrough and an underline respectively.

It must also be noted that the TL SDBIP 2019/20 is the in-year plan of the municipality and amendments made to the TL SDBIP 2019/20 must also be read in conjunction with the Integrated Development Plan (IDP). Therefore changes made to the TL SDBIP 2019/20 are considered to be made in the IDP as well.

These changes will be effected with the review process of the IDP 2017-2022 to be submitted to Council for final approval during May 2020.

The reasons for the amendments to the following KPIs are as follows:

- a) KPI007- The target for the 2019/20 was increased due to more job opportunities created through the Municipality's EPWP programme;
- b) KPI018- The SMART (specific, measurable, attainable, realistic and time bound) principle is applied;
- c) KPI079- The target date was moved in terms of the meeting schedule of the portfolio committees;
- d) KPI026- The target date was moved to bring the indicator in line with the IDP submission to Council in May 2020;
- e) KPI027- The target date was moved in terms of the meeting schedule of the portfolio committees;
- f) KPI059- Target revised to bring it in line with budget;
- g) KPI039- The SMART principle is applied;

- h) KPI043- The SMART principle is applied;
- i) KPI044- The SMART principle is applied;
- j) KPI045- The SMART principle is applied;
- k) KPI074- The SMART principle is applied;
- l) KPI075- The SMART principle is applied;
- m) KPI076- The SMART principle is applied;
- n) KPI077- The SMART principle is applied; and
- o) KPI064- The SMART principle is applied;

The spelling and grammar in the document were also corrected where needed.

34TH COUNCIL MEETING: 2020-01-29: ITEM 8.4

Councillor F Adams requested that the Municipal Manager submit the Employment Equity Report to the next Council meeting (see KPI058 (POE) on page 676). He also posed a question namely, "what is the purpose of the Consultant?"

RESOLVED (majority vote)

- (a) that the Revised TL SDBIP 2019/20 be approved;
- (b) that the Revised TL SDBIP 2019/20 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2019/20 be submitted to:
 - i. Internal Audit Unit (for notification);
 - ii Department of Local Government: Western Cape;
 - iii Provincial Treasury: Western Cape;
 - iv Auditor-General of South Africa; and
 - v National Treasury.

The following Councillors requested that their votes of dissent be minuted:

Cllrs F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Ms Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8035
E-MAIL ADDRESS	Shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	14 January 2020

8.5	MFMA SECTION 52 REPORTING UP TO DECEMBER 2019
------------	--

Collaborator No: 675033
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 January 2020

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO DECEMBER 2019

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 2 of the 2019/20 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

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

“The mayor of a municipality—

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

4. EXECUTIVE SUMMARY

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

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

This report provides the overall performance of the Municipality for the period 1 October 2019 to 31 December 2019.

34TH COUNCIL MEETING: 2020-01-29: ITEM 8.5

NOTED

the Section 52 Report (including quarterly performance report) – The second Quarter.

8.6	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2019 - 31 DECEMBER 2019)
-----	--

Collaborator No: 675011
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 22 January 2020

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2019 - 31 DECEMBER 2019)

2. PURPOSE

To submit to Council a report for the period 01 October 2019 – 31 December 2019 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

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

4. EXECUTIVE SUMMARY

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

34TH COUNCIL MEETING: 2020-01-29: ITEM 8.6

NOTED

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

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@ Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>08 January 2020</i>

8.7	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER AND DECEMBER 2019
------------	---

Collaborator No: *8/1*
 BUDGET KPA Ref No: *Good Governance and Compliance*
 Meeting Date: *29 January 2020*

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER AND DECEMBER 2019

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

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

34TH COUNCIL MEETING: 2020-01-29: ITEM 8.7

NOTED

the deviations as listed for the months of November and December 2019.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	<i>CFO</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@stellenbosch.gov.za</i>
REPORT DATE	<i>08 January 2020</i>

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
----	---

34TH COUNCIL MEETING: 2020-01-29: ITEM 9**NOTED**

The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council.

10.	ITEMS FOR NOTING
-----	-------------------------

10.1	REPORT/S BY THE EXECUTIVE MAYOR
------	--

10.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: OCTOBER 2019 TO DECEMBER 2019
--------	--

File No.:
 Collaborator No: 674519
 IDP KPA Ref No: N/A
 Meeting Date: 2020-01-29

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor from October 2019 to December 2019 (see **APPENDIX 1**).

2. BACKGROUND

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

According to the Municipal Systems Act 60 (1)(b)

“(1) the following powers may, within policy framework determined by the municipal council be delegated to an executive committee or executive mayor only (b) the determination or alternation of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

3. FINANCIAL IMPLICATIONS

None

34TH COUNCIL MEETING: 2020-01-29: ITEM 10.1.1**NOTED**

the decisions taken by the Executive Mayor for the period October to December 2019.

10.1.2	REPORT BY THE EXECUTIVE MAYOR: DECISIONS TAKEN DURING COUNCIL RECESS
--------	---

File No.:

Collaborator No:

IDP KPA Ref No:

Meeting Date:

N/A

2020-01-29

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor during the Council recess of 2019 / 2020.

2. BACKGROUND

In terms of the system of delegations the Executive Mayor has the duty to report to delegating authority on decisions taken in terms of that delegated power.

Delegation CL8 of the new System of Delegations provides a delegation to the Executive Mayor

‘to exercise any power of the Council and/or its political structures as well as designated powers during recess of Council.’

The Stellenbosch Municipality has been operating over the festive season without closing the offices. Council resolved that the offices may close down at 12h00 on the last work day before Christmas day as well as the last working day before New Year’s Day every year. The approved delegations only provides delegations to the Municipal Manager to decide on early closure of offices and not a total closure of the Municipality.

Management was requested by IMATU to consider the closure of the municipal offices between Christmas and New Year. SAMWU agreed with the proposal made.

Council was in recess and the Executive Mayor approved the closure as per delegation CL8 above [see **APPENDIX 1**].

3. LEGISLATIVE FRAMEWORK

Council approves the closure of municipal offices but Council was in recess and the Executive Mayor has the authority to make decisions when Council is in recess, as per Council delegation CL8 and Section 59(1) of the Municipal Systems Act.

4. FINANCIAL IMPLICATIONS

All employees, except employees listed under services mentioned in **APPENDIX 1**, must put in leave for 3 workdays; therefore no additional financial implications.

34TH COUNCIL MEETING: 2020-01-29: ITEM 10.1.2

NOTED

the decisions taken by the Executive Mayor during the Council recess of 2019 / 2020.

10.2	REPORT/S BY THE SPEAKER
-------------	--------------------------------

NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
-------------	--

10.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 OCTOBER 2019 UNTIL 31 DECEMBER 2019
---------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

29 January 2020

1. DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 OCTOBER 2019 UNTIL 31 DECEMBER 2019

2. PURPOSE OF REPORT

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 October 2019 until 31 December 2019, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

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

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

34TH COUNCIL MEETING: 2020-01-29: ITEM 10.3.1

NOTED

the decisions taken for the period 01 October 2019 until 31 December 2019, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 October 2019 – 31 December 2019).
- Director Corporate Services – Ms A de Beer (01 October 2019 – 31 December 2019).
- Director Infrastructure Services – Mr D Louw (01 October 2019 – 31 December 2019).
- Director Community and Protection Services – Mr G Boshoff (01 October 2019 – 30 November 2019).
- Director Planning and Economic Development – Mr T Mfeya (01 October 2019 – 31 December 2019).
- Chief Financial Officer – Mr K Carolus (01 October 2019 – 31 December 2019).

10.3.2	REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) 2019
--------	--

Collaborator No:

IDP KPA Ref No:

Good governance and compliance

Meeting Date:

29 January 2020

1. REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) – 2019

2. PURPOSE

To report to Council on the donations that have been paid out to applicants in line with the guidelines approved by Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The fund was established during 2017. The purpose of the item is to provide feedback on the donations that have been paid out to applicants in line with the Guidelines approved by Council.

34TH COUNCIL MEETING: 2020-01-29: ITEM 10.3.2

NOTED

the donations that have been paid from the Relief and Charitable Fund up to December 2019.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	22 January 2020

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
-----	--

11.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR FJ BADENHORST)
------	---

NONE

11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
------	---

11.2.1	PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH
--------	---

Collaborator No: 674945
IDP KPA Ref No: *Good Governance*
Meeting Date: 22 January 2020

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH

2. PURPOSE

To obtain Council's final approval for the renewal of the Lease Agreement on erven 3389 and 607, also known as Burgerhuis with Historiese Huise.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

On 2019-09-25 Council, in principle, agree to the renewal of this Lease Agreement for a further period of 9 years and 11 months, with a 3 months' early termination clause, subject to Council's intention to enter into the lease being advertised for public comments/inputs/objections.

An official notice was published in the local media on 31 October 2019 soliciting public input by not later than 21 November 2019. A copy of the notice is attached as **APPENDIX 3**. No comment/inputs or objections were received.

Following the public notice period, Council must now make a final determination in this regard. The valuation indicates a market related rental of R25 950.00 (excluding VAT). Council in principle approved a 50% percentage of the market related rental in view of the money the Historiese Huise invest into the maintenance of the property and the fact that it is used for the greater Stellenbosch community. 50% of the market related rental is R12 975.00 (Excluding of VAT). The current rental amount is R5 429.48 (Excluding of VAT).

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.1**RESOLVED** (majority vote)

- (a) that Council takes note of the fact that no written submissions were received;
- (b) that Council notes the amount of the fair market value and the implications the 50% rate has for the applicants;
- (c) that Council approves the renewal of the Lease Agreement with Historiese Huise van Suid Afrika Beperk in regard to erven 3389 and 607, for a period of 9 years and 11 months, subject to a 3 months' early termination;
- (d) that, given the fair market value amount and amounts spent on maintenance by the applicants, the rate be reduced to 25% of the fair market value; and
- (e) that, given the reduction in rate, the intention to enter into an agreement at the reduced rate be advertised again for any objections. Should no objections be received, the Municipal Manager be mandated to continue with the finalisation of the lease agreement.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2019-11-27

11.2.2	PROPOSED RENEWAL OF LEASE AGREEMENT: BERGZICHT TRAINING CENTRE: PORTION OF REMAINDER ERF 235, STELLENBOSCH
--------	---

Collaborator No: 674948
IDP KPA Ref No: *Good Governance*
Meeting Date: 22 January 2020

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: BERGZICHT TRAINING CENTRE: PORTION OF REMAINDER ERF 235, STELLENBOSCH

2. PURPOSE

To obtain Council's final approval for the renewal of the Lease Agreement with Bergzicht Training Centre – erf 235 Stellenbosch.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

On 2019-09-25 Council considered a request from Bergzicht Training Centre for the renewal of their Lease Agreement for a further period of 9 years and 11 months.

Council approved, in principle, the renewal of the Lease Agreement for a 2 year period, subject to Council's intention to enter into the lease agreement being advertised for public input/comment/objections.

On 31 October 2019 an official notice was published in the local media, soliciting public inputs, comments, objection by not later than 21 November 2019. A copy of the notice is attached as **APPENDIX 3**. A number of inputs were received – see paragraph 6.1.2 below. The comments/inputs mostly deal with the proposed short period of the Lease, i.e. 2 years with early termination clause of 3 months written notice. They request a 9 year and 11 months period with a 6 months early termination clause.

A valuation report dated 08 October 2019, compiled by Pendo Property Valuers. In terms hereof the monthly fair market rental is determined at R67 700 (Exclusive of VAT). Council in principle approved a 20% rate of the market related rental given the role the training centre plays for the bigger community. This will amount to a monthly rental of R13540.00 (Exclusive of VAT). The current monthly rental is R10 604.45(Exclusive of VAT).

Following the public participation process, Council must now consider the inputs received. Council must also consider the fair market rental for the property.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.2

RESOLVED (majority vote)

- (a) that Council takes note of the comment/inputs received;
- (b) that, given the input, Council approves the renewal of the lease with the Bergzicht Training Centre for a period of 9 years and 11 months;
- (c) that the lease is subject thereto that when a new premises become available the transfer of the lease to a new premises be considered; and
- (d) that the rental be determined at 20 % of the market related rental (R13540.00 exclusive of VAT).

The following Councillors requested that their votes of dissent be minuted:

Cllrs F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-11-27

11.2.3	ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722
---------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 January 2020

1. SUBJECT: ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722**2. PURPOSE**

To obtain Council's approval to conclude an Encroachment Agreement with Horizon House to enable them to utilise/manage a portion of erf 3722, Onder Papegaaiberg, Stellenbosch on an encroachment basis and to put up a fence encroaching onto the Patrys Road street reserve and adjacent Lease Farm 183 D.

3. DELEGATED AUTHORITY

The current delegations does not make provision for the approval of encroachment agreements and as this is seen as long term use of Council property in the absence of a delegations must be dealt with by Council.

4. EXECUTIVE SUMMARY

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trials, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis. The current tariff used for determining the rental is attached as **APPENDIX 5**.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.3**RESOLVED** (majority vote)

- (a) that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land as indicated on Fig 3,4 and 5 respectively, be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;
- (b) that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request subject to advertising the intent to enter into the agreement for public comment/inputs/objections; and
- (c) that the rental be determined as per the tariff rate.

The following Councillors requested that their votes of dissent be minuted:

Cllrs DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

11.2.4	CUSTOMER CARE FRAMEWORK
--------	--------------------------------

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 January 2020

1. SUBJECT: CUSTOMER CARE FRAMEWORK

2. PURPOSE

To inform and get approval of Council of the draft customer care framework within which the customer care electronic solution will be rolled out within the Stellenbosch Municipal Area (WC024) to improve service delivery structures and mechanisms in order to provide quality and consistent services to our customers.

3. DELEGATED AUTHORITY

Council approves frameworks for the administration to operate within.

4. EXECUTIVE SUMMARY

The report seeks to inform the Council with regards to the draft Customer Care Framework as well as the implementation of an electronic customer care management system. Although the municipality is already delivering quality services to its customers, the Administration uses various methods to keep track of service delivery complaints on different platforms and information is not centralised to be used for business decision and reporting purposes. By employing a central customer care electronic system for all Directorates it will improve the control over the complaints and provide info on the turnaround times and outstanding problems. It will also give valuable information to the staff to enable business decision on even asset management. This system will allow the Administration to manage our Service Delivery Units more effectively through management reports and analysis.

The implementation of the framework will force all directorates to develop standard turnaround times and they can be measured on the attention to complaints against these turnaround times.

This item served before Mayco in November and was referred back to the department to enable a presentation of the new electronic system to Mayco. This presentation took place on 15 January 2020. The item is resubmitted for the approval of the framework.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.4

RESOLVED (majority vote)

- (a) that the draft Customer Care Framework be approved;
- (b) that the Standard Operating Procedure be noted; and
- (c) that it be noted that a GIS-based customer care system will be customised and rolled out with a target date of June 2020 for full implementation.

Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
------	--

11.3.1	WRITE-OFF OF DEBTS – INDIGENT CONSUMERS
--------	--

Collaborator No: 675015
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 January 2020

1. SUBJECT: WRITE-OFF OF DEBTS – INDIGENT CONSUMERS

2. PURPOSE

To request Council to approve the writing off of indigent debt that is considered to be irrecoverable.

3. DELEGATED AUTHORITY

Council to approve in terms of the approved Irrecoverable Debts Policy.

4. EXECUTIVE SUMMARY

Indigent debt rises constantly despite the fact that it is periodically written off by Council. This is mainly due to the municipality's inability to terminate or restrict electricity supply in areas where the municipality does not provide the service, coupled with the municipality's inability to manage and prevent excessive consumption of water.

Large scale installation of Water Management Devices (WMDs) will provide relief for both challenges, as it will assist in preventing an indigent consumer from building up an outstanding amount that he is unable to pay.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.3.1

RESOLVED (majority vote)

- (a) that it be noted that the write-off of indigent debt older than 90 days with regard to indigent consumers currently amounts to R17 267 791.18 as listed in **ANNEXURE 1**;
- (b) that the indigent accounts listed in **ANNEXURE 1** be written off as irrecoverable at the amounts reflected as being outstanding for ninety days in the Financial System of the Municipality on the day of actual write-off;
- (c) that a concerted effort be made to install Water Management Devices, capped at 6 kilolitres per month, at the properties of all indigent consumers;
- (d) that before write-off the indigent status be verified; and
- (e) that a condition of write-off is that Water Management devices for every indigent customer is installed; should the department not have adequate capacity to install the Water Management devices, the Municipal Manager is mandated to contract a service provider.

Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.

11.3.2	REVISED INDIGENT POLICY
--------	-------------------------

Collaborator No: 675017
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 22 January 2020

1. **SUBJECT: REVISED INDIGENT POLICY**

2. **PURPOSE**

Council to approve amendments to the Indigent Policy.

3. **DELEGATED AUTHORITY**

Council to approve.

4. **EXECUTIVE SUMMARY**

Shortcomings pointed out by the Auditor General (AG) during the audit of the 2018/19 financial year necessitate that certain amendments be made to the Indigent Policy.

The amendments proposed herein will address the concern of the AG, prevent possible audit queries in future and also make the Policy more user friendly in general to both Indigent residents as well as the Administration.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.3.2

The Speaker **RULED**

that this matter be referred back to the Administration for refinement whereafter same be resubmitted at the next Council meeting in February 2020.

FOR FURTHER DETAILS CONTACT:

NAME	<i>A Treurnich</i>
POSITION	
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8016</i>
E-MAIL ADDRESS	<i>Andre.treurnich@stellenbosch.org.za</i>
REPORT DATE	<i>17 January 2020</i>

11.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
11.4.1	IDAS VALLEY LOW COST HOUSING PROJECT- CRITERIA FOR THE SELECTION OF BENEFICIARIES

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

22 January 2020

1. SUBJECT: IDAS VALLEY LOW COST HOUSING PROJECT- CRITERIA FOR THE SELECTION OF BENEFICIARIES

2. PURPOSE

The main objective of the report is to obtain approval from Council for the criteria to be used for the selection of beneficiaries to be allocated houses in the Ida's Valley Low Cost Housing Project.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The application is for Council to approve the beneficiary selection criteria to be used for the selection of beneficiaries and the allocation for the 89 Low Cost Houses in Ida's Valley Housing Project.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.4.1

RESOLVED (majority vote with abstentions)

- (a) that 90% of the beneficiaries be applicants residing in Ida's Valley and its surrounding farms in Ward 5 and Ward 6 who appear on the Municipal Housing Demand Database in order of their date of application;
- (b) that prioritisation be given to the oldest beneficiaries, but not to beneficiaries younger than 40 years of age in order of the registration date;
- (c) that prioritisation be given to households with applicant(s) or dependants with permanent disability and proof of such obtained from SASSA in a registration date ordered list; and
- (d) that 10% of the sites be reserved for people who qualify for housing assistance in terms of the Emergency Housing Policy already on the list, and preference be given to people residing in Ward 5 and Ward 6.

Councillor F Adams requested that his vote of dissent be minuted.

11.4.2	TO ENTER INTO A LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHI'S) AND/OR OTHER DEVELOPMENT AGENCIES (ODA) FOR THE DEVELOPMENT AND MANAGEMENT OF AFFORDABLE RENTAL ACCOMMODATION IN THE APPROVED RESTRUCTURING ZONES
--------	---

Collaborator No: 675447
 IDP KPA Ref No: Good governance and Compliance
 Meeting Date: 22 January 2020

1. SUBJECT: TO ENTER INTO A LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHI'S) AND/OR OTHER DEVELOPMENT AGENCIES (ODA) FOR THE DEVELOPMENT AND MANAGEMENT OF AFFORDABLE RENTAL ACCOMMODATION IN THE APPROVED RESTRUCTURING ZONES

2. PURPOSE

The purpose of this report is to obtain Council's approval to implement the recommendations of the Draft Feasibility Study on Social Housing by entering into Land Availability Agreements, with accredited Social Housing Institutions (SHI's) and/or another Development Agencies (ODA's), in order to extend the Municipality's housing intervention measures.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Social Housing Regulatory Authority (SHRA) was established in 2010 by the Minister of Human Settlements in terms of the Social Housing Act No. 16 of 2008. Stellenbosch Municipality, was identified as one of the leader towns to promote Social Housing, requested the Provincial Department of Human Settlements and the SHRA for funding to do the necessary feasibility studies in the approved restructuring zone. On the 7th of June 2019, a service provider was appointed by SHRA to carry out feasibility studies to determine the potential for Social Housing project development on three sites located within the Stellenbosch Municipality boundary in terms of the Social Housing Regulatory Authority's contract SHRA/RFP/SDT/-1/201920. The draft feasibility study report has been completed and is available at the Human Settlements Department, Housing Development. An Executive Summary is attached as **ANNEXURE 1**.

The focus areas are 3 precincts, namely Lap Land, La Colline, Teen- die Bult are home to 22 erven in Ward 10.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.4.2

RESOLVED (majority vote with abstentions)

- (a) that Council approves in principle the development proposal of the 3 precincts namely Lap Land, La Colline, Teen-die-Bult as set out in the draft feasibility studies;
- (b) that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHI's) or Other Development Agencies (ODA's);

-
- (c) that a Smart Partnership and a Land Availability Agreement be entered into with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and
- (d) that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.

Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director: Planning and Economic Development</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	021-808 8491
E-MAIL ADDRESS	Tabiso.mfeya @stellenbosch.gov.za
REPORT DATE	20-01-2020

11.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
11.5.1	APPROVAL OF THE WATER SERVICES BY-LAW AND ADMISSION OF GUILT FINES

Collaborator No: 642472
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 20 November 2019

1. SUBJECT: APPROVAL OF THE WATER SERVICES BY-LAW AND ADMISSION OF GUILT FINES

2. PURPOSE

To submit the proposed Water Services By-Law for Stellenbosch Municipality to Council for approval.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

The Water Services By-Law is a document that must in terms of the Municipal Systems Act (Act 32 of 2000), Section 12 be adopted by Municipal Council.

4. EXECUTIVE SUMMARY

The current By-law, Water Supply, Sanitation Services and Industrial Effluent: By-Law is not aligned with the Water Services Act 108 of 1997 and its associated regulations.

The proposed Water Supply, Sanitation Services and Industrial Effluent By-Law will in comparison with the existing by-law address a wider spectrum of Water and Sewerage (Sanitation) Management matters thus ensuring that the Municipality conforms to its mandate in terms of the Constitution ensuring for clean and safe water services for its citizens.

The By-law contains provisions in support of standard procedures relating service connections to consumers, services specifications, compliance regulations and obligation matters relating to the consumers reforms aimed at minimizing the impacts and volumes of waste in addition to the municipality's Constitutional obligation to effective service delivery, to all relevant legislation.

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

The proposed By-law is also not in contradiction with any existing policies (e.g., credit control policy).

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.5.1**RESOLVED** (majority vote with abstentions)

- (a) that the content of this report be noted;
- (b) that the Draft Water Services By-Law (2019), attached as **ANNEXURE A**, be approved and adopted by Council, and be promulgated in the Provincial Gazette by the Directorate: Corporate Services' Legal Services' team;
- (c) that the By-law becomes active upon the date that it is published in the Western Cape Provincial Gazette;
- (d) that the Promulgated By-law be published on Council's official website; and
- (e) that the proposed set of Admission of Guilt Fines (Attached as **ANNEXURE B**) be accepted as the fines to be sought approval from the Chief Magistrate for this By-Law.

Councillor DA Hendrickse requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	Director
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	14 April 2019

11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
------	---

NONE

11.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))
------	---

11.7.1	FEEDBACK ON THE PUBLIC PARTICPATION PROCESS ON THE FUTURE USE / UPGRADE OF THE BRAAK
--------	---

Collaborator No: 675450
IDP KPA Ref No:
Meeting Date: 22 January 2020

1. SUBJECT: FEEDBACK ON THE PUBLIC PARTICPATION PROCESS ON THE FUTURE USE / UPGRADE OF THE BRAAK

2. PURPOSE

To provide feedback on the notice for a public participation process relating to the proposed future use / upgrade of the Braak, which was published in the Eikestad Nuus on 02/05/2019.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The 25th meeting of the Council of the Stellenbosch Municipality authorised the Municipal Manager to follow a public participation process on the proposed future use/upgrade of the Braak, and that following the public participation process Council considers the inputs received before embarking on a Call for Design Proposals.

34TH COUNCIL MEETING: 2020-01-29: ITEM 11.7.1

RESOLVED (majority vote)

- (a) that Council notes the submissions received in response to the notice published to call for public input into the proposed future use / upgrade of the Braak as discussed in the item at 6.1 and attached as (**APPENDIX A**); and
- (b) that the submitted proposals be advertised for a period of 60 days after which it be resubmitted to Council for final consideration.

The following Councillors requested that their votes of dissent be minuted:

Cllrs F Adams; DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

11.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
------	--

NONE

11.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
------	---

NONE

11.10	MUNICIPAL MANAGER
-------	--------------------------

NONE

12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
-----	--

12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
------	--

NONE

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	PERMISSION TO ATTEND A STUDY TOUR TO THE UNITED KINGDOM (UK) AND EUROPE OVER THE PERIOD OF 15 FEBRUARY 2020 UNTIL 29 FEBRUARY 2020

Collaborator No:

IDP KPA Ref No:

Good governance and compliance

Meeting Date:

29 January 2020

1. PERMISSION TO ATTEND A STUDY TOUR TO THE UNITED KINGDOM (UK) AND EUROPE OVER THE PERIOD OF 15 FEBRUARY 2020 UNTIL 29 FEBRUARY 2020**2. PURPOSE OF REPORT**

To obtain Council approval to attend a study tour on behalf of the municipality, visiting smart cities in the United Kingdom (UK) and Europe over the period of 15 February 2020 until 29 February 2020.

3. DELEGATED AUTHORITY

In terms of 9.2 of the Cost Containment Policy 2019, only the municipal council in a council meeting can approve the international travel for any official or political bearer.

4. EXECUTIVE SUMMARY

The Municipal Manager, Ms GL Mettler was invited by a joint Stellenbosch Bridge/University of Stellenbosch group to visit smart cities in Europe. Ms Mettler will represent the Stellenbosch Municipality and the study tour will take place over the period of 15 February 2020 to 29 February 2020. See attached as **APPENDICES 1 AND 2**.

34TH COUNCIL MEETING: 2020-01-29: ITEM 13.1**RESOLVED** (majority vote)

- (a) that Council approves the request for attendance of the study tour;
- (b) that Council approves the full travel cost; and
- (c) that Council approves the daily allowance for the duration of the tour as well as the cost of the Visa applications.

The following Councillors requested that their votes of dissent be minuted:

Cllrs F Adams; DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	16 January 2020

13.2	PERMISSION TO ATTEND THE WORLD URBAN FORUM IN ABU DHABI, UNITED ARAB EMIRATES FROM 8 TO 13 FEBRUARY 2020
------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

29 January 2020

1. PERMISSION TO ATTEND THE WORLD URBAN FORUM IN ABU DHABI, UNITED ARAB EMIRATES FROM 8 TO 13 FEBRUARY 2020

2. PURPOSE OF REPORT

To obtain Council approval to attend the 10th Session of the World Urban Forum (WUF) that will be hosted by the government of the United Arab Emirates from 8 to 13 February 2020 in Abu Dhabi under the theme: ***“Cities of Opportunities: Connecting Culture and Innovation”***.

3. DELEGATED AUTHORITY

In terms of 9.2 of the Cost Containment Policy 2019, only the municipal council in a council meeting can approve the international travel for any official or political bearer.

4. EXECUTIVE SUMMARY

The Manager of the Project Management Unit, Ms M Francis, was nominated to participate as one of the members of the learning network group that will represent Stellenbosch Municipality. The invitation for the Integrated Urban Development Framework (IUDF) will take place from 8 to 13 February 2020 in Abu Dhabi, United Arab Emirates.

The invitation by the Learning Network, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), sponsor's one person from a municipality to attend the WUF. Sponsorship also includes return economy class tickets from Johannesburg to Abu Dhabi as well as accommodation in Abu Dhabi. See attached as **APPENDIX 1**. The municipality will only be responsible for the provision of cost of domestic return flights from Cape Town to Johannesburg as well as the daily allowance.

34TH COUNCIL MEETING: 2020-01-29: ITEM 13.2

RESOLVED (nem con)

- (a) that Council approves the request for attendance of the World Urban Forum;
- (b) that Council approves the cost of the domestic travel allowances to be paid; and
- (c) that Council approves the daily allowance for the duration of the forum as well as the cost of the Visa application.

13.3	MUNICIPAL DEMARCATION BOARD: DELIMITATION OF WARDS 2019/20 PROCESS
------	---

Collaborator No:

IDP KPA Ref No:

Good governance and compliance

Meeting Date:

29 January 2020

1. SUBJECT: STATUS REPORT - MUNICIPAL DEMARCATION BOARD: DELIMITATION OF WARDS 2019/20 PROCESS

2. PURPOSE

To report on the status of the above process undertaken by the Municipal Demarcation Board in preparation for the 2021 elections.

3. DELEGATED AUTHORITY

Council for noting

4. EXECUTIVE SUMMARY

The MDB is in the process of delimiting wards for all metropolitan and local municipalities in preparation for the 2021 elections. Following the publication of the number of councillors by the MEC (Annexure 1) responsible for local government the MDB calculated the number of wards, norms and variances for each municipality. Thereafter the MDB conducted technical consultation sessions with GIS and Planning officials in local and metropolitan municipalities during September 2019. These sessions sought to attain optimal configuration of the draft wards and to address any geographic challenges experienced by municipalities since the finalisation of wards in the previous round of ward delimitations in 2016. Draft wards for all metropolitan and local municipalities have been finalised (Annexure 2 – Draft Set 1 – Stellenbosch Municipality) for public consultation on 14 February 2020. Draft wards are meant to facilitate and guide inputs during the forth-coming public consultation session(s). Draft wards have no legal status, therefore members of the public and stakeholders are encouraged to engage with them and, if necessary, provide inputs on how the final wards should be configured.

It is important to note that the above process does not include demarcation or re-determination of municipal boundaries but only delimitation of wards.

34TH COUNCIL MEETING: 2020-01-29: ITEM 13.3

NOTED

- (a) the status of the Municipal Demarcation Board: Delimitation of Wards in preparation for the 2021 elections, as well as the associated timeframes for the conclusion of the process;
- (b) the Draft Set 1 Ward Boundaries for Stellenbosch Municipality; and
- (c) the upcoming Municipal Demarcation Board public consultation session scheduled for 14 February 2020.

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
-----	---

14.1	QUESTION BY COUNCILLOR LK HORSBAND (MS): ARBITRATION AWARD: MATTER BETWEEN STELLENBOSCH MUNICIPALITY AND MS T RUBUSHA
------	--

A Notice of a Question, dated 2020-01-14, was received from Councillor LK Horsband (Ms) regarding arbitration award: matter between Stellenbosch Municipality and Ms T Rubusha.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

34TH COUNCIL MEETING: 2020-01-29: ITEM 14.1

It was noted that, notwithstanding the leave of absence of Cllr LK Horsband (Ms), a written reply to the Councillor's question had been provided.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i><u>Municipal.Manager@stellenbosch.gov.za</u></i>
REPORT DATE	<i>2020-01-29</i>

14.2	QUESTION BY COUNCILLOR LK HORSBAND (MS): MARKETING OF 89 HOUSES IN IDAS VALLEY
------	---

A Notice of a Question, dated 2020-01-14, was received from Councillor LK Horsband (Ms) regarding the marketing of 89 houses in Ida's Valley.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

34TH COUNCIL MEETING: 2020-01-29: ITEM 14.2

It was noted that, notwithstanding the leave of absence of Cllr LK Horsband (Ms), a written reply to the Councillor's question had been provided.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	2020-01-29

14.3	QUESTION BY COUNCILLOR F ADAMS: PROJECT TO UPGRADE THE MUNICIPAL FLATS IN LONG AND KLOOF STREETS
------	---

A Notice of a Question, dated 2020-01-14, was received from Councillor F Adams regarding project to upgrade the municipal flats in Long and Kloof Streets.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

34TH COUNCIL MEETING: 2020-01-29: ITEM 14.3

The response on Cllr F Adams's question was NOTED. The Speaker RULED that Cllr F Adams is welcome to submit in writing a follow-up question.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	<i>2020-01-29</i>

14.4	QUESTION BY COUNCILLOR F ADAMS: REPLACEMENT OF CLLR F ADAMS TO COUNCIL IN JULY 2019
------	--

A Notice of a Question, dated 2020-01-14, was received from Councillor F Adams regarding replacement of Cllr F Adams to Council in July 2019.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

34TH COUNCIL MEETING: 2020-01-29: ITEM 14.4

The response on Cllr F Adams's question was NOTED. The Speaker RULED that Cllr F Adams is welcome to submit in writing a follow-up question.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	2020-01-29

14.5	QUESTION BY COUNCILLOR DA HENDRICKSE: AWARD OF TENDER: SOEKMEKAAR HOUSING PROJECT
------	--

A Notice of a Question, dated 2020-01-14, was received from Councillor DA Hendrickse regarding the Award of Tender: Soekmekaar Housing Project.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

34TH COUNCIL MEETING: 2020-01-29: ITEM 14.5

The response on Cllr DA Hendrickse's question was NOTED. The Speaker RULED that Cllr DA Hendrickse is welcome to submit in writing a follow-up question.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	2020-01-29

14.6	QUESTION BY COUNCILLOR DA HENDRICKSE: APPOINTMENT OF MR D LOUW
-------------	---

A Notice of a Question, dated 2020-01-14, was received from Councillor DA Hendrickse regarding the appointment of Mr D Louw.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

34TH COUNCIL MEETING: 2020-01-29: ITEM 14.6

The response on Cllr DA Hendrickse's question was NOTED. The Speaker RULED that Cllr DA Hendrickse is welcome to submit in writing a follow-up question.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	<i>2020-01-29</i>

15.	CONSIDERATION OF URGENT MOTIONS
------------	--

NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
------------	--

NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
------------	---

NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
------------	---

18.1	RECONSTITUTION OF SECTION 80 COMMITTEES
-------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

29 January 2020

1. SUBJECT: RECONSTITUTION OF SECTION 80 COMMITTEES

2. PURPOSE OF REPORT

To rescind the Council decision of 27 February 2019 in order to reconstitute the Section 80 Portfolio Committees.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The Municipal Structures Act provides for committees to assist the executive committee or Executive Mayor. At its meeting of 16 February 2017, and subsequently on 31 October 2018, Council approved the establishment of the portfolio committees as envisaged in Section 80 of the Municipal Structures Act.

The Executive Mayor has, in terms of Section 60 of the Municipal Structures Act 117 of 1998, reshuffled her Mayoral Committee members, effective from 1 November 2018. This led to a change in the Councillors that served as Chairpersons of the Section 80 Committees as well as the portfolios which they represent, and the introduction of two new S80 Committees.

The National and Provincial elections on 8 May 2019 led to the resignation of Cllr de Villiers, who was the Mayco member for Community Safety and Portfolio Chair for Community and Protection Services, and the position became vacant. Cllr Q Smit then also acted as Portfolio Chair of the particular committee. Cllr R Badenhorst was subsequently appointed as Mayco member for Community Safety. Cllr Bakubaku-Vos also resigned as councillor. Subsequently, councillor Fasser was appointed in the place of ex-councillor de Villiers, and councillor Moses was appointed in the place of ex-councillor Bakubaku-Vos. Councillor Dalling was also appointed in the place of ex-councillor de Wet when he resigned early in 2019.

On 11 November 2019 the Speaker and the Deputy Mayor both resigned, and the ex-Deputy Mayor was appointed as interim Speaker. On 14 November 2019 a new Deputy Mayor and Speaker were re-elected.

34TH COUNCIL MEETING: 2020-01-29: ITEM 18.1

RESOLVED (majority vote)

- (a) that Council rescinds the resolution of 27 February 2019, except in so far as the Terms of Reference for the various S80 Committees which remain [Appendix B]; and
- (b) that Council approves the establishment of the following Section 80 Committees and its composition, with the names of Councillors as follows:

COMMUNITY AND PROTECTION SERVICES

1. Cllr R Badenhorst (Chairperson) [DA]
2. Cllr C Manuel [DA]
3. Cllr JK Hendriks [DA]
4. Cllr N Olayi [DA]
5. Cllr P Sitshoti (Ms) [ANC]
6. Cllr LL Stander [ANC]

CORPORATE SERVICES

1. Cllr AR Frazenburg (Chairperson) [DA]
2. Cllr R du Toit (Ms) [DA]
3. Cllr Z Dalling [DA]
4. Cllr FT Bangani-Menziwa (Ms) [ANC]

PLANNING AND ECONOMIC DEVELOPMENT

1. Cllr E Groenewald (Ms) (Chairperson) [DA]
2. Cllr T Gosa [DA]
3. Cllr A Hanekom [DA]
4. Cllr J Fasser [DA]
5. Cllr RS Nalumango [ANC]

FINANCIAL SERVICES

1. Cllr P Crawley (Ms) (Chairperson) [DA]
2. Cllr J Hamilton [DA]
3. Cllr A Florence [DA]
4. Cllr R Nalumango (Ms) [ANC]
5. Cllr M Oliphant [ANC]

HUMAN SETTLEMENTS

1. Cllr W Petersen (Chairperson) [DA]
2. Cllr A Crombie (Ms) [DA]
3. Cllr DD Joubert [DA]
4. Cllr G Cele (Ms) [ACDP]
5. Cllr LK Horsband (Ms) [EFF]

INFRASTRUCTURE

1. Cllr Q Smit (Chairperson) [DA]
2. Ald J Serdyn (Ms) [DA]
3. Cllr NE Mcombring (Ms) [DA]
4. Cllr A Hanekom [DA]
5. Cllr C Moses (Ms) [ANC]

PARKS, OPEN SPACES AND ENVIRONMENT

1. Cllr X Mdemka (Ms) (Chairperson) [DA]
2. Ald J Serdyn (Ms) [DA]
3. Cllr E Vermeulen (Ms) [DA]
4. Cllr F Adams [DNCA]

RURAL MANAGEMENT AND TOURISM

1. Cllr S Peters (Chairperson) [DA]
2. Cllr A Crombie (Ms) [DA]
3. Cllr JK Hendriks [DA]
4. Cllr L Horsband (Ms) [EFF]

YOUTH, SPORT AND CULTURE

1. Cllr M Pietersen (Chairperson) [DA]
2. Cllr R du Toit (Ms) [DA]
3. Cllr E Vermeulen (Ms) [DA]
4. Cllr N Sinkinya (Ms) [ANC]
5. Cllr DA Hendrickse [EFF]

Councillor DA Hendrickse requested that his vote of dissent be minuted.

Councillor DA Hendrickse also requested that it be noted that they were forced to serve on committees which they do not wish to be on.

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	Office Manager
DIRECTORATE	Council
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	27 January 2020

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
-----	--

(SEE PINK DOCUMENTATION)

The meeting adjourned at 18:50.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**

8.	STATUTORY MATTERS
-----------	--------------------------

8.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2020
------------	---

Collaborator No: 8/1
 BUDGET KPA Ref No: Good Governance and Compliance
 Meeting Date: 26 February 2020

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council for noting.

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATION

that Council notes that there were no deviations for the month of January 2020.

6. DISCUSSION / CONTENTS

6.1. Background/Legislative Framework

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

36. (1) A supply chain management policy may **allow the accounting officer—**
 (a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—
 (i) in an emergency;
 (ii) if such goods or services are produced or available from a single provider only;
 (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 (iv) acquisition of animals for zoos; or
 (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
 (b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

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

6.2. Discussion

None

6.3 Financial Implications

None

6.4 Legal Implications

The regulation applicable is:

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

6.5 Staff Implications

No staff implications

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None for the month of January 2020.

6.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.8.1 Municipal Manager

Noted.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	February 2020

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
-----------	---

The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

FOR INFORMATION

APPENDIX 1

Council Meeting		Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
394114	Investigation with regards to the various residential properties in Mont Rochelle Nature Reserve	<p>7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE</p> <p>35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council rescind its resolution taken at the meeting dated, 2014-01-16, with regard to Item 7.2;</p> <p>(b) that the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 unsold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschhoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>	2015-10-28	SCHALKVDM	95.00	An item, on the proposed way forward, has been prepared for internal circulation after which it will serve before Council.
478901	THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY	<p>7.6.4 THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.4</p> <p>RESOLVED (nem con)</p> <p>(a) that the attached Draft 3rd Generation IWMP be supported by Council for approval in principle; and</p> <p>(b) that the proposed Draft 3rd Generation IWMP be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments / objections by D:EA&DP and the public, for final approval and adoption by Council.</p>	2016-11-23	CLYTONH	95.00	<p>The content of the IWMP has been finalised and the annual review thereof has been completed.</p> <p>Final document will be submitted to Council by April 2020.</p>

478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC	<p>7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council approves the proposal that an assessment of the municipality's capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision; and</p> <p>(b) that, should the above assessment recommend the use of an external mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an external mechanism.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).</p>	2016-11-23	ROSCOEB	70.00	Mayco referred item back to Infrastructure Portfolio Committee to serve at March 2020 sitting.
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	<p>7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council supports the establishment of a "heritage portfolio" that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the heritage portfolio;</p> <p>(b) that the Rhenish complex including Voorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets;</p> <p>(c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;</p> <p>(d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the ATR, with the view of awarding long term rights in relation to the Category A properties;</p> <p>(e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B;</p> <p>(f) that, following the public participation process, a report be tabled before</p>	2017-04-26	PIETS	30.00	Information Statement was compiled but must still be advertised, whereafter council must consider inputs/objections received as a consequence of the notice (if any).

		<p>Council to consider in principle, the awarding of long term rights in the relevant properties, whereafter a public competitive disposal process be followed; and</p> <p>(g) that, with regard to the properties listed as Category B and C, the Municipal Manager be mandated to investigate the best way of disposing of or managing these assets, including feasibility studies on the possible disposal/awarding of long term rights and/or outsourcing of the maintenance function and that a progress report be tabled before Council within 6 months from the date of approval of the recommendation.</p> <p>Councillor F Adams requested that his vote of dissent be minuted.</p> <p>(DIRECTOR: PLANNING AND ECON DEV TO ACTION)</p>				
514994	Stellenbosch Municipality: Extension of Burial Space	<p>7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;</p> <p>(b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WCO24) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of 'Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;</p> <p>(c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and</p> <p>(d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.</p> <p>(DIRECTOR: PLANNING & ECON DEV TO ACTION)</p>	2017-04-26	SCHALKVDM	65.00	Environmental Impact Assessment proceeded on 2 sites, Louw's Bos and Culcatta Bos. Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998 [NEMA]) for the Culcatta Bos site was issued on 20 September 2019 and Louw's Bos 22 January 2020. Expecting a decision on Water Use Licensing by DWS on both by May 2020. Both site's Land Use Applications has been advertised.
543945	IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU) - 9/2/1/1/1/3	<p>7.3.2 IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU)</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.3.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council support and approve the implementation of a Farmer Production Support Unit (FPSU) within the WCO24;</p>	2017-09-27	WIDMARKM	65.00	Terms of reference for the implementation plan, business model and operational plan for the Farmers Production Support Unit completed.

		<p>(b) that Council support and approve the following two sites as identified for the purpose of a Farmer Production Support Unit (FPSU) in accordance with the Policy of the Management of Agricultural Land:</p> <ul style="list-style-type: none"> • Lease portion BH1 of Farm 502, Stellenbosch; and • Lease portion BH2 of Farm 502 Stellenbosch. <p>(c) that the Local Economic Development Department be mandated to undertake all required land use management applications and processes, which include, amongst others rezoning, registration of lease area and departures for the relevant area to accommodate a Farmer Production Support Unit (FPSU) as the current zoning is for agricultural purposes only, given sufficient funding and budget made available by the National Department of Rural Development and Land Reform (NDRDLR); and</p> <p>(d) that the National Department of Rural Development and Land Reform (NDRDLR) draft a MOU between the Stellenbosch Municipality as land owner and the National Department of Rural Development and Land Reform (NDRDLR) on the roles and responsibilities of the different role players for the Council to consider, prior to any lease agreement be entered into or change in land use process commences.</p> <p>Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p> <p>Councillor F Adams requested that it be minuted that he supports the item with reservations.</p> <p>(DIRECTOR: PLAN & ECON DEV TO ACTION)</p>				
543966	PARKING UPGRADE REPORT	<p>7.6.1 PARKING UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;</p> <p>(b) that parking service delivery increase be based on the towns of:</p> <ol style="list-style-type: none"> i) Stellenbosch ii) Klapmuts, and iii) Franschhoek; and <p>(c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-09-27	JOHANF	90.00	Section 78(3) report circulated for input. Item approved and submitted to serve at February 2020 Council meeting.

543953	SOLID WASTE UPGRADE REPORT	<p>7.6.2 SOLID WASTE UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and</p> <p>(b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-09-27	CLAYTONH	90.00	The Department is still reviewing the document and do have some issues to clarify with the service provider based on recommendations made which are not in line with the current functioning of these components. This will affect staff structure as well amendments to be incorporated in the report and will be submitted to MayCo/Council meeting of April 2020.
546882	Motion WC Petersen - Proposed development of erven 412 and 284, Groendal, Franschhoek	<p>10.2 MOTION BY COUNCILLOR WC PIETERSEN (MS): PROPOSED DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, FRANSCHHOEK</p> <p>12TH COUNCIL MEETING: 2017-09-27: ITEM 10.2</p> <p>The Speaker allowed Cllr WC Petersen (Ms) put her Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.</p> <p>The matter was put to the vote, yielding a result of all in favour.</p> <p>RESOLVED (nem con)</p> <p>that an item be prepared for Council's consideration regarding the development of Erf 412 (high density housing) and retirement resort Erf 284 with or without frail care facility.</p> <p>(OFFICE OF THE MM TO ACTION)</p>	2017-09-27	LESTERVS	50.00	The department circulated the draft item to relevant departments for comments. An item will serve before Council in March 2020.
559586	DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI	<p>7.5.2 DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the block approach/method be implemented in Zone O (upper part next to Thubelisha) to effectively address the provision of new housing opportunities i.e. servicing of sites and construction of high density residential units;</p> <p>(b) that beneficiaries that were not allocated houses on the bottom part (access road) be allocated a site or Temporary Relocation Area units once (a) has been achieved and if there is any space available;</p>	2017-11-29	LESTERVS	95.00	LUPA application has been submitted to the Land Use Planning department and approved by MPT. After the appeal period has lapsed, a tender process will be followed to appoint a service provider to commence with services and construction. This project will be dealt with in phases.

		<p>(c) that, within the block approach non-qualifiers that earn R3 501 to R7 000 per month be allocated serviced sites in accordance with the Finance Linked Individual Subsidy Programme (FLISP);</p> <p>(d) that, within the block approach non-qualifiers (as prescribed by housing policy guidelines) that earn between R7 001 to R15 000 per month be allocated a serviced site at a cost equal to the amount as approved by Provincial Department of Human Settlement (PDoHS) for a serviced site in the project (Watergang Phase 2, Kayamandi);</p> <p>(e) that ±40 beneficiaries from Enkanini that are on the road reserve be allocated temporary housing units to enable the Municipality to implement the erf 2175 pilot project (i.e. electrification, sanitation, water);</p> <p>(f) that Temporary Relocation Area 1 residents who were not allocated units in 2005, that does not qualify for a housing subsidy also be allocated sites (±20 beneficiaries);</p> <p>(g) that the 10m road reserve be waived and the 8m road reserve be approved in order to create more housing opportunities;</p> <p>(h) that 10% of the Temporary Relocation Areas be reserved for emergency cases in accordance with Council's Emergency Housing Assistance Policy (EHAP);</p> <p>(i) that once the above process has been completed and should plots still be available in the Temporary Relocation Areas (TRA), beneficiaries are identified from Zone N that can be allocated sites in the TRA (only from the group that was placed there by the Municipality); and</p> <p>(j) that the parking requirements be amended from one (1) parking per housing unit to 0,6 average per housing unit.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>				
559971	<p>PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED INCH AND THE APPOINTMENT OF A</p>	<p>PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the land parcels listed in paragraph 1.(i) and indicated in Figure 12 be identified as land not needed by Stellenbosch Municipality to provide the minimum level of services; and</p>	2017-11-29	LESTERVS	95.00	<p>Bulk sewer upgrading is ongoing.</p> <p>A procurement process has been followed to appoint a service provider to compile a Bill of Quantities. Currently, an evaluation process has been commenced whereby the BAC must appoint service provider. After a latter, Stage 2 of the process will be finalised.</p>

	TURNKEY DEVELOPER IN ORDER TO	(b) that the Municipal Manager be authorized to initiate a Call for Proposals process with minimum requirements as determined through preliminary investigations to be completed by the administration. Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted. (DIR: HUMAN SETTLEMENTS TO ACTION)				
582874	FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE: CONSIDERATION OF INPUTS RECEIVED	8.4.2 FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE: CONSIDERATION OF INPUTS RECEIVED 16TH COUNCIL MEETING: 2018-03-28: ITEM 8.4.2 RESOLVED (nem con) a) that Council takes note of the large number of inputs/comment received; and b) that a multi-purpose building be planned and after erection of building council call for proposals from the Stellenbosch Community for its utilization in line with our strategic objectives.	2018-03-28	PIETS	40.00	The specification for the new building are being prepared and is targeted for finalisation and BSC in March 2020.
601650	THE AWARDDING OF RIGHTS TO THE LOCAL ECONOMIC HUBS	7.3.1 THE AWARDDING OF RIGHTS TO THE LOCAL ECONOMIC DEVELOPMENT HUBS 18TH COUNCIL MEETING: 2018-07-25: ITEM 7.3.1 RESLOVED (majority vote) (a) that Council adopts the recommendation to award the leases of the Local Economic Development Hubs to the entities that scored the highest points for each property, as follows: Property Applicant 1. The Old Clinic Building (Erven 6487 & 6488) Ranyaka 2. Triangle Building (Erf 228) Hugernote Fine Chocolates 3. Mooiwater Building (Erf 2253) ABC Empowerment (Profiles attached Appendix 2 (b) that once Council approves and awards the leasing rights to the highest scoring applicant, the Director Corporate Services be mandated to draft and sign lease agreements with the successful applicants; (c) that the contract must make provision for termination on non-performance in terms of the agreement; (d) that the contract be awarded for a period of 9 years and 11 months; and	2018-07-25	WIDMARKM	90.00	Ranyaka: Agreement signed. Hugernote Fine Chocolates: Agreement signed. ABC Empowerment: Applicant withdrew. Re-advertised but no applications received. Lease Agreement for the Old Agricultural Hall not signed yet due to differences between the two beneficiaries.

		(e) that the awarding of rights of the Old Agricultural Hall to the Stellenbosch Craft Alive and Stellenbosch Trail Fund be awarded, conditional to the settlement of the outstanding legal dispute. Councillor F Adams requested that it be minuted that he supports the item, with reservations.				
601711	PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS	7.5.4 PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS 18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.4 RESOLVED (nem con) that this item be withdrawn for further refinement.	2018-07-25	PIETS	90.00	Item broken up into separate items that will serve before Council: Burgerhuis – agenda September 2019 Return Item on agenda – January 2020 Bergzicht – agenda September 2019 Return item on agenda in January 2020 Toy Museum (Rhenish Complex) – item will be submitted to Mayco in as soon as public participation process dealt with Franschhoek tennis club – item March round of meetings. Franschhoek Bowling Club – item on January 2020 agenda.; referred back. Will serve in March
616959	MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM	7.5.5 MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM 21ST COUNCIL MEETING: 2018-10-31: ITEM 7.5.5 RESOLVED (nem con) (a) that Council approves that the administration embarks on a process of updating data on the old Housing Waiting List; (b) that all updated information be imported into the Municipal Housing Demand Database; and (c) that, when the above process has been concluded, the Municipal Housing Demand Database becomes the only reference point and source of information in determining the municipality's housing backlog and the profile of applicants.	2018-10-31	ROTANDAS	90.00	Updating of the Demand Data has been completed in all areas. Currently busy with the capturing of the Data collected on the Vois System. The programme for updates will run until end of February 2020, where people will be able to update at the Housing Administration offices.
616964	POSTER BY-LAW	7.6.2 POSTER BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE 21ST COUNCIL MEETING: 2018-10-31: ITEM 7.6.2 RESOLVED (nem con) (a) that the report be accepted; (b) that the Draft By-Law Relating to Outdoor Advertising and Signage, attached	2018-10-31	DEONL	80.00	Meeting held with Heritage committee; Meeting with Stellenbosch Interest Group was held on 03 February 2020. After which their inputs into the By-Law will be incorporated and submitted for consideration by Mayco/Council of March 2020.

		<p>as ANNEXURE 1, be accepted as the copy of the By-Law to be used in a Public Participation process;</p> <p>(c) that the Draft By-Law relating to Outdoor Advertising and Signage be duly advertised for the purpose of a public participation process until the end of January 2019; and</p> <p>(d) that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption.</p>				
616954	<p>CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI</p>	<p>7.2.3 CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.3</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council resolves not to condone the criteria set out in the tender documentation published on 12 November 2016; and</p> <p>(b) that Council resolves that the following criteria be used in the new tender process, i.e.</p> <p>i) Beneficiary must be a resident of Kayamandi for a minimum period of ten (10) years;</p> <p>ii) If younger than 40 years (at date of closing tender), then the beneficiary must be married or have a legal dependent staying with him/her;</p> <p>ii) May not have received any form of financial assistance/subsidy from the State in obtaining a house/serviced site previously;</p> <p>iii) May not currently own any other fixed asset;</p> <p>iv) Must be a South African citizen;</p> <p>v) Must be a first time home owner; and</p> <p>vi) that a pre-emptive clause be inserted in the title deed of the property that the property be developed within 2 years and not be sold within 5 years of registration.</p>	2018-10-31	PIETS	40.00	The procurement process is still in process.
Erf23	<p>UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)</p>	<p>7.2.3 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)</p> <p>22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.3</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council notes that a tender call for proposal was advertised and dealt with through the Supply Chain Process;</p>	2018-11-28	PIETS	90.00	<p>Applicant informed of outcome. Agreement provided to applicant, but not signed yet.</p> <p>Applicant indicated that they are in agreement with agreement. Wait for signed copy.</p>

		<p>(b) that Council now proceed with the lease based on the proposal received;</p> <p>(c) that, should Council accept the proposal, an agreement be entered into with Mr Goosen that stipulates that the property may only be used for the purposes of an ECD centre; and</p> <p>(d) that the Municipal Manager be authorised to sign all documents necessary to effect the lease agreement.</p>				
621772	PROPOSED SERVICE DELIVERY IN	<p>7.2.4 PROPOSED SERVICE DELIVERY IN JONKERSHOEK</p> <p>22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the Power of Attorney from the National Department of Public Works, authorising Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted;</p> <p>(b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy;</p> <p>(c) that the Administration be authorised to provide/upgrade Access to Basic Services (Communal services) in informal areas, free of charge;</p> <p>(d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s);</p> <p>(e) that the National Department of Public Works be requested to transfer the land to Stellenbosch Municipality;</p> <p>(f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality;</p> <p>(g) that, the Director: Infrastructure Services be requested to compile a status quo report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure;</p> <p>(h) that the Director: Planning & Economic Development be requested to finalise the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013;</p> <p>(i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position</p>	2018-11-28	ALL DIRECTORS	30.00	<p>Meeting was scheduled during December 2018 with representatives of Informal Settlements and Infrastructure Services to discuss implementation of Council resolutions. The National Department of Public Works was requested the use of the office space. A meeting in this regard was scheduled for 29 January 2020.</p> <p>Directorate debated set of services to be rendered by Infrastructure Services.</p>

		<p>to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorised structures being constructed/erected;</p> <p>(j) that a progress report be tabled to Council within 6 months, including an environmental impact report and indicating progress that has been made regarding the provision of services; and</p> <p>(k) that, in the mean-time, all expenditure be incurred within the existing, approved budget.</p> <p>The following Councillors requested that it be minuted that they abstained from voting on the matter:</p> <p>Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p>				
639570	<p>TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF THE FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)</p>	<p>7.7.2 TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)</p> <p>25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.2</p> <p>RESOLVED (majority vote)</p> <p>a) that Council authorises the Municipal Manager to start the Public Participation Process (60 days) as per Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing and management of the Kayamandi Economic and Tourism Corridor;</p> <p>(b) that Council gives reasonable consideration to all regulations and processes required by the Municipal Policy on the Management of Immovable Property, the Asset Transfer Regulations and prescriptions of the MFMA, and then to follow the process that best ensures the correct operational outcome for the Kayamandi Economic and Tourism Corridor;</p> <p>(c) that the local community be invited to submit representations; and</p> <p>(d) that the Municipal Manager be authorized to conclude the contract or agreement after (c) above is finalized in terms of the applicable Act/Regulation.</p> <p>The following Councillors requested that their votes of dissent be minuted: Cllrs RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</p>	2019-03-27	WIDMARKM	75.00	<p>Date for submission of item extend to October 2019 in order to accommodate inputs by the local community. Meeting was scheduled for 04 October 2019. Only one person turned up for the meeting.</p> <p>An item served at the January 2020 Council meeting. Item referred back to department for further consultation with ward councillors.</p>
	<p>PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER,</p>	<p>7.2.2 PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS</p>	2019-04-24	ANNALENEDB	80.00	<p>Procurement process still in process.</p>

	FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS	<p>26TH COUNCIL MEETING: 2019-04-24: ITEM 7.2.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that it be noted that no comment/inputs were received from the residents of wards 1 and 2 in regard to the future use of the properties;</p> <p>(b) that erven 3192, 3019 and 3111 be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be, in principle, disposed of;</p> <p>(c) that Council resolves that the properties be put out on a Call for Proposals for multi-purpose institutional use to the benefit of the community. Proposals will be evaluated based on the type of institutional uses, how it will benefit the greater community, and how many institutions will be accommodated through the proposals;</p> <p>(d) that the matter be reported back to Mayco and Council after implementation of resolution (c) above; and</p> <p>(e) that the conditional awarding of the tenders by the Bid Adjudication Committee, should in principle disposal be approved, be submitted to Council to make a final determination on the disposal of the properties.</p> <p><i>Councillor DA Hendrickse requested that his vote of dissent be minuted, on the grounds that, in his view, the item is not legally compliant.</i></p>				
635397	ESTABLISHMENT OF 'FRIENDS GROUPS' FOR STELLENBOSCH NATURE RESERVES AND DESIGNATED NATURE AREAS	<p>7.6.3 ESTABLISHMENT OF 'FRIENDS GROUPS' FOR STELLENBOSCH NATURE RESERVES AND DESIGNATED NATURE AREAS</p> <p>26TH COUNCIL MEETING: 2019-04-24: ITEM 7.6.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council accepts the concept of "Friends Groups" as a way of creating community involvement in the management of nature areas;</p> <p>(b) that approval is granted for the establishment of "Friends Groups" for the declared nature reserves of Papegaaienberg, Mont Rochelle and Jan Marais Nature Reserve as well as informal nature areas as required;</p> <p>(c) that the Protected Areas Forum Terms of Reference be revised and brought in alignment with the Norms and Standard of the</p>	2019-04-24	ALBERTVDM	90.00	Further investigation was done to decide on a suitable management model. A decision was taken that the model between City of Cape town and Helderberg Nature Reserve will further be investigated as possible model for Stellenbosch municipality.

		<p>Department of Environment, Gazette Notice 382 of 31 March 2016, and its purpose as alluded to in this item; and</p> <p>(d) that a progress report on the establishment of "Friends Groups" be submitted within 30 days after implementation.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i> <i>Councillors F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</i></p>				
PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)	<p>7.2.2 PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL) 27TH COUNCIL MEETING: 2019-05-29: ITEM 7.2.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Erf 347, Le Roux (Groendal) be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of in principle;</p> <p>(b) that Council resolves to dispose of the property by going out on a Call for Proposal, soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies;</p> <p>(c) that the market value of the property be determined by two independent valuers and be taken into consideration in the SCM determination and reported to Council when the item is tabled for final consideration as indicated in (d) below; and</p> <p>(d) that, following the supply chain process, the matter be brought back to Council for a final decision on whether to dispose of the property under the conditions set in the supply chain process.</p> <p><i>Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted</i></p>	2019-05-29	PIETS	30.00	Compilation of tender document in progress.	
DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019	<p>7.7.1_DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019 27TH COUNCIL MEETING: 2019-05-29: ITEM 7.7.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved in principle; and</p>	2019-05-29	STIAANC	75.00	Draft Land Use Enforcement Policy was advertised on 29 August 2019 and closing date was 29 October 2019. Comments have been received from the public participation process and the Department is in process to compile assessment and final recommendation report to Council.	

		(b) that the Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be advertised for public comment for a period of 60 days, where after same be submitted to Council for final consideration and subsequent adoption in terms of the Local Government Municipal Systems Act No. 32 of 2000.				
PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY	7.10.2. PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY 27 TH COUNCIL MEETING: 2019-05-29: ITEM 7.10.2 RESOLVED (nem con) (a) that Council, in principle, agrees to take over the Management of the Vaaldraai Settlement, as an interim arrangement; (b) that Council, in principle, agrees to attend to the township establishment of Vaaldraai, subject thereto that additional land be made available, the detail to be agreed upon; (c) that before any final decision in this regard is made (i.e. (a) and (b) above) the Department: Planning and Economic Development be requested to conduct a feasibility study, which study must also attend to the availability (or not) of bulk infrastructure as well as the identification of additional land to be transferred, taking into account the number of residents/backyard dwellers already on the property; and (d) that, following the feasibility study, a progress report be submitted to Council with the view of making a final determination on the matter.	2019-05-29	PIETS/LESTERVS	60.00	A service provider was appointed, and they are currently doing the necessary studies to present a feasibility report. The draft feasibility study will be submitted to the user department in March 2020.	
TABLING OF REPORT SEEKING AUTHORISATION FOR THE MUNICIPAL MANAGER TO ENTER INTO MULTI-STAKEHOLDER ENGAGEMENT TO UNLOCK THE RE-GENERATION AND TRANSFORMATION	8.2.4 TABLING OF REPORT SEEKING AUTHORISATION FOR THE MUNICIPAL MANAGER TO ENTER INTO MULTI-STAKEHOLDER ENGAGEMENT TO UNLOCK THE RE-GENERATION AND TRANSFORMATION POTENTIAL OF THE ADAM TAS CORRIDOR 27 TH COUNCIL MEETING: 2019-05-29: ITEM 8.2.4 RESOLVED (majority vote) (a) that Council authorizes the Municipal Manager to enter into a multi-stakeholder engagement involving the key national departments, relevant local government institutions, the university, private stakeholders, and various landowners;	2019-05-29	SHIREENDV	50.00	The item was tabled, and the recommendations were adopted by Council. Continuous interactions are taking place between the municipality and the province to ensure a coordinated approach by the 2 spheres of government. A draft summary of the ATC has been incorporated into the mSDF. An update will be brought to Council in the course of 2020.	

	POTENTIAL OF THE ADAM TAS CORRIDOR	<p>(b) that Council authorizes the Municipal Manager to explore a public private partnership for the Adam Tas Re-generation Initiative;</p> <p>(c) that Council authorizes the Municipal Manager to undertake further work to explore the feasibility, dependencies, and associated risks, etc. in determining the appropriate path for unlocking the Adam Tas Corridor; and</p> <p>(d) that the Municipal Manager provides feedback to Council.</p> <p><i>Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>				
	PROPOSED DEVELOPMENT OF ERF 81/2 AND ERF 81/9, STELLENBOSCH, FOR BACKYARDERS OF STELLENBOSCH	<p>7.4.1 PROPOSED DEVELOPMENT OF ERF 81/2 AND ERF 81/9, STELLENBOSCH, FOR BACKYARDERS OF STELLENBOSCH</p> <p>29TH COUNCIL MEETING: 2019-07-24: ITEM 7.4.1</p> <p>RESOLVED (majority vote)</p> <p>(a) that a feasibility study as a matter of urgency must be concluded to determine the exact extent of the developable area;</p> <p>(b) that the appropriate land use rights as a matter of urgency be obtained;</p> <p>(c) that any development on the property be sensitive and complementary to enhancing the aesthetics of the entrance of Stellenbosch;</p> <p>(d) that the proposed development be earmarked for backyarders in Cloetesville, Ida's Valley and Kayamandi; and</p> <p>(e) that the report be brought to Council as soon as possible.</p> <p><i>Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>	2019-07-24	JOHRUR	80.00	The consultant finalised the feasibility study and the progress report will be submitted to Council during February 2020.
	VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH	<p>12.2 VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL</p>	2019-07-24	ALBERTVDM	30.00	The reviewed of the Sports Facility Management Plan will be in line with the decision taken on the way forward regarding the management of Van der Stel Sports Facilities.

	<p>MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL</p>	<p>29TH COUNCIL MEETING: 2019-07-24: ITEM 12.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that the draft MOU between the Stellenbosch Municipality and the SSRA be approved for a six-month period;</p> <p>(b) that, upon the dissolution of the lease agreement between the SSRA and Van Der Stel Sports Council, the Director: Community & Protection Services be mandated to conclude a lease agreement, in line with a rental amount in line with relevant tariffs for rental of municipal property, as amended, from time to time;</p> <p>(c) that Council agrees that the Community Services Department review the Sport Policy and Facilities Management Model (Plan) of the Stellenbosch Municipality, in consultation with the SSRA;</p> <p>(d) that Council notes that the Municipality will appoint a service provider to conduct a forensic audit of the financial (accounts), operational systems and processes in operation at the Van Der Stel Sport Club; and that the Senior Manager Community Services report back to Council on the forensic investigation's outcome;</p> <p>(e) that Council notes that the Community Services Department will commence with the process to develop an alternative management model for the Van Der Stel Sport facility, in consultation with the SSRA;</p> <p>(f) that a separate report on the outstanding debt of Area Sport Councils be submitted to the next Council Meeting; and</p> <p>(g) that the period of the aforementioned lease agreement period not exceed six (6) months and that the draft Lease Agreement be updated to reflect same.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango (Ms); N Mananga-Gugushe (Ms); MD Oliphant and N Sinkinya (Ms);</i></p> <p><i>Cllr J Hamilton requested that his vote of support be minuted.</i></p>				<p>The first workshop was held between the SSRA, their affiliates and Stellenbosch municipality to discuss a new management model for all the sports codes/facilities. The resolution at the workshop was to determine a working group to discuss and make recommendations regarding a possible new sports model. The working group did gather on Thursday 13 February 2020.</p>
--	--	---	--	--	--	--

<p>PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION</p>	<p>11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION</p> <p>30TH COUNCIL MEETING: 2019-08-28: ITEM 11.2.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the portion of erf 62, used as a police station, be identified as land not needed for municipal purposes during the proposed lease period;</p> <p>(b) that approval be granted for the renewal of the Lease Agreement for a period of 9 years and 11 months;</p> <p>(c) that it be noted that leasing property to another sphere of government/organ of state is exempted from following a public participation process;</p> <p>(d) that Council considers the request of the department to rent the property at an amount of R 6121.99 per month, escalating at 6% per annum, and</p> <p>(e) that the Municipal Manager be authorised to draft and sign an appropriate new lease agreement.</p>	<p>2019-08-28</p>	<p>PIETS</p>	<p>90.00</p>	<p>Lease agreement submitted to DPW for signature.</p> <p>No response yet – will follow up with Department.</p>
<p>ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION</p>	<p>11.7.1 ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION</p> <p>30TH COUNCIL MEETING: 2019-08-28: ITEM 11.7.1</p> <p>RESOLVED (nem con)</p> <p>that the draft Economic Development Strategy be approved and published for further inputs from the public for a period of 30 days.</p>	<p>2019-08-28</p>	<p>WIDMARKM</p>	<p>70.00</p>	<p>In process to compile inputs from the public and other spheres of government.</p> <p>Comments of Provincial Department of Economic Development and Tourism still outstanding.</p>
<p>REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW FOR COUNCIL APPROVAL</p>	<p>11.7.3 REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW FOR COUNCIL APPROVAL</p> <p>30TH COUNCIL MEETING: 2019-08-28: ITEM 11.7.3</p> <p>RESOLVED (nem con)</p> <p>(a) that Council approves the Reviewed Stellenbosch Liquor Trading By-law for public consultation purposes; and</p> <p>(b) that the Administration be mandated to advertise said Reviewed Stellenbosch Liquor Trading By-law for public comments (60 days), after which it will be submitted to Council for final consideration.</p>	<p>2019-08-28</p>	<p>WIDMARKM</p>	<p>65.00</p>	<p>Item for final approval of the policy will serve at Council in February 2020.</p>

<p>APPROVAL OF LEASE AGREEMENT FOR OFFICE SPACE: EIKESTAD MALL</p>	<p>13.3 APPROVAL OF LEASE AGREEMENT FOR OFFICE SPACE: EIKESTAD MALL</p> <p>30TH COUNCIL MEETING: 2019-08-28: ITEM 13.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council approves the conclusion of a 2-year Lease Agreement with an option of a further renewal with Eikestad Mall Joint Venture, based on a tariff of R210/m², for 961.01m², escalating at 8% per annum for the current and additional office space available;</p> <p>(b) that the Municipal Manager be authorised to conclude the lease agreement with Eikestad Mall Joint Venture; and</p> <p>(c) that it be noted that the Municipal Manager will allocate the office space in view of the needs identified.</p> <p><i>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>	<p>2019-08-28</p>	<p>PIETS</p>	<p>90.00</p>	<p>Lease Agreement submitted to DCS, to be submitted to Municipal Manager for signature. Await feedback in this regard.</p>																							
<p>THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS</p>	<p>13.1 THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS</p> <p>30TH COUNCIL MEETING: 2019-08-28: ITEM 13.1</p> <p>RESOLVED (nem con)</p> <p>(a) that Council notes the process undertaken and the final recommended outcomes as listed below.</p> <table border="1" data-bbox="443 1026 1196 1380"> <thead> <tr> <th>No</th> <th>Portion</th> <th>Size (ha)</th> <th>Water (ha)</th> <th>Highest scorer</th> <th>Recommended</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>502 V</td> <td>21.6</td> <td>8</td> <td>Hylton P Arendse</td> <td>That Hylton P. Arendse be the preferred applicant for 502 V.</td> </tr> <tr> <td>13</td> <td>502 AP</td> <td>7</td> <td>2</td> <td>Chris Jacobs</td> <td rowspan="2">That Chris Jacobs be the preferred applicant for 502 AP and AM. The two pieces of land lay adjacent to each other and will make economic sense to farm as one unit</td> </tr> <tr> <td>12</td> <td>502 AM</td> <td>8.56</td> <td>3</td> <td>Chris Jacobs</td> </tr> </tbody> </table>	No	Portion	Size (ha)	Water (ha)	Highest scorer	Recommended	5	502 V	21.6	8	Hylton P Arendse	That Hylton P. Arendse be the preferred applicant for 502 V.	13	502 AP	7	2	Chris Jacobs	That Chris Jacobs be the preferred applicant for 502 AP and AM. The two pieces of land lay adjacent to each other and will make economic sense to farm as one unit	12	502 AM	8.56	3	Chris Jacobs	<p>2019-08-28</p>	<p>WIDMARKM</p>	<p>50.00</p>	<p>Municipal agricultural land allocated to the successful land applicants. Signing of lease agreements and hand-over done on 28 November 2019.</p> <p>Reviewing of policy in process.</p>
No	Portion	Size (ha)	Water (ha)	Highest scorer	Recommended																							
5	502 V	21.6	8	Hylton P Arendse	That Hylton P. Arendse be the preferred applicant for 502 V.																							
13	502 AP	7	2	Chris Jacobs	That Chris Jacobs be the preferred applicant for 502 AP and AM. The two pieces of land lay adjacent to each other and will make economic sense to farm as one unit																							
12	502 AM	8.56	3	Chris Jacobs																								

4	502 AW	6	0	Bradley Cortereal	That Bradley Cortereal be the preferred applicant for 502 AW.
	502 AU	8.9		Re advertise for beekeeping	Portion 502AU is regarded as a nature conservation area by Cape Nature, the only farming purpose this land could be utilized for is beekeeping as the property is overgrown by fynbos.
	502 M	5.1	3	Re advertise 502 M & 502 Was one unit	The portion is located next to 502W, and should be utilised as a water resource for 502M as it is a wetland area, which will not be suitable for farming on its own.
	502 W	9	3		
5	502 BFN	15.5	6	Elsenburg Khoisan Farmers	That Elsenburg Khoisan Farmers be the preferred applicant for 502BFN. More than 10ha of land have been already allocated to both Hilton Arendse and Chris Jacobs.
18	619/1	26	0	Jeremy van Niekerk	That Jeremy van Niekerk be the preferred applicant for 619/1. More than 10ha of land have been already allocated to both Chris Jacobs and Elsenburg Khoisan Farmers.
27	279 BN	25.3	0	Re-advertised	Recommended to be re-advertised.
	165/1	10.5	0	Re-advertised	No responsive application was received for this portion of land. The land in its current state should be utilised for grazing purposes Recommended to be re-advertised

		<p>(b) that the Policy be reviewed to address the unintended consequences; and</p> <p>(c) that the Administration continue with the implementation of the Policy in regard to vacant land.</p>				
659698	<p>POLICY FOR THE IMPLEMENTATION OF AN AUXILIARY LAW ENFORCEMENT SERVICE FOR STELLENBOSCH MUNICIPALITY</p>	<p>11.1.2 POLICY FOR THE IMPLEMENTATION OF AN AUXILIARY LAW ENFORCEMENT SERVICE FOR STELLENBOSCH MUNICIPALITY</p> <p>31ST COUNCIL MEETING: 2019-09-25: ITEM 11.1.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council approves the advertisement of the draft Policy for the implementation of an Auxiliary Law Enforcement Service for Stellenbosch Municipality for a period of 30 days for public input; and</p> <p>(b) that the inputs received during the above public participation process be worked into a final draft Policy for the implementation of an Auxiliary Law Enforcement Service for Stellenbosch Municipality to be presented to Council for approval.</p> <p><i>Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.</i></p>	2019-09-25	CHARLK	95.00	Item on February 2020 council agenda for approval.
659698	<p>POLICY ON EXTERNALLY-FUNDED LAW ENFORCEMENT AND TRAFFIC OFFICERS</p>	<p>11.1.3 POLICY ON EXTERNALLY-FUNDED LAW ENFORCEMENT AND TRAFFIC OFFICERS</p> <p>31ST COUNCIL MEETING: 2019-09-25: ITEM 11.1.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council approves the advertisement of the draft Policy on Externally-Funded Law Enforcement and Traffic Officers for a period of 30 days for public input; and</p> <p>(b) that the inputs received during the above public participation process be worked into a final draft Policy on Externally-Funded Law Enforcement and Traffic Officers to be presented to Council for approval.</p> <p><i>Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.</i></p> <p><i>The Speaker ordered Cllr F Adams to leave the Council Chamber for disorderly conduct (Rule 32.2).</i></p>	2019-09-25	CHARLK	95.00	Item on February 2020 council agenda for approval.

DRAFT PROBLEM PROPERTY BY- LAW FOR STELLENBOSCH MUNICIPALITY ON, 17 MAY 2019	11.7.1 DRAFT PROBLEM PROPERTY BY- LAW FOR STELLENBOSCH MUNICIPALITY ON, 17 MAY 2019 31 ST COUNCIL MEETING: 2019-09-25: ITEM 11.7.1 RESOLVED (nem con) (a) that the revised Draft By-law on Problem Properties for Stellenbosch Municipality, 17 May 2019, be advertised for public participation for 30 days; and (b) that after the comments have been reviewed, the edited By-Law be resubmitted to the Mayoral Committee and Council for final consideration and subsequent approval.	2019-09-25	STIAANC	65.00	The draft By-law on Problem Properties for Stellenbosch Municipality has been advertised for public participation on 12 December 2019. Comments due for submission by 14 February 2020.
DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019	11.7.2 DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019 31 ST COUNCIL MEETING: 2019-09-25: ITEM 11.7.2 RESOLVED (nem con) (a) that the revised Policy on Place Naming and Street Naming, Renaming and Numbering for Stellenbosch Municipality be advertised for public comment for 60 days; (b) that after public participation has been received, the Draft Policy will be brought back to Council for final consideration; and (c) that the final approved Policy be translated into all 3 official languages.	2019-09-25	STIAANC	65.00	Advertised for public participation on 12 December 2019. Comments is due for submission by 14 March 2020.
TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE	11.2.1 TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE 32 ND COUNCIL MEETING: 2019-10-23: ITEM 11.2.1 RESOLVED (majority vote with abstentions) (a) that transfer to the 10 households that are paid up be effected as a matter of urgency; (b) that a monthly progress report from the transferring attorney on the status quo and progress of the transfer be provided to the Municipality;	2019-10-23	PIETS	80.00	A public meeting was held with all residents, where council resolution, and the impact thereof has been explained to residents. Notices were subsequently served on all the residents, as per the Council resolution. Await input from residents, where after a progress report will be tabled at Council. Department task to get the report from the attorneys.

		<p>(c) that letters be given as a matter of urgency to the 9 beneficiaries who allowed illegal occupants to occupy the houses to provide reasons why the houses should not be transferred to other beneficiaries;</p> <p>(d) that letters be given as a matter of urgency to all illegal occupying households to provide reasons why they should not be evicted from the houses they are occupying illegally as they were not recognised as the beneficiaries for the houses they occupy;</p> <p>(e) that an investigation as a matter of urgency be lodged as to how the 10 illegal occupants of unallocated houses were allowed to occupy the houses; and</p> <p>(f) that letters be given as a matter of urgency to all beneficiaries who are in arrears on the outstanding rental amounts to inform them that council intend to assist them, should they qualify for financial assistance from financial institutions or government subsidies to buy the houses. They will however still be liable for outstanding amounts on services.</p>				
ACQUISITION OF ERF 1852	<p>11.2.2 ACQUISITION OF ERF 1852</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 11.2.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the Municipal Manager be authorised to enter into a tender process for the acquisition of Erf 1852, Stellenbosch; and</p> <p>(b) that should the Municipality be the successful tenderer it be subject to Council's approval.</p> <p><i>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>	2019-10-23	ANNALENEDB	60.00	Municipality awarded the tender. Council approved acquisition on 14 November 2019. Agreement signed. Await transfer documents.	
DRAFT HOUSING ALLOCATION POLICY	<p>11.4.1 DRAFT HOUSING ALLOCATION POLICY</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 11.4.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council adopts the Housing Allocation Policy as a draft, in principle, and</p> <p>(b) that the Draft Housing Allocation Policy for Stellenbosch Municipality be advertised for public comments, whereafter it be resubmitted to Council for final consideration and subsequent adoption.</p>	2019-10-23	ROTANDAS	80.00	The Draft Housing Allocation Policy for Stellenbosch Municipality was advertised on 14 November 2019 in the press (Paarl Post and Eikestad News) and on the Website for public comment to be submitted by 17 February 2020 (60 day commenting period extended to 90 days due to Council's recess in Dec/Jan).	

	<p>IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA</p>	<p>11.4.2 IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 11.4.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that the Directorate: Planning and Economic Development be requested to conduct feasibility studies on all the erven that were identified in the Aurecon report, as well as the sites identified by the representatives of the Backyarders Committee except those mentioned in paragraph (c) below;</p> <p>(b) that these studies include the feasibility for housing, including emergency housing, different housing typologies that address the challenges the communities are facing in the Cloetesville area; or whether it will be better suited for other community needs;</p> <p>(c) that the Municipal Manager be mandated to start an investigation into non-municipal land including properties owned by the national or provincial government that may be acquired by Council for housing purposes; and</p> <p>(d) that a feasibility study report be submitted as soon as possible but not later than the end of the current financial year.</p>	2019-10-23	LESTERVS	32.00	<p>A technical proposal has been advertised and currently being evaluated.</p>
	<p>APPROVAL AND ADOPTION OF THE WATER SERVICE DEVELOPMENT PLAN 2019</p>	<p>11.5.1 APPROVAL AND ADOPTION OF THE WATER SERVICE DEVELOPMENT PLAN 2019</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 11.5.1</p> <p>RESOLVED (majority vote)</p> <p>(a) that the content of this report be noted;</p> <p>(b) that the attached Draft Water Service Development Plan (2019) be approved in principle by Council;</p> <p>(c) that the Department: Water & Wastewater Services invite public comment on the Water Services Development Plan (2019) by means of a notice in the local media; and</p> <p>(d) that Council approves the Water Services Development Plan (2019) after public comment has been considered.</p> <p>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p>	2019-10-23	DEONL	65.00	<p>Public participation has commenced. Report will be resubmitted in April 2020 for approval.</p>

DRAFT TREE MANAGEMENT POLICY OF MUNICIPAL TREES WITHIN WC024	11.6.1 DRAFT TREE MANAGEMENT POLICY OF MUNICIPAL TREES WITHIN WC024 32 ND COUNCIL MEETING: 2019-10-23: ITEM 11.6.1 RESOLVED (nem con) (a) that the attached Draft Tree Management Policy be accepted by Council; (b) that Council approves the advertisement of the Draft Tree Management Policy (August 2019) for a period of 60 days for public input; and (c) that the inputs received during the above public participation process be worked into a final draft Tree Management Policy to be presented to Council for approval.	2019-10-23	TAMMYL	20.00	The draft Tree Management Policy has been advertised for public comments. The closing date for comments is 28 February 2020.
REVIEWING OF THE POLICY ON LEASING AND USE OF MUNICIPAL HALLS	11.9.1 REVIEWING OF THE POLICY ON LEASING AND USE OF MUNICIPAL HALLS 32 ND COUNCIL MEETING: 2019-10-23: ITEM 11.9.1 RESOLVED (majority vote) that the attached draft revised policy on the hiring and use of municipal halls be approved in principle and be circulated for public comments for 30 days before it is re-submitted for final approval. Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.	2019-10-23	ALBERTVDM	20.00	The revised Policy on Leasing and Use of Municipal Halls has been advertised for public comments. The closing date for comments is 28 February 2020.
INTEGRATED HUMAN SETTLEMENTS PLAN: STELLENBOSCH MUNICIPALITY	13.2 INTEGRATED HUMAN SETTLEMENTS PLAN: STELLENBOSCH MUNICIPALITY 32 ND COUNCIL MEETING: 2019-10-23: ITEM 13.2 RESOLVED (majority vote) (a) that Council note the responses received from the public participation process, with respect to the Integrated Human Settlement Plan (IHSP); (b) that Council takes note of the request for an additional information session with especially with the residents of Onder-Papegaaiberg and other stakeholders;	2019-10-23	JOHRUR	96.00	After the engagement with the community, internal discussions with different department took place. The alignment of the draft Integrated Human Settlements Plan (IHSP) with the approved Municipal Spatial Development Framework (MSDF), is currently being finalised.

		<p>(c) that a public meeting is scheduled on 29 October 2019 to address the concerns raised in the comments received from the public; and</p> <p>(d) that the departments Roads, Transport, Stormwater and Traffic Engineering, Spatial Planning and Housing Development make presentations as suggested in the correspondence of Stellenbosch Interest Group.</p> <p>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p>				
ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY	<p>13.3 ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 13.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that, after considering the comments made by the public, Council adopts the Stellenbosch Informal Trading Policy; and</p> <p>(b) that the Stellenbosch Informal Trading By-Law be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.</p>	2019-10-23	WIDMARKM	50.00	In process to amend the Trading By-law to incorporate the objectives and provisions as contained in the approved Informal Trading Policy.	
APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY	<p>11.5.1 APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY</p> <p>33RD COUNCIL MEETING: 2019-11-27: ITEM 11.5.1</p> <p>RESOLVED (majority vote)</p> <p>(a) that the content of this report be noted;</p> <p>(b) that the Draft Traffic Calming Policy, attached as ANNEXURE A, be accepted as the copy to be used in a Public Participation process;</p> <p>(c) that the Draft Traffic Calming Policy be duly advertised for the purpose of a public participation process; and</p> <p>(d) that upon the completion of the public participation process, the Draft Traffic Calming Policy together with any comments/objections be resubmitted to Council for final approval and adoption.</p>	2019-11-27	DEONL	40.00	Public participation will commence February and report will be submitted for final approval in April 2020.	

	<p>AUTHORIZATION TO INCLUDE THE SIMONSIG FARMWORKER HOUSING PROJECT IN THE STELLENBOSCH MUNICIPALITY HOUSING PIPELINE</p>	<p>13.3 AUTHORIZATION TO INCLUDE THE SIMONSIG FARMWORKER HOUSING PROJECT IN THE STELLENBOSCH MUNICIPALITY HOUSING PIPELINE</p> <p>33RD COUNCIL MEETING: 2019-11-27: ITEM 13.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that the Simonsig Agri Village be included in the Stellenbosch Municipality Housing Pipeline;</p> <p>(b) that the prioritisation of the project be finalised when the annual review of the Stellenbosch Municipality Housing Pipeline occurs in March 2020;</p> <p>(c) that the required link services be for the account of the developer; and</p> <p>(d) that the developer be responsible for a detailed investigation regarding the bulk and link services and its impact on the existing services.</p>	2019-11-27	LESTERVS	50.00	<p>In accordance with the PDoHS the Housing Pipeline is reviewed on an annually basis. The Simonsig Agri-Village will be included in the next review which will be presented to Council during March 2020.</p>
	<p>PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYER STREET</p>	<p>11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYER STREET</p> <p>33RD COUNCIL MEETING: 2019-11-27: ITEM 11.2.1</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council considers the application;</p> <p>(b) that should the renewal of the lease agreement be approved in principle, the in-principle decision be advertised for public comment/input/counter proposals and the lessee be allowed to continue with the current lease until a final decision can be made;</p> <p>(c) that, following the public participation process, the item be submitted to Council to make a final determination in this regard.</p> <p>(d) that a new market related lease amount be determined, based on an independent valuation being obtained.</p>	2019-11-27	PIETS	70.00	<p>Closing date for comment/inputs is 27 February 2020, Will be resubmitted in March round of meetings.</p>

		<p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllr F Adams; FT Bangani-Menziwa (Ms) (Ms); Cllr DA Hendrickse; RS Nalumango (Ms); MD Oliphant; C Moses (Ms) and LL Stander.</i></p>				
<p>PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH</p>	<p>11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.1</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council takes note of the fact that no written submissions were received;</p> <p>(b) that council notes the amount of the fair market value and the implications the 50% rate has for the applicants;</p> <p>(c) that Council approves the renewal of the Lease Agreement with Historiese Huise van Suid Afrika Beperk in regard to erven 3389 and 607, for a period of 9 years and 11 months, subject to a 3 months' early termination;</p> <p>(d) that, given the fair market value amount and amounts spent on maintenance by the applicants, the rate be reduced to 25% of the fair market value; and</p> <p>(e) that given the reduction in rate, the intention to enter into an agreement at the reduced rate be advertised again for any objections. Should no objections be received the Municipal Manager be mandated to continue with the finalisation of the lease agreement.</p>	2020-01-29	PIETS	50.00	<p>Council considered a return item and decided to lower the lease amount to 20% of market rental, subject thereto that it be re- advertised for public comment on the lower amount</p> <p>Notice will be published in the 3rd week in February 2020.</p>	
<p>PROPOSED RENEWAL OF LEASE AGREEMENT: BERGZICHT TRAINING CENTRE: PORTION OF REMAINDER ERF 235, STELLENBOSCH</p>	<p>11.2.2 PROPOSED RENEWAL OF LEASE AGREEMENT: BERGZICHT TRAINING CENTRE: PORTION OF REMAINDER ERF 235, STELLENBOSCH</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.2</p>	2020-01-29	PIETS	80.00	<p>Lease Agreement send to Applicant. Await signature of agreement.</p>	

		<p>RESOLVED (majority vote)</p> <p>(a) that Council takes note of the comment/inputs received;</p> <p>(b) that ,given the input, Council approves the renewal of the lease with the Bergzight Training Centre for a period of 9 years and 11 months;</p> <p>(c) that the lease is subject thereto that when a new premises become available the transfer of the lease to a new premises be considered; and</p> <p>(d) that the rental be determined at 20% of the market related rental (R13540.00 exclusive of VAT).</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs F Adams; FT Bangani-Menziwe (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sithoti (Ms) and LL Stander.</i></p>				
ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722	<p>11.2.3 ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.2.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land, as indicated on Fig 3,4 and 5 respectively, be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;</p> <p>(b) that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request subject to advertising the intent to enter into the agreement for public comment/inputs/objections; and</p> <p>(c) that the rental be determined as per the tariff rate.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sithoti (Ms) and LL Stander.</i></p>	2020-01-29	PIETS	50.00	Advertisement was published. Return item will be submitted following the due date for inputs.	

	REVISED INDIGENT POLICY	<p>11.3.2 REVISED INDIGENT POLICY</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.3.2</p> <p>The Speaker RULED</p> <p>that this matter be referred back to the Administration for refinement whereafter same be resubmitted at the next Council meeting in February 2020.</p>	2020-01-29	ANDRET	70.00	Item to serve at March 2020 Council meeting.
	SUBJECT: TO ENTER INTO A LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHI'S) AND/OR OTHER DEVELOPMENT AGENCIES (ODA) FOR THE DEVELOPMENT AND MANAGEMENT OF AFFORDABLE RENTAL ACCOMMODATION IN THE APPROVED RESTRUCTURING ZONES	<p>11.4.2 SUBJECT: TO ENTER INTO A LAND AVAILABILITY AGREEMENT WITH SOCIAL HOUSING INSTITUTIONS (SHI'S) AND/OR OTHER DEVELOPMENT AGENCIES (ODA) FOR THE DEVELOPMENT AND MANAGEMENT OF AFFORDABLE RENTAL ACCOMMODATION IN THE APPROVED RESTRUCTURING ZONES</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.4.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council approves in principle the development proposal of the 3 precincts namely Lap Land, La Colline, Teen-die-Bult as set out in the draft feasibility studies;</p> <p>(b) that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHI's) or Other Development Agencies (ODA's);</p> <p>(c) that a Smart Partnership and a Land Availability Agreement be entered to with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and</p> <p>(d) that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.</p> <p><i>Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.</i></p>	2020-01-29	LESTERVS	10.00	Council approved during January 2020 in principle the development proposal of the 3 precincts namely Lapland, La Colline, Teen-die-Bult as set out in the draft feasibility studies. The user department is in process to draft specifications to appoint a suitable/credited SHI's or ODA.
	FEEDBACK ON THE PUBLIC PARTICPATION PROCESS ON THE FUTURE USE/UPGRADE OF THE BRAAK	<p>11.7.1 FEEDBACK ON THE PUBLIC PARTICPATION PROCESS ON THE FUTURE USE/UPGRADE OF THE BRAAK</p> <p>34TH COUNCIL MEETING: 2020-01-29: ITEM 11.7.1</p>	2020-01-29	WIMARKM	50.00	Proposals in the process to be advertised for comments.

		<p>RESOLVED (majority vote)</p> <p>(a) that Council notes the submissions received in response to the notice published to call for public input into the proposed future use / upgrade of the Braak as discussed in 6.1 and attached as (APPENDIX A); and</p> <p>(b) that the submitted proposals be advertised for a period of 60 days after which it be resubmitted to Council for final consideration.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs F Adams; DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</i></p>				

NB: RESPONSES PROVIDED BY RELEVANT DEPARTMENTS

10.	ITEMS FOR NOTING
------------	-------------------------

10.1	REPORT/S BY THE EXECUTIVE MAYOR
-------------	--

NONE

10.2	REPORT/S BY THE SPEAKER
-------------	--------------------------------

NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
-------------	--

NONE

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
------------	--

11.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR FJ BADENHORST)
-------------	---

NONE

11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
------	---

11.2.1	TASK IMPLEMENTATION POLICY
--------	-----------------------------------

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

12 February 2020

1. SUBJECT: TASK IMPLEMENTATION POLICY

2. PURPOSE

To recommend to MAYCO and COUNCIL that the TASK IMPLEMENTATION POLICY be approved.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

The TASK Implementation Policy was initially tabled at the Local Labour Forum Meeting of 23 January 2019. This policy document was referred by the Local Labour Forum to the Human Resources Development Sub-Committee for consultation with the Labour Unions. The Human Resources Development Sub-Committee could only commence with discussions of this policy on the 09th of September 2019, and discussions were finalized on the 14th of October 2019 for re-submission to the Local Labour Forum for adoption and Council for approval.

SAMWU requested an opportunity for further inputs at the LLF of 28 October 2019. The parties considered these further inputs at the Human Resources Development Sub-Committee meeting of 18th of November 2019 and finalized discussions at the Human Resources Development Sub-Committee meeting of the 16th of January 2020, and submitted a final draft to the LLF meeting on 27th January 2020 (postponed to 3rd February 2020) where it was adopted for recommendation to Mayco and Council for final approval.

The TASK Implementation Policy sets out the process in how job descriptions are evaluated, and the outcome implemented. The lack of such a policy was part of the reason why the implementation process that took place when TASK was first introduced in the organisation lead to so much unhappiness.

The policy was drawn up based on guidelines provided by SALGA and on the policies of municipalities that are situated in the District and therefore forms part of the evaluation unit for the District.

5. RECOMMENDATION

that the TASK Implementation Policy be recommended for APPROVAL to Council.

6.1 DISCUSSION

The Draft TASK Implementation Policy has been developed for purposes of providing the necessary structures, institutional arrangements and procedures for the evaluation of jobs within the Stellenbosch Municipality.

This will ensure that the Stellenbosch Municipality has uniform norms and standards in the description of similar jobs and their grading and to underpin job comparison.

The policy document has also been formulated to ensure that the implementation of the job evaluation system is implemented consistently within the municipality and that changes to outcomes are not made without a proper evaluation on the system and in terms of the policy.

The Human Resources Development Sub-Committee could only commence with discussions of this policy on the 09th of September 2019, and discussions were finalized on the 14th of October 2019 for re-submission to the Local Labour Forum for adoption and Council for approval. SAMWU requested an opportunity for further inputs at the LLF of 28 October 2019. The parties considered these further inputs at the Human Resources Development Sub-Committee meeting of 18th of November 2019, and finalized discussions at the Human Resources Development Sub-Committee meeting of the 16th of January 2020. The consulted policy is attached as **APPENDIX 1**.

6.2 Financial implications

If a post is evaluated lower than its current grading the incumbent (employee/official) will remain personal to incumbent until the employee/official vacates the post. If a post is graded higher than its current grading, and there is an employee/official in the post, then such result will be implemented in the first month after the outcome of the TASK Audit Committee is accepted by the Municipal Manager. There is no back-pay provision attached to the implementation.

6.3 Legal implications

Policy is in line with the SALGA Job Evaluation Guidelines and the provisions of Labour Law legislation.

6.4 Staff implications

Staff will not be prejudiced as a result of a lower grading. Such staff member will retain the salary component personal to incumbent. This will mean that there will be instances where employees doing the same job may be at different salary notches and even where employees reporting to a senior will receive a higher salary than the person he or she reports to. Currently there are several Managers reporting to the Section 56 managers that earn more than the Section 56 manager.

6.5 Risk implications

The grading result of certain posts may be higher than the current grading which will result in Council having to pay a higher salary, but there will not be any back-pay.

6.6 Previous council resolutions

Council has not previously approved a TASK implementation policy.

6.7 Comments from Senior Management

The policy document has been thoroughly consulted and may be submitted to Council for approval.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-02-12: ITEM 7.2.2

that the TASK Implementation Policy be approved.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene de Beer</i>
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 – 808 8018</i>
EMAIL ADDRESS	Annalene.deBeer@ Stellenbosch.gov.za
REPORT DATE	<i>4th February 2020</i>

ANNEXURE 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

JOB EVALUATION AND TASK IMPLEMENTATION POLICY

DATE APPROVED BY COUNCIL:

IMPLEMENTATION DATE: 1 MARCH 2020

1. **CONTENTS**

CLAUSE	DESCRIPTION	PAGE
1	PREAMBLE	3
2	SCOPE AND APPLICATION	3
3	PURPOSE	3
4	KEY PRINCIPLES	4
5	ROLE AND RESPONSIBILITY OF MUNICIPAL MANAGER	4
6	JOB EVALUATION UNIT ESTABLISHMENT AND COMPOSITION OF UNIT RESPONSABILITIES AND POWERS	5 5 6
7	PROVINCIAL AUDIT COMMITTEE COMPOSITION OF PAC RESPONSABILITIES AND POWERS	6 6 7
8.	TASK IMPLEMENTATION REQUIREMENTS	7
9	JOB EVALUATION PROCESS	8
10	MEETING RULES OF JE UNITS AND PAC	9
11	COSTS	9
12	CONFIDENTIALITY	10
13	ROLE OF SALGA	10
14	MANAGEMENT OF REVIEWS OF GRADING OUTCOME	11
15	DEFINITIONS	12

2.1. PREAMBLE

TASK is the uniform Job Evaluation System within the local government sector. It is the view that such uniformity is essential for a variety of sector processes such as wage bargaining, comparative understanding of workforce establishment levels and organisational form, sector skills planning, employment equity and the organisation of education and training.

This policy ~~must have reference to~~ be read in the context of the electronic TASK Job Evaluation System, and the TASK Job Evaluation System Training Manuals and ~~the TASK Job Evaluation~~ notes for the Municipal Sector used to do the actual evaluations.

Formatted: Indent: First line: 0 cm, Right: -0.04 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: -1.27 cm + Indent at: 0 cm

3.2. SCOPE OF APPLICATION

The terms of this policy shall be applicable to all employees in all municipalities in the Republic of South Africa except;

Municipal Managers and ~~the m~~Managers directly accountable to the Municipal Managers in terms of S567 of the Local Government Municipal Systems Act of 2000.

Formatted: Left, Indent: First line: 0 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: -1.27 cm + Indent at: 0 cm

3. PURPOSE

To implement the TASK Job Evaluation System within the Local Government sector to achieve uniform norms and standards in the description of similar jobs and their grading and to underpin job comparison.

To provide for the necessary structures, institutional arrangements and procedures for the evaluation of jobs in municipalities.

To ensure a single job evaluation system is implemented to avoid the remuneration disparities in the local government sector and specifically within Stellenbosch in the past.

To monitor adequate implementation of Task Job Evaluation System to achieve uniform remuneration within the local government sector.

Formatted: Indent: Hanging: 1.75 cm

4. KEY PRINCIPLES

Formatted: Outline numbered +
Level: 1 + Numbering Style: 1, 2, 3, ...
+ Start at: 4 + Alignment: Left +
Aligned at: -1.27 cm + Indent at: 0
cm

4.1 The national wage curve in the local government sector shall be utilized to determine the salaries of TASK graded jobs.

4.2 Any post which undergoes a permanent change in job content, shall be re- evaluated.

4.3 No post in the ~~local government sector~~ Stellenbosch Municipality shall ~~ould~~ be filled without having been subjected to the TASK job evaluation process. Evaluations should not hamper filling of posts.

4.4 The content of job descriptions for all employees shall be the joint responsibility of the employer and the employee. The employer is responsible to ensure that all employees have job descriptions.

4.4.5 The trade union representative may represent an employee when there is a dispute about the content of a job description. The final decision on the content of a job description lies with the employer.

4.5.4.6 _____ T

he compilation of job descriptions shall be in the prescribed TASK format.

5. ROLE AND RESPONSIBILITIES OF THE MUNICIPAL MANAGER

5.1 The Municipal Manager is responsible for ensuring the implementation of the TASK Job Evaluation System in the Municipality.

5.2 The Municipal Manager must ensure that the Manager responsible for Human Resources (or delegate) takes full responsibility for supporting and driving the job evaluation implementation process.

5.3 The Municipal Manager shall ensure that sufficient staff and resources are allocated to support the process.

5.4 The Municipal Manager shall in terms of section 66 of the Municipal

Systems Act 2000 and section 29.the Basic Conditions of Employment Act ensure that all employees have a description of their job.

- 5.5 The Municipal Manager must ensure that the municipality keeps custody of the copies of job descriptions for all posts.
- 5.6 The Municipal Manager shall determine, where possible, the job description that entails a combination of responsibilities to ensure effective utilization of staff as contemplated in section 55 read with section 66 of the Municipal Systems Act of 2000.
- 5.7 The Municipal Manager shall incorporate the job evaluation process responsibility to the performance contract of every Manager.
- 5.8 The Municipal Manager shall ensure that all staff are informed how the TASK JE System works as required in terms of section 67 of the Municipal Systems Act, 2000.
- 5.9 The Municipal Managers for the cluster of municipalities who are responsible for job evaluation at district level shall appoint appropriate persons to serve on the Job Evaluation Unit.
- 5.10 Municipal Managers in the region shall ensure that Job Evaluation Units are established and functional.

6 JOB EVALUATION UNITS,

ESTABLISHMENT AND COMPOSITION

- 6.1 ~~The Municipal Manager shall ensure the establishment~~ a Job Evaluation Unit in his/her municipality's region-, to take responsibility of driving job evaluation.
- 6.2 ~~In instances where the capacity of the municipality makes it impossible to have a fully fledged unit to drive the process, a~~ The structure will comprise comprising of appropriate employees trained on TASK Job Evaluation System ~~shall be established~~ at least at the District level. ~~/cluster of districts.~~
- 6.3 The Job Evaluation unit established at a District level ~~l/ cluster of districts~~ may will comprise of members from the relevant local municipalities.

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Bold, Not Italic

6.4 The composition of the JE Unit shall consist of the following

6.4.1 Head of JE Unit

6.4.2 Administrative / secretarial support

6.4.3 At least two (2) additional members from different municipalities within the region) who is responsible for –to assist in grthe grading of jobs

6.4.4 All nominees for membership shall undergo training.

7. ROLES AND RESPONSIBILITIES

7.1 The JE Unit shall conduct the evaluation of all jobs within the municipalities falling under its jurisdiction and present the outcome thereof for ~~adjudication~~audit by the ~~JE Panel~~PAC.

7.2. The responsibility of a JE Unit is both administrative (planning, prioritizing grading programs, quality control, receiving checking and filing job descriptions etc.) and the grading of jobs prior to submission to the Provincial Audit Committee (PAC)

7.3 Each JE Unit shall invite at least one Trade Union representatives from each of the recognized trade unions to participate as observers in the process of evaluating jobs.

7.4 For purposes of grading a quorum shall consist of three (3) members. appointed by the Municipal manager/s.In exceptional circumstances the evaluation may continue with only two members present.

7.5 The JE Unit may invite both the incumbent of the job as well as his/her manager and the Head of Departments inputs to confirm if the full particulars of the job were taken into account.

Formatted: Body Text, Justified,
 Indent: Left: 0.25 cm, Hanging: 1.34
 cm, Right: 0.21 cm, Space Before: 0
 pt, Line spacing: 1.5 lines

8. PROVINCIAL AUDIT COMMITTEE (PAC) COMPOSITION,

8.1 SALGA shall establish a Provincial Audit Committee to audit the outcomes of the JE results from the JE Unit/s.

8.2 The PAC shall consist out of at least ~~threefour~~ (34) members appointed by the SALGA Human Resources Workgroup, who are trained and experienced in the TASK system; and.

- 8.3 a secretarial/ administrative member to perform secretarial and administrative services
- 8.4 A quorum shall consist of two (2) members plus a SALGA representative~~three (3) members~~.
- 8.5 Members of the PAC shall serve on the panel for as long as possible~~but possible as but~~ not shorter than a period of at two~~at least one~~ years.
- 8.6 A representative of each of the recognized trade unions shall be invited and afforded an opportunity to participate as observers during the auditing.
- 8.7 The PAC shall convene on an ad hoc basis depending on the outcomes to be audited.
- 8.8 All nominees for membership may undergo additional training on how to conduct auditing.

8.9 RESPONSIBILITIES AND POWERS

It is the responsibility of every member of a PAC to:

- a) conduct auditing with due regard to the integrity of the TASK Job Evaluation System, its accepted rules, applications, definitions and terminology;
- b) to reach consensus where possible.
- c) request information or the further analysis or reformulation of information that is relevant to Job Evaluation in line with the requirements of the TASK Job Evaluation System;
- d) direct that the job be re-evaluated if there are reasons to believe that the outcome differs from the outcome of the JE unit. The JE Unit and the PAC must interact to reach final consensus on the job grade.
- e) Decide on the final outcome of the evaluation results.

9 TASK IMPLEMENTATION REQUIREMENTS

- 9.1 The critical elements required to implement the TASK System in a municipality are that the municipality:

- a) has an established organogram recording the position of all jobs and their designation.
- b) develops job descriptions in the prescribed TASK format
- c) that (a) and (b) at minimum have been used to evaluate the job using the TASK Software and accordingly arrived at a TASK Grade.

9.2 The TASK Job Evaluation System Policy shall be strictly adhered to by all concerned to ensure both consistency and adequate implementation.

~~9.3 SALGA shall communicate the list of all evaluated jobs from municipalities to Municipal Manager~~

9.3. SALGA shall communicate the list of all evaluated jobs from the municipalities to the Municipal Manager.

Formatted: Font: (Default) Arial, 12 pt

10 JOB EVALUATION PROCESS

10.1 If a job has changed materially, a job incumbent or his/her relevant manager may make an application with reasons through the ~~departmental~~ Director-head, that the job be re-evaluated, provided that such functions were performed for more than 6 months. If the trade unions do not agree with the content of the job description they must motivate and provide written input to SMHR.

~~10.1~~ 10.2 Any request and motivation for re-evaluation of job content should be forwarded to the JE unit to determine whether the content has changed substantially.

10.3 The job evaluation process shall be done on a continuous basis by the JE unit for as long there are new posts being added to the structure or organogram of the municipality as per section 66 of the Municipal Systems Act, 2000 or current posts needs re-evaluation.

Formatted: Not Expanded by /
Condensed by

~~10.2~~ 10.4 The JE Unit shall ensure that the posts that are to be evaluated have been approved by the municipality as required by the Municipal Systems Act, 2000.

~~10.3~~ 10.5 If required, the JE unit shall gather the relevant facts from both the incumbent of the job as well as the relevant manager and the Head of Department of the job in question to ensure adequate information is available for the evaluation of the post.

~~10.4 Both the incumbent of the job and the relevant manager may complete the prescribed questionnaire which elicit information and details that the elements of the TASK System considers to evaluate jobs. This information may be used to transfer information to the job descriptions.~~

~~11.4~~ ~~10.6~~ The incumbent of the post as well as the relevant manager and the Head of Department shall be required to sign off the job description prior to the JE unit grading the job on the TASK System.

~~9.8~~ 10.7 The evaluation takes place around a computer with the JE Unit representatives making an analysis for the:

Formatted: Indent: Left: 0.18 cm, Hanging: 1.25 cm, No bullets or numbering

- a) determination of the *skill level* of the post;
- b) the scoring of the *factors* relating to Complexity, Knowledge, Influence and Pressure;
- c) the scoring of the *sub-factors* relating to Complexity, Knowledge, Influence and Pressure.

~~9.9~~ 10.8 This scoring must be read in the context of the TASK Job Evaluation System, the SALGBC customised TASK Job Evaluation System Training Manuals and the TASK Job Evaluation Notes for the Municipal Sector.

Formatted: Indent: Left: 0 cm, Hanging: 1.42 cm, No bullets or numbering

~~11.9~~ ~~10.9~~ The JE Unit shall then compile a report for the PAC with appropriate audit trail.

~~11.10~~ ~~10.10~~ The PAC shall convene on an ad hoc basis to adjudicate on the evaluation results from the JE Unit.

~~11.11~~ ~~10.11~~ The PAC shall be furnished with all relevant documentation seven (7) working days prior to the date of the PAC meeting to ensure sufficient time to prepare.

~~11.12~~ ~~10.12~~ A representative of the JE Unit shall present the results to the PAC on request.

~~11.13~~ ~~10.13~~ The PAC shall consider and determine the final outcome for each job on a consensus basis.

~~11.14~~ ~~10.14~~ The PAC shall sign off the results of the job evaluation process prior to the JE unit communicating same to the Municipal Manager for

implementation on the effective date.

~~11.~~
~~12.~~
~~13.~~
~~14.~~

~~15.~~ 11. **MEETING RULES OF THE JE UNITS AND PAC**

11.1 The JE Units and the PAC shall appoint a chairperson to perform the normal duties associated with such office.

11.2 The Units and PAC functions in terms of normally understood rules of meeting procedure.

11.3 An agenda should be prepared for every meeting.

~~10.1~~ The proceedings of all meetings must be recorded with particular reference to all prescribed administrative recording requirements.

Formatted: Indent: Left: 0.18 cm, Hanging: 1.25 cm, No bullets or numbering

Formatted: Indent: Left: 1.76 cm, No bullets or numbering

12. **COSTS**

12.1 Municipalities shall bear the proportional costs associated with Job Evaluation and auditing of results.

12.2 SALGA will develop a framework for the above.

13. **CONFIDENTIALITY**

13.1 Members of the JE Unit and PAC and observers shall maintain confidentiality on all scores and grading *outcomes* prior to formal notification and shall otherwise avoid disclosing information obtained in the process of job evaluation in a manner that may prejudice effective implementation

14. **ROLE OF SALGA**

14.1 SALGA will establish Provincial Audit Committees to deal with auditing of JE Results comprising of JE speci

14.2 Such representatives should preferably be active **JE Unit members** but shall in any event have undergone training in the *TASK System*.

14.3 SALGA will negotiate with the service provider for the acquiring of licenses

- 14.4 All jobs evaluated after the implementation shall be forwarded to SALGA for archiving and ease of
- 14.5 SALGA is responsible for monitoring the implementation and maintenance of the TASK Job Evaluation system in the sector in terms of the systems rules, definitions and terminology, and such supplementary rules and provisions as it may determine.
- 14.6 In respect to issues of the establishment of standards for the content and quality of Job Descriptions and uniform national Job Designation SALGA shall:
- a) develop Guidelines and criteria for Job Description writing and collect and promoting the use of example job descriptions reflective of the spectrum of jobs in the sector;
 - b) develop a common framework for the designation and identification of jobs in the sector;
 - c) identify generic and critical bench-mark jobs and encourage the adoption by municipalities of common national job description and designations;
 - d) analyze stand- alone jobs in particular municipalities in the national context and encouraging the adoption of more generic national standards in the designation and description of such jobs.
- 14.7 In respect of issues of the standard and consistency of application of the TASK systems and issues of customized for the sector to:
- a) monitor the consistency of the work of different PAC's through comparison of audit trails and choice motivations for similar or identical jobs and develop advisory noted or guidelines;
 - b) evaluate applicability of existing terminology and definitions and propose amendments or adjusted wording to ensure consistent and correct application of the system.
 - c) Monitor for any distorting effects in the application of the system arising from racial, gender, formal qualification or other factors underlying past or existing job designations and Job Descriptions that are inconsistent with principles of equal assessment of jobs of equal value.

- d) Conduct Audits and seeking to establish consistent practices in the performance and outcomes produced by PAC's.
- e) Publish any amended job descriptions.

15. MANAGEMENT OF REVIEWS OF GRADING OUTCOME

- 15.1 Municipalities / Incumbents who are dissatisfied with the outcome of the final job grade as decided by the PAC may request a review of the grading outcome in a prescribed form to the relevant JE Unit.
- 15.2 Requests for review should be lodged within 6 weeks after being informed of the final job grade.
- 15.3 The JE Unit will refer the matter to their Regional PAC who will then forward these reviews to a different PAC.
- 15.4 The PAC hearing the review shall hear the review within 3 months of the request.

~~15.5~~ 15.5 The outcome of the grading by the PAC is regarded as final shall be final and binding. The Municipal Manager may on good reasons shown implement a different outcome.

Formatted: Indent: Left: 0.18 cm, Hanging: 1.25 cm, No bullets or numbering

Formatted: Body Text, Left, No bullets or numbering, Tab stops: 2.22 cm, Left

~~17.16.~~ DEFINITIONIONS

~~3.4~~ All expressions used in this policy, which are defined in the Labour Relations Act, 1995, shall bear the same meanings as in the Act and unless the contrary intention appears, words importing the masculine gender shall include the feminine.

Formatted: Indent: Left: 0.18 cm, Hanging: 1.25 cm, No bullets or numbering

16.1 *Review* shall mean an application by an employee or group of employees who are aggrieved with their final outcome job grade;

16.2 *Audit trail* shall mean the report generated by the TASK system detailing the skill level and corresponding factor statements weighting and points;

16.3 *Objection* shall mean the disagreement by a municipal manager on the outcome of the PAC ;

Formatted: Font: Not Italic

3-2

~~17.1~~16.4 *Auditing* shall mean a technical exercise in verifying that the TASK system is being consistently applied in terms of its own rules and any other rules on implementation;

Formatted: Font: Not Italic

Formatted: Indent: Left: 3.25 cm, No bullets or numbering

16.5 “*Factors*” shall mean the four TASK factors of Complexity, Knowledge, Influence and ~~P~~pressure;

16.6 “*Job Description*” shall mean a description of the content and duties of a post in terms of criteria and guidelines determined;

3-5

16.7 *Effective Date* shall mean the date of implementation after a job was graded, and shall be the beginning of the calendar month following the receipt of the grading from the PAC;

Formatted: Left, Indent: Left: 3.25 cm, No bullets or numbering

16.8 “*Skill Level*” shall mean the Basic, Discretionary, Specialised, Tactical and Strategic Levels as per the TASK System;

16.9 “*Sub-factors*” ~~shall mean~~ shall mean – the fine the fine tuning – of tuning – sub of sub-factors in the TASK system;

16.10 TASK shall mean Tuned Assessment of Skills and Knowledge;

16.11 “*TASK System*” shall mean the TASK Job Evaluation System in terms of its rules, application, definition and terminology;

16.12 *Review Procedure* shall mean the process which the PAC shall follow to review grading results arrived at by a different PAC;

16.13 PAC shall means a Provincial Audit Committee.

16.14 SMHR shall mean the Senior Manager Human Resources

The Policy will be reviewed on a bi-annual basis starting in 2022 or if any changes is needed based on operational needs.

11.2.2	PROPOSED DISPOSAL OF ERF 718, KAYAMANDI TO THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE
--------	---

Collaborator No:

DP KPA Ref No:

Meeting Date:

Good Governance and Compliance

12 February 2020

1. SUBJECT: PROPOSED DISPOSAL OF ERF 718, KAYAMANDI TO THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE

2. PURPOSE

To obtain Council's final approval for the disposal of erf 718, Kayamandi, to the Provincial Government of the Western Cape, to enable them to extend the existing clinic in Kayamandi.

3. DELEGATED AUTHORITY

For decision by the Municipal Council.

4. EXECUTIVE SUMMARY

On 2019-08-28 Council considered an application from the Provincial Government of the Western Cape to acquire erf 718, Kayamandi.

Council approved, in principle, that erf 718 be disposed of to the Provincial Government, subject to certain conditions, and subject thereto that Council's intention so to act be advertised for public inputs/objections. A notice to this effect was published. No inputs/objections were received. Council must now make a final determination in this regard.

5. RECOMMENDATIONS

- (a) that Council takes note of the fact that no inputs/objections were received, following the public notice period;
- (b) that it is confirmed that Erf 718 Kayamandi was identified as land not needed to provide the minimum level of basic municipal services;
- (c) that Council approves the disposal of Erf 718 Kayamandi to the Provincial Government of the Western Cape free of charge as it will be used for the greater good of the community and it is disposed of to the Provincial Government; and
- (d) that the disposal is on condition:
 - i) that the Provincial Government be responsible for the rezoning and consolidation of Erf 718; and
 - ii) that all costs associated with the transfer, including the cost of obtaining vacant occupation, be for the account of the Provincial Government.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 In-principle decision

On 2019-08-28 Council considered an application from the Provincial Government of the Western Cape for the acquisition of erf 718, Kayamandi, to enable them to extend the existing clinic building.

Having considered the report, Council decided as follows:

30TH COUNCIL MEETING: 2019-08-28: ITEM 11.2.2**RESOLVED** (*nem con*)

- (a) *that Erf 718 Kayamandi be identified as land not needed to provide the minimum level of basic municipal services;*
- (b) *that Council approves the disposal of Erf 718 Kayamandi to the Provincial Government of the Western Cape, free of charge, on condition:*
 - i) *that they be responsible for the rezoning and consolidation of Erf 718;*
 - ii) *that all costs associated with the transfer; including the cost of obtaining vacant occupation, be for the account of the Provincial Government.*
- (c) *that Council considers whether the Erf is donated or sold at a price below market value as it will be used for the benefit of the community;*
- (d) *that Council's intention to donate/sell Erf 718 to the Provincial Government be advertised for public inputs/objections; and*
- (e) *that, following the public notice, the item be brought back to Council to consider any inputs/objections before making a final decision.*

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

6.1.2 Public Works

Following the above resolution, an Official Notice was published in the local media, soliciting public inputs/objections; a copy of which is attached as **APPENDIX 2**.

6.2 Discussion**6.2.1 Comments/objections received**

The closing date for submission of inputs/objections were 21 November 2019. At the closing date no such comments/inputs or objections were received.

6.3 Financial implications

There are no financial implications for the municipality.

6.4 Legal Implications

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

6.5 Staff Implications

No additional staff implications

6.6 Previous / Relevant Council Resolutions

28 August 2019 (**APPENDIX 1**)

6.7 Risk Implications

The risk implications are addressed in the item.

6.8 Comments from Senior Management

As this is a return item, it was not circulated for comments.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-02-12: ITEM 7.2.3

- (a) that Council takes note of the fact that no inputs/objections were received, following the public notice period;
- (b) that it is confirmed that Erf 718 Kayamandi was identified as land not needed to provide the minimum level of basic municipal services;
- (c) that Council approves the disposal of Erf 718 Kayamandi to the Provincial Government of the Western Cape free of charge as it will be used for the greater good of the community and it is disposed of to the Provincial Government; and
- (d) that the disposal is subject to the following conditions:
 - i) that the Provincial Government be responsible for the rezoning and consolidation of Erf 718;
 - ii) that all costs associated with the transfer, including the cost of obtaining vacant occupation, be for the account of the Provincial Government; and
 - iii) that a fall-back clause be registered against the title deed if the property is no longer used for clinic/community health purposes,

ANNEXURES:**Annexure 1: Agenda item that served before Council****Annexure 2: Public Notice****FOR FURTHER DETAILS CONTACT:**

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2020-01-22

ANNEXURE 1



Collaborator No:
IDP KPA Ref No:
Meeting Date:

(To be filled in by administration)
Good Governance and Compliance
14 and 28 August 2019

1. SUBJECT

APPLICATION BY PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO ACQUIRE ERF 718, KAYAMANDI FOR THE UPGRADE AND EXPANSION OF THE EXISTING KAYAMANDI CLINIC

2. PURPOSE

To consider the application from the Provincial Government of the Western Cape to acquire erf 718, Kayamandi to enable them to upgrade and extend the existing clinic in Kayamandi.

3. DELEGATED AUTHORITY

For decision by the Municipal Council.

4. EXECUTIVE SUMMARY

With the transfer of the clinic function to the Provincial Government of the Western Cape it became evident that the clinic in Kayamandi, which is situated on erven 719 and 720, was encroaching onto erf 718. Erf 718 was allocated to the Seventh Day Adventist church during 1996, but the property was not yet transferred to them. Following a recent Council resolution to allocate an alternative site for the church (Erf 1523, Kayamandi was offered to the church, in exchange for erf 718). A formal application to acquire erf 718, Kayamandi has been received from the Provincial Government of the Western Cape to enable them to extend the clinic in Kayamandi.

5. RECOMMENDATIONS

- a) that erf 718 be identified as land not needed to provide the minimum level of basic municipal services;
- b) that Council, in principle, approve the disposal of erf 718 to the Provincial Government of the Western Cape, free of charge, on condition:
 - i) that they be responsible for the rezoning and consolidation of erf 718;

- ii) that all costs associated with the transfer; including the costs of obtaining vacant occupation, be for the account of the Provincial Government.
- c) that council consider whether the erf is donated or sold at a price below market value as it will be used for the benefit of the community
- d) that Council's intention to donate/sell erf 718 to the Provincial Government be advertised for public inputs/objections;
- e) that, following the public notice the item brought back to Council to consider any inputs/objections before making a final decision.

6. DISCUSSION / CONTENT

6.1 Background

Erf 718, measuring 990m² in extent, was awarded to the Seventh Day Adventist Church on 21 May 1996 at a sales price of R10/m². During May 2011, however, it was brought to our attention that the clinic (situated on erven 719 and 720) was encroaching onto Erf 718, and for this reason they could not take transfer of the clinic. The exchange of Erf 1523, Kayamandi, to the Seventh Day Adventist church in exchange for erf 718, was subsequently approved by Council.

6.2 Discussion

6.2.1 Application to acquire erf 718: Provincial Government of Western Cape

An application to acquire erf 718, Kayamandi, for the purpose of expanding and upgrading of the existing clinic, has been received from the Provincial Government of the Western Cape, a copy of which is attached as **APPENDIX 1**.

6.2.2 Location and context

Erf 718, measuring 990m² in extent, is situated in Basi Street, Kayamandi, as shown on Fig 1 and 2 below.



Fig 1: Location and context



Fig 2: Extent of Erf 718

6.2.3 Ownership

The ownership of Erf 718, a portion of erf 707 (General Plan 7888/1991), vests with Stellenbosch Municipality by virtue of Title Deed T59361/2002. See Windeed record attached as **APPENDIX 2**.

6.2.4 Valuation

Hereto attached two valuation reports compiled by Cassie Gerber and Knight Frank during 2015, valuing the property as follows:

Cassie Gerber:	R108 900.00
Knight Frank:	R150 000.00
Weighed average:	R129 450.00

Copies of the valuation reports is attached as **APPENDIX 3** and **4**.

Taking into account the community value to be received in exchange for the land, i.e an enlarged clinic, benefitting the community at large, it is recommended that the land be made available free of charge or sold at a nominal amount (below market value).

6.3 Legal Implications

In terms of Section 14(2) of the MFMA a Municipality may dispose of a capital asset, but only after the municipal council, in a meeting open to the public –

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

In terms of Section 40 of the Municipal Supply Chain Management Regulations, a municipality's supply chain management policy must, *inter alia*, specify the ways in which assets may be disposed of to another organ of state at market related value or, whether free of charge.

Such policy must stipulate that immovable property may be sold only at market related prices, except when the public interest or the plight of the poor demands otherwise.

In terms of Chapter 3 of the Municipal Asset Transfer Regulations (R878/2008) the transfer of certain assets to another organ of state may be exempted from the provisions of Section 14 of the MFMA.

Sub-regulation 20 (1) (a) to (e) of the Regulations define the circumstances in which such transfer is exempted. The property in question does not fall within these provisions.

In terms of sub-regulation 20 (f)(i), however, section 14 (1) to (5) of the MFMA does not apply if a municipality transfer a capital asset to an organ of state in any other circumstances not provided in (a) to (e) (above) , provided that –

- (i) the capital asset to be transferred is determined by resolution of the Council to be not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality; and
- (ii) if the capital asset is to be transferred for less than fair market value, the municipality has taken into account, *inter alia* the expected loss or gain that is to result from the proposed transfer.

Further, in terms of Section 29 of the Regulations, the value of a capital asset to be transferred to an organ of state (as contemplated in section 20) must be determined in accordance with the accounting standards that the Municipality is required by legislation to apply in preparing its annual financial statements.

In the absence of such guidelines, any of the following valuation method must be applied:

- (a) Historical cost of the asset*
- (b) Fair market value of the asset;
- (c) Depreciated replacement cost of the asset; or
- (d) Realizable value of the asset.

From the above it is clear that, although the property under discussion does not fall in the categories described in section 20 (a) to (e) (exempted), Council can indeed regard it as being exempted, provided that the provisions of section 20 (f) (i) and (ii) have been considered.

6.4 Staff Implications

The report has no additional staff implications to the Municipality.

6.5 Previous / Relevant Council Resolutions

None

6.6 Risk Implications

The risks has been addressed in the report.

6.7 Comments from Senior Management

No comments received on due date after request send out

ANNEXURES:**Annexure 1: Application from Provincial Government Western Cape****Annexure 2: Windeed search****Annexure 3: Valuation report from Cassie Gerber****Annexure 4: Valuation report from Knight Frank****FOR FURTHER DETAILS CONTACT:**

<i>NAME</i>	Piet Smit
<i>POSITION</i>	<i>Manager: Property Management</i>
<i>DIRECTORATE</i>	<i>CORPORATE SERVICES</i>
<i>CONTACT NUMBERS</i>	<i>021-8088189</i>
<i>E-MAIL ADDRESS</i>	Piet.smit@Stellenbosch.gov.za
<i>REPORT DATE</i>	<i>2019-08-02</i>

ANNEXURE 2



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

31/10/2019

OFFICIAL NOTICE

PROPOSED DISPOSAL OF ERF 718, KAYAMANDI TO THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE FOR THE PURPOSE OF EXPANDING THE EXISTING CLINIC

Notice is hereby given in terms of par. 9.2.2 of Stellenbosch Municipality's Policy on the Management of Council-owned property of the Municipality's intention to dispose of a portion of Erf 718, Kayamandi to the Provincial Government of Western Cape for purposes of expanding the existing clinic.

Background

With the transfer of the clinic function to the Provincial Government of the Western Cape it became evident that the clinic in Kayamandi, which is situated on erven 718 and 720, was encroaching onto erf 718. Erf 718 was allocated to the Seventh Day Adventists Church during 1996, but the property has not yet been transferred to them at the time.

Stellenbosch Municipality and the Seventh Day Adventists Church has subsequently reached an agreement in terms whereof they have accepted an alternative site.

For this reason Council can now consider the disposal of Erf 718 to the Provincial Government, to enable them to extend the existing clinic.

Council considered the matter on 2019-08-28. Having considered the matter, they resolved as follows:

RESOLVED (nem con)

- (a) *that Erf 718 Kayamandi be identified as land not needed to provide the minimum level of basic municipal services;*
- (a) *that Council, approves the disposal of Erf 718 Kayamandi to the Provincial Government of the Western Cape, free of charge, on condition:*
 - i) *that they be responsible for the rezoning and consolidation of Erf 718;*
 - ii) *that all costs associated with the transfer; including the cost of obtaining vacant occupation, be for the account of the Provincial Government.*
- (c) *that Council considers whether the Erf is donated or sold at a price below market value as it will be used for the benefit of the community;*
- (d) *that Council's intention to donate/sell Erf 718 to the Provincial Government be advertised for public inputs/objections; and*
- (e) *that, following the public notice, the item be brought back to Council to consider any inputs/objections before making a final decision.*

Further Particulars:

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

Invitation to submit written inputs

Any interested and effected party who wishes to submit inputs/objections to the proposed transfer can do so by submitting it in writing to the Manager: Property Management within 21 days from date of this notice being published.

Any such comments/objections can be submitted by hand, posted or by e-mail to:

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

Postal address: PO Box 17
 Stellenbosch
 7599

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

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

G METTLER
MUNICIPAL MANAGER

DATE

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

Collaborator No:

IDP KPA Ref No:

Meeting Date:

GOOD GOVERNANCE

12 February 2020

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. They have requested that the Lease Agreement be renewed for another 30-year term. The Lease Agreement does not have a provision dealing with a renewal and therefore it is suggested that a new agreement be entered into should Council approve of the request for a long-term lease. If Council decide to enter into a private treaty the intention to enter into the long term lease must be advertised for public inputs/objections/alternative proposals. The Stellenbosch Airfield has been operating since the early 1900's and over time the required infrastructure and services to operate an airfield of this nature has been acquired. For the purpose of this report, it is assumed that the property falls within this category, value in excess of R10M. According to the General Valuation of 2017 the total Municipal valuation of the property is R20,339 million including a business category portion valued at R17,519 million. For that reason a section 35 public participation process needs to take place before the Council can make an in principle decision on the request and for that reason a draft information statement is attached for approval .

5. RECOMMENDATIONS

- (a) that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;
- (b) that Council considers the approval of a further lease after public participation process;
- (c) that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;
- (d) that the draft Information Statement be considered for the public participation process; and
- (e) that, following the public participation process referred to above, a report be submitted to Council in order to make an in-principle decision.

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

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

6.1.2 Application for renewal of Lease Agreement

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

6.2 Discussion**6.2.1 Locality and context**

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



Fig 1: Location and regional context

6.2.2 Services

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

6.2.3 Ownership

The ownership of Farm 502 vests with Stellenbosch Municipality.

6.2.4 Legal requirements

6.2.4.1 Asset Transfer Regulations

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

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

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

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

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

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

6.2.4.1.2 Public participation process for granting of long term rights

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

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

6.2.4.1.3 Consideration of proposals

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

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

6.2.4.1.4 Conditional approval of rights

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

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

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

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

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

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

6.2.4.2 Policy on the Management of Council owned property**6.2.4.2.1 Competitive process**

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

In terms of paragraph 9.1.1 of the Policy,

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

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

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

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

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

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

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

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

6.2.4.2.2 Deviation from competitive process

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

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

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

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

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

6.2.5 Motivation for entering into a long term lease agreement

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

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

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

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

Of even greater importance to the region is the essential emergency response service hosted here in the form of Working on Fire who have been instructed by the South African Civil Aviation Authority to establish a permanent maintenance facility in the Western Cape for their fleet of helicopters and fixed wing firefighting aircraft. Working on Fire currently operates from a temporary facility on the premises rented from the club and they are dependent on other maintenance organisations for the maintenance of their aircraft. While there are alternative options for the establishment of their permanent base, Stellenbosch is their preferred location with its central proximity to the fire prone areas of the Western Cape as shown over a number of years during which they have based themselves here during the summer fire season. The further benefit that Stellenbosch derives from their presence is the large number of young, local people that they employ every season, and the additional personnel that they will engage should they establish their base on the field. They are however at the point at which a decision has to be made in order to ensure that the required facility is operational by December 2018 for this year's fire season.

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

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

6.2.6 Precinct Plan

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

6.2.7 Proposed new bypass road

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



Fig 2: Proposed Western by-pass route

6.3 Financial Implications

If any will be determined after the public participation process.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

On 30 April 2015 Council resolved as follows:

RESOLVED (majority vote)

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

The decision, however, was never implemented.

6.7 Risk Implications

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

6.8 Comments from Senior Management**Chief Financial Officer**

According to the General Valuation of 2017 the total valuation of the property is R20,339 million including a business category portion valued at R17,519 million. The property is well located and may be affected by future spatial planning considerations like the Western Bypass.

Director: Community Services

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

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

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

ANNEXURES:

- Annexure A: Flying Club Lease agreement
- Annexure B: Letter from Stellenbosch Flying Club
- Annexure C: Information Statement
- Annexure D: Precinct plan

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-12-17

ANNEXURE A

(24)

1

MEMORANDUM VAN HUUROOREENKOMS

Aangegaan deur en tussen

DIE MUNISIPALITEIT STELLENBOSCH

hierin verteenwoordig deur

ERASMUS PETRUS SMITH TALJAARD EN GERHARDUS MATTHYS STRYDOM

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

("die VERHUURDER")

en

STELLENBOSCH VLEGVELD MAATSKAPPY

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

("die HUURDER")

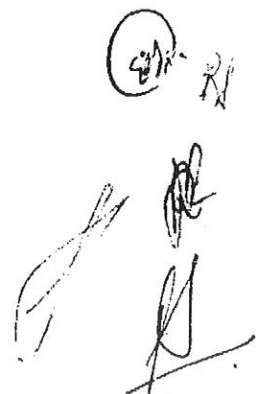
NADEMAAL die VERHUURDER die eienaar is van die eiendom bekend as

Perseelnommer : 502L

Groot : 28.20 hektaar

soos aangedui op die aangehegte kaart

("die EIENDOM")

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

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

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

NOU DERHALWE KOM DIE PARTYE ONDERLING SOOS VOLG OOREEN

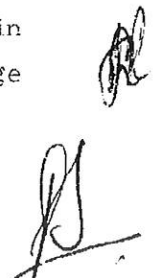
1. TERMYN VAN VERHURING

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

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

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





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

1. HURGELD, KOSTE VAN WATER, MUNISIPALE BELASTING

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

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

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

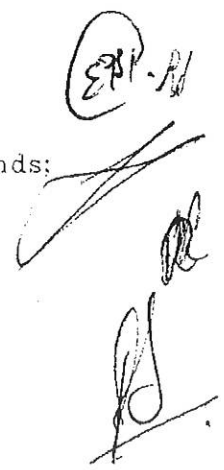
4.2.1.1 basiese bydrae vir rente en delging van die beoogde nywerheidswatervoorsiening;

4.2.1.2 administratiewe koste;

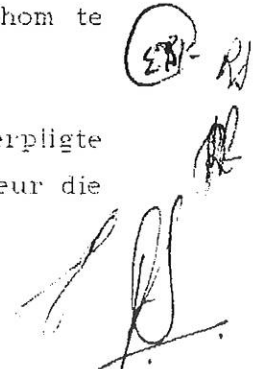
4.2.1.3 verpligte bydraes ten opsigte van 'n reserwefonds;

4.2.1.4 verpligte bydraes tot die Waternavorsingsraad;





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

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

5. STREEKSDIENSTERAADHEFFING

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

6. MYN- EN ANDER REGTE

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

7. BESKERMING VAN BOME

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

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

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

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

8. WATERBRONNE

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

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

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

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

9. GRONDBEWARING

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

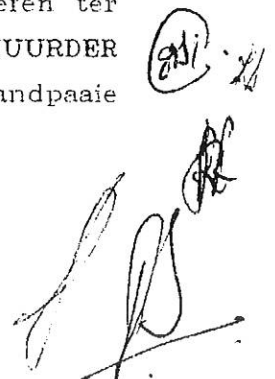
- 9.2 Die HUURDER onderneem om gronderosie teen te werk en om stiptelik uitvoering te gee aan die bepalings van enige grondbewaringskema wat volgens wet op die EIENDOM van toepassing mag wees, en te dien einde behou die VERHUURDER die reg voor om periodieke instruksies uit te reik.
- 9.3 Die VERHUURDER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

10. SKADELIKE GEWASSE

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

11. BRANDBESTRYDING

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



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

12. OMHEINING

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

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

13. ONDERVERHURINGS, SESSIES OF OORDRAGTE, ENS

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

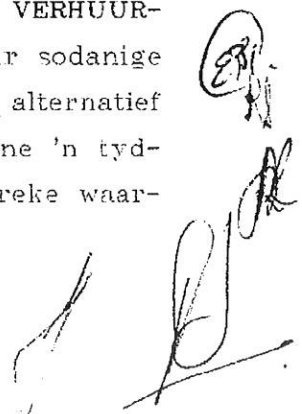
13.2 Die VERHUURDER kan 'n sertifikaat as bewys vereis dat die maatskappy wat 'n HUURDER is, wel as 'n maatskappy geregistreer is.

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

14. GEBOU EN STRUKTURELE VERBETERINGE

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

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

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

15. BAKENS

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

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

16. PAAIE

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

17. INSPEKSIES

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

18. ADVERTENSIETEKENS

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

19. ERFDIENSBAARHEID EN VERJARING

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

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

20. OPSEGGING EN BEËINDIGING VAN HUUROOREENKOMS

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

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

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

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

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

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

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

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

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

21. SKADELOOSSTELLING

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

22. KOSTE VAN OOREENKOMS

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

23. ARBITRASIE

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

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

24. BEHEER OOR GEBRUIK VAN LUG

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

25. INVORDERINGSKOSTE

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

GETEKEN TE STELLENBOSCH HIERDIE 10 DAG VAN Februarie 1998

GETUIE

TEN BEHOEWE VAN DIE VERHUURDER

1. B. Lippel

2. B. Robinson

[Handwritten Signature]
BURGEMEESTER

[Handwritten Signature]
UITVOERENDE HOOF/
STADSKLERK

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

GETUIE

TEN BEHOWE VAN DIE HUURDER

1. [Handwritten Signature]

2. [Handwritten Signature]

[Handwritten Signature]

1991-06-25

(EVLIEG/KONTRAK/mc)

BYLAE B

BELEID EN TOEPASSING VAN DIE HUURGELDBEREKENING

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

2. *Huurgeld betaalbaar in eerste termyn van tien (10) jaar*

Die huurgeld sal jaarliks met 15 %, saamgesteld bereken met aanvangsdatum 1992-04-01, eskaleer.

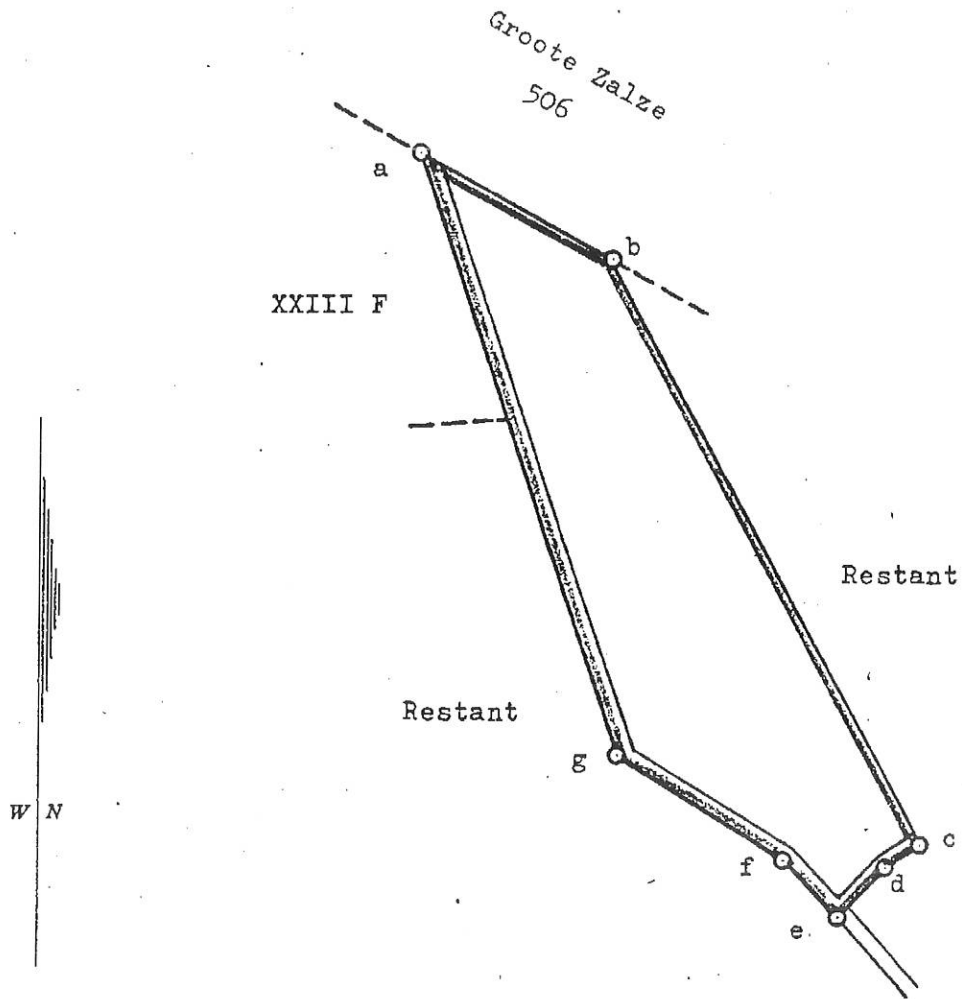
3. *Aangepaste huurgeld na tien (10) jaar*

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

1991-06-25

(EVLIEG/KONTRAK/mc)

Handwritten signatures and initials at the bottom of the page. There are several distinct marks, including a large stylized signature on the left, a vertical line with a hook in the middle, and a signature on the right that includes a circled number '411' and other scribbles.



Skaal: 1/ 10 000

Die figuur a b c d e f g stel voor 22 Hektaar, uitgesonderd die 20 meter paaie, (tot naaste 1/2 Hektaar) grond synde

Munisipale Huurgrond Perseel XXIII K (Vliegveld)

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

Opgestel deur my Maart 1973,

H. Friedland
Landmeter.

Clair

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

STELLENBOSCH VliegVELD MAATSKAPPY

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

1. Die voorsitter verwelkom al die direksie lede.

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

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

4. Die voorsitter bedank die direkteure vir hul teenwoordigheid.

5. Datum van volgende vergadering: Op kennisgewing

Vergadering verdaag om 15:20





4 Kwaiiwater Road
Kwaiiwater
Hermanus
7200

1st September 2000

Tel : 028 312 3377
Fax : 028 312 3137

Stellenbosch Munisipaliteit
Fax 021 808 8200
Attn: mr Kotie Kruger

Re: Lease Agreement : Stellenbosch Flying Club/Stellenbosch Municipality

Dear mr Kruger,

Thank you for agreeing to fax me a copy of above lease agreement to above fax number.

I purchased hangar number 6A (a new hangar) from the Stellenbosch Flying Club in July and have requested a copy from them without much success, although the lease agreement forms a vital annexure to my purchase agreement with the club.

Thank you again for your friendly willingness to cooperate.

Kind regards,

Marius Fürst

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

cc Stellenbosch Flying Club

FAX 8801258
Attn: Louise / N. Horwood
---Page 1 of 1 Pages---

ANNEXURE B



08 December 2019

Stellenbosch Municipality
 P. O. Box 17
 Stellenbosch
 7600

Attention: The Manager: Property Management

Dear Mr Smit

APPLICATION FOR RENEWAL OF LEASE

The Stellenbosch Flying Club has leased part of the property known as Louw se Bos from the Stellenbosch Municipality since 1973. In the intervening period the club has grown substantially and added significant value to the property including the construction of a runway and associated taxiways, hangars, a clubhouse and flight training centre and the installation of all associated electrical, water, sewerage and roads infrastructure. These improvements have all been funded entirely by the club and it's members. The result is that today there is an excellent, local airfield serving the various needs of not only the local recreational flying fraternity, but the greater Stellenosch and regional community with top class flight training centres, an accredited aircraft maintenance facility and base for the essential services provided by Working on Fire to the Western Cape Government and Leading Edge Aviation contracted by the Winelands Municipality for fire fighting services during the Western Cape Summer fire season.

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

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

The continued existence of the Stellenbosch Flying Club on this site not only ensures that the facility remains accessible for the use of aviators, but also ensures the continued employment of approximately 50 local persons from a variety of backgrounds who are

employed by the club, the club's flight training centre, the Stellenbosch Flight Academy and Stellair, the onsite licenced aircraft maintenance facility.

Of even greater importance to the region is the essential emergency response service hosted here in the form of Working on Fire who have been instructed by the South Africa Civil Aviation Authority to establish a permanent maintenance facility in the Western Cape for their fleet of helicopters and fixed wing fire fighting aircraft. Working on Fire currently operates from a temporary facility on the premises in the form of a hangar rented from the club. While there are alternative options for the establishment of their permanent base, Stellenbosch is their preferred location with it's central proximity to the fire prone areas of the Western Cape as shown over a number of years during which they have based themselves at the field during the summer fire season. The further benefit that Stellenbosch derives from their presence is the large number of local young people that they employ every season. This will increase when their local permanent base is established. While they are ready and willing to invest in the infrastructure required to accommodate them permanently they are unable to do so before the Stellenbosch Flying Club has renewed it's lease with the Stellenbosch Municipality. The renewal is therefore key to their permanent establishment.

Leading Edge Aviation has just entered their second season as fire fighting contractor to the Winelands Municipality and they have based two helicopters at the airfield for the season. They have also invested in excess of R1 000 000 in a hangar purchased from a member and the installation of a helipad for their large Blackhawk helicopter. This investment demonstrates their commitment to a future at the airfield and as they continue to establish themselves they will require additional personnel which in turn creates opportunity for the local community.

The Stellenbosch Flying Club has recently established itself as a major contributor to the local community and micro economy through the extremely successful 2019 Airshow held in March. This was the biggest airshow ever hosted by the club and it was recognised with the award for Airshow of the Year at the recent Aero Club of South Africa awards function held at Rand Airport in Johannesburg. This event not only put the name of Stellenbosch in the media across the country but it also created opportunity for local entrepreneurs who were given the opportunity provide meals, refreshments and services on the day. In addition local businesses such as Stellenbrau and various wine estates were given the opportunity to sell and showcase their produce. Plans are already underway for the 2020 airshow and we anticipate a high level of corporate sponsor support which will allow us to make a substantial donation to a local charity after the event, again showing benefit to the people of Stellenbosch.

While we have great dreams and plans for the airfield and the services that it supports, what is critical to the Stellenbosch Flying Club as an urgent, short term priority is the renewal of the lease that we currently have with the Stellenbosch Municipality, for as long a period as possible. This will allow us to provide those emergency service who make use of our facilities with the security required in order to make the investment necessary to their long term establishment in the area as required by the South African Civil Aviation Authority.

The Stellenbosch Flying Club has also given much consideration to further development of the facility to the benefit of the region as a whole and conceptual plans include the possible development of an emergency services precinct on land adjacent to the Stellenbosch Flying

Club leased area. This could potentially serve the needs of private, municipal and provincial emergency services with the proximity to the airfield an obvious operational advantage. This is but one example of the potential that exists and the club has the expertise to assist with the establishment and operation of such a facility. Great interest has been shown in the establishment of both helicopter and fixed wing charter operations from the airfield with winelands scenic flights and estate visits showing great potential for further boosting business in the local area. The club also has plans for it's own growth and development with plans to accommodate it's recently acquired retired South African Airforce Mirage fighter jet and a number of other historical items in the club's possession. This will add to the public appeal of the facilities and we envisage creating a venue open to the public for recreational purposes within whatever guidelines a renewed lease may impose. What must be emphasised is that all development and the creation of the facility that you see today has been entirely funded by the club and it's members and with absolutely no cost to the Stellenbosch municipality. Other possibilities for development and cooperation with other institutions to which the club is open exist however renewal of our lease is key to any of these considerations.

While the club understands and respects the systems and procedures of the municipality and legislation applicable to the management of public and municipal land, we would like to request that consideration is given to applying the provisions of section 9.2.2 of the Policy on the Management of Stellenbosch Municipality's Immoveable Property of march 2018, which makes provision for the renewal of a lease without the normally required competitive tender process. This request is made giving consideration to the urgency of our need to secure the future of the club at the airfield and in turn provide security to first and foremost the emergency services currently making use of the field on a year by year basis, and also those commercial tenants on the field along with the numerous people employed both by the club and other entities. The Stellenbosch Flying Club's track record as a tenant would indicate clearly that there is no risk to the Stellenbosch Municipality should this approach be adopted.

In summary we request, bearing in mind the extended period for which the club has been a model tenant, the substantial investment that has been made over the years establishing an exceptionally well managed local airfield and the large number of other organisations including essential services and private enterprise that make use of this facility, that consideration is given to providing a lease for the longest period possible and not the ten years previously indicated.

We look forward to your response and remain available at your convenience should any aspect of this request require further clarification.

Sincerely



Dr Jurie Steyn

Chairman

ANNEXURE C



INFORMATION STATEMENT IN RELATION TO LEASE FARM 502L, STELLENBOSCH

1. PURPOSE

The purpose of this statement is to provide the prescribed information in terms of regulation 34 and 35 of the Asset Transfer Regulations, published in terms of Section 168 of the Local Government: Municipal Finance Act (R878, 22 August 2008), to the public to provide input on during the public participation process.

2. BACKGROUND

2.1 Existing Contractual arrangements

On 10 February 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renew) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021. As the agreement is nearing its end and as the Flying club has indicated their interest in a further long term lease agreement Council is now embarking on a section 34 public participation process during which we would want to invite comments/inputs/alternative proposals to the intention of Council to enter into a further lease agreement with the Flying club on a private treaty basis.

3. DISCUSSION

3.1 Public Participation Process

In terms of the Asset Transfer Regulations, before Council can make a final decision on whether to make rights on Municipal property, the Municipal Manager must first conduct a public participation process in terms of regulation 35.

3.2 Information Statement

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

In terms of regulation 34 an Information Statement must consist of the following:

- i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;
- ii) any expected benefit to the municipality that may result from the granting of the right;
- iii) Any expected proceeds to be received by the municipality from the granting of right; and

- iv) Any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

3.2.1 Reason(s) for proposal to grant a long term right to use, control or manage the relevant capital asset

The Stellenbosch Vliegveld Maatskappy has, in terms of a 30 year lease agreement with the Municipality, established a fully operational private airfield on portion L of Farm 502, Stellenbosch, at considerable costs, partly funded by the financial support of its members and also loans from the Municipality. In order to ensure the continued safe operation of the airfield certain essential work has to be carried out (e.g. subsurface drainage should be installed and taxi ways and the runway needs to be edged, curbed and slurry-sealed) at further substantial costs to be funded by the company, i.e. its members.

The proposed lessee will only be able to raise the necessary funding / loan for the required work if it manages to conclude a long-term lease agreement with the Municipality. They have requested a 30 year agreement but has subsequently indicated that they are willing to also agree to an agreement in excess of 10 years.

The Working on Fire programmes are also making use of this airfield for the operations throughout the district and has indicated that they need to put up infrastructure to satisfy aviation requirements for their licences and it will only be viable if they can sub-lease from the lessee for a term in excess of 10 years.

Subsequently the Western Cape Department of Education has also requested to sub-lease from the lessee with the intention to build an aeronautical school on the land to create opportunities for the youth.

3.2.2 Expected benefits to the municipality that may result from the granting of the right

The renewal of the lease has significant indirect financial benefits for the Stellenbosch Municipality. Economic impact assessments for similar local airports indicate that airport infrastructure is strongly linked to economic growth and plays a major role in providing greater mobility and choice, leading to an improvement in business income and welfare of citizens, e.g. special services such as air ambulances, fire protection and safety and also now the possibility of education centre. Airports are also reported to play a critical role in generating employment within an economy, creating wealth, contributing to the tax base, stimulating tourism and contributing to high value goods trade.

3.2.3 Expected proceeds to be received by the Municipality from the granting of the right

The direct proceeds will be the rental payable to the municipality. When a new agreement is entered into a new, market related rental be determined also taking into account the income that "die Vliegveld Maatskappy" is generating through activities on the site and sub leases.

The indirect benefits, i.e benefits to the community through job creation, the Working -on _fire availability in close proximity to the threat of bush fires and the considerable opportunities that may be created through the aeronautical school cannot be measured in monetary value.

3.2.4 Expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

The aim of the proposed long-term lease is to continue the use of the land for the purpose of an airfield. due to the benefits it creates and has created for the WCO24 over the last 30 years or more. There are no other similar facilities available in the district.

By concluding a long term lease agreement with a Lessee, it would provide the Lessee and the other businesses and sub -lessees with legal certainty to establish the necessary infrastructure and would enable the investment in the property in especially capital investment in improving the infrastructure.

3.3 Location and context

Lease Farm 502L, Stellenbosch, in extent of approximately 28.2ha is situated approximately halfway between Stellenbosch and Somerset West, abutting the De Zalze Golf Estate, as shown on Fig 1, 2 and Fig 3, respectively.

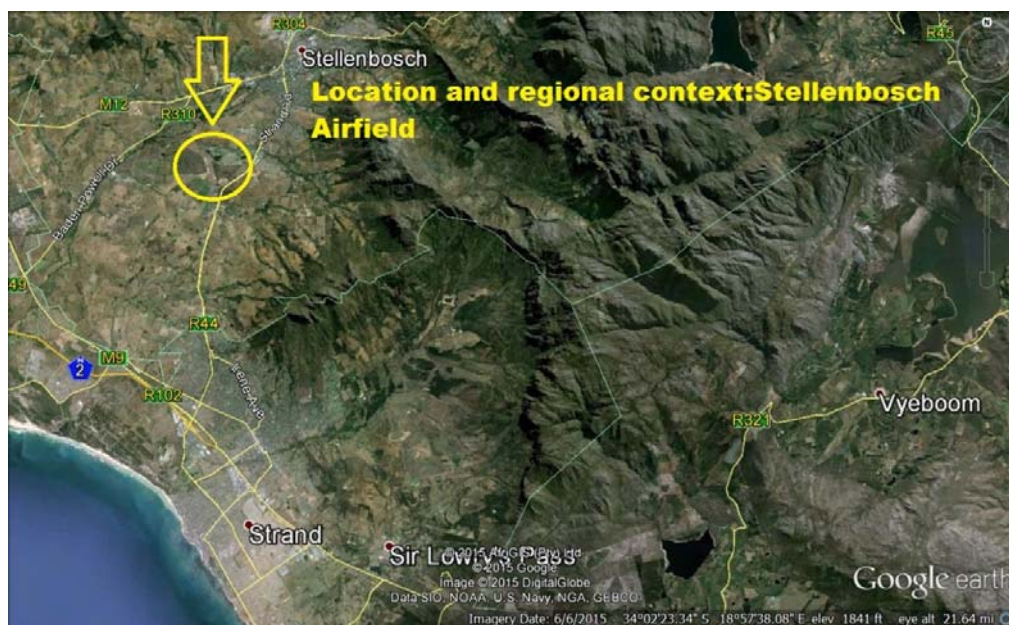


Fig 1: Location and Regional context

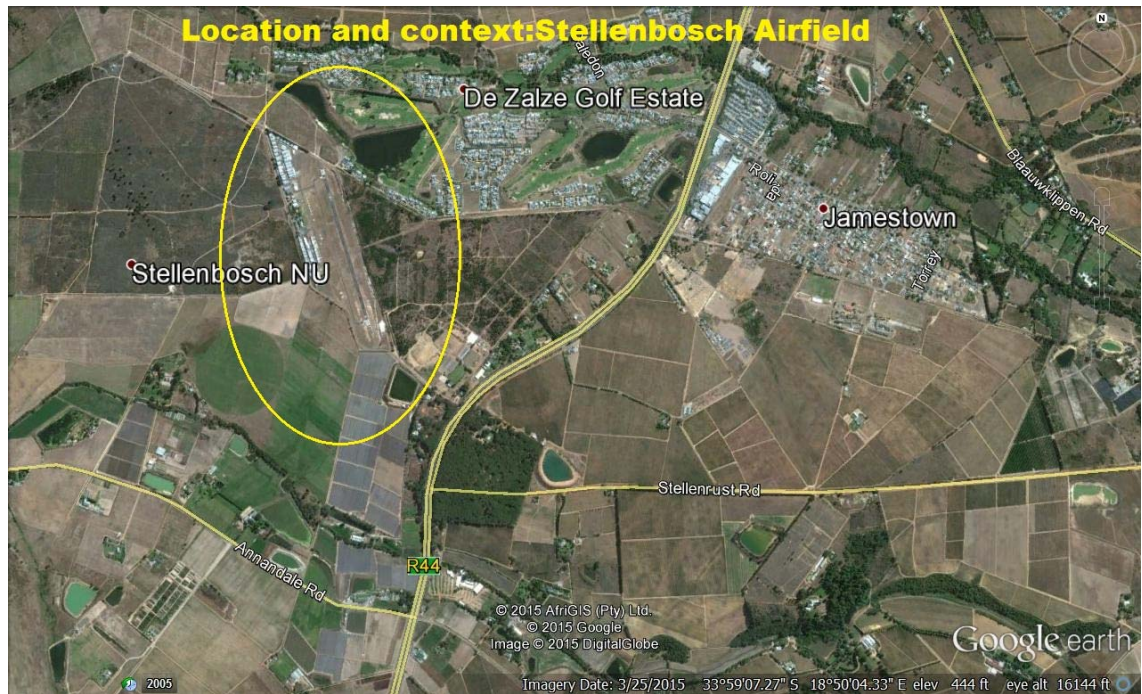


Fig 2: Location and local context



Fig 3: Extent of Lease Farm 502L

3.4 Public Comment invited:

The public are herewith invited to provide input/comment/alternative proposals to the municipality on the proposal to enter into a further lease agreement with the current lessee whilst accommodating current business that are providing a service to the airfield and its users, Working on Fire programmes and the Western Cape Educational Department's proposed aeronautical school on or near the leased land. Comment must reach the offices of the Municipality..... On or before.....

ANNEXURE D

STELLENBOSCH AIRFIELD PRECINCT PLAN

(Draft Proposals for Discussion – 14 September 2017)

1. PURPOSE

The purpose of the report is to suggest a possible precinct plan for the future use of the area in the vicinity of the Stellenbosch Airfield.

2. DESCRIPTION OF THE AREA

The precinct is defined by the area south of De Zalze up to the Annandale road in the south and from the agricultural land to the east of the R44 up to the Spier Farm

3. CONSTRAINTS

The airfield precinct is situated on the watershed between the Blaauwklippen River to the north and the Bonte River in the South. In general the site slopes gently to the west and rises to the east. As a result the area to the west of the R44 (around the airfield) is less visible than the area to the east of the R44 as observed from the R44.

An important ridgeline is prominent just south of Jamestown.

The heritage survey as approved by Heritage Western Cape identified the area west of the R44 as of "very high significance" in terms of landscape features largely because of the visual sensitivity of the area which can be identified as the foothills of the Helderberg. The area directly west of the R44 is classified as of moderate significance. The heritage survey does not intend to prevent any form of development or change to the landscape. Its intention is to ensure that whatever change is essential for the social, economic and environmental well-being of the greater community is effected with appropriate care and with cognisance of the relevant considerations.

Critical biodiversity areas (CBA) were identified to the west of the existing airfield stretching in a westerly direction and will have an impact on any development in this area. On-site verification of the CBA status is essential, as the mapping was done at very low resolution.

Currently access is obtained from the R44. The Provincial Roads Authority is on record that no further development will be approved in this precinct without an alternative access and the Roads Access Management Plan proposes that this (dangerous) access be closed permanently. The Department of Transport and Public Works indicated in comment on the rezoning of the property in 2008 that the existing access to Main Road 27 should be closed permanently. Access should be obtained from the Divisional Road 1050 (Annandale road) and that the position and the geometry of the design of the new access to the Annandale road should be negotiated with the Department. The Planning, Heritage and Environment Committee thus resolved that a new or alternative access roads should be investigated by the Municipality in conjunction with the Provincial Roads Engineer and the Stellenbosch Airfield Company to determine a suitable and safe access road to the airfield. This precinct plan now creates the appropriate opportunity.

The pine forest (Louw-se-Bos) was cleared recently. The CBA map identified it as a Critical Biodiversity area that was degraded. The residential suburb of De Zalze forms the northern boundary of the area and non-agriculturally viable small holdings the eastern boundary. The surrounding land uses and access will have to be taken into account should any development or change in status of the land be proposed. Effectively Louw-se-Bos (Remainder Farm 502, lease areas 502BM, M, N and W) is land-locked and an access to it through between small holdings Portions 8 and 15 of Stellenbosch Farm 528 from the R44 (opposite Mountain Breeze) would have to be considered.

4. OPPORTUNITIES

The Stellenbosch Municipality is an important land owner and currently leases land to the Stellenbosch Flying Club (SFC) as well as farmers in the area. The lease with the SFC expires in 20121. Extensive infrastructure was developed by the SFC over the years and will be extremely expensive to replace.

The SFC has an important function as manager and operator of a local airfield in that it provides the infrastructure for local aviators, makes (albeit limited) provision for commercial aviation operators and contributes to tourism and local economic development. Extending the capacity of the existing runway will allow larger aircraft to make use of the facilities and will open the door for more services, such as medical emergency services and Working-on Fire. The latter functions will benefit the broader community of Stellenbosch. The new Medi-Clinic hospital is close by and accessible for emergency flights. Due to climate change and based on the previous fire season records, an increase in serious fires and thus aerial fire-fighting operations can be expected. The airport is closer and more accessible for fire fighting in the Boland Mountains than any other in the metropolitan area.

SFC can also play a prominent role in supporting tourism by providing various activities tied closely with a working airfield such as a home base for sight-seeing flights, flight science centre, restaurant and an aviation museum. The high tech Space Advisory Company and others have also shown interest in relocating to the airfield to undertake drone training, research and development and testing.

The SCF has indicated that they would like to build a second, longer runway to the west of the existing airfield to increase their offering.

Council has approved the planning of a regional cemetery in this precinct and various investigations and planning, including an environmental impact assessment were done or are in process. Should alternative access be obtained this would provide ample suitable land for the development of a cemetery designed as a "park" and as a buffer to any development around the airfield.

Agricultural activities within the precinct area are well established high intensity activities in the form of tunnel farming, predominantly for berries. The (now cleared) Louw-se-Bos can be used as a peri-urban area to accommodate more similar agricultural activities and parts thereof could be airfield related land for recreational use. Agricultural activities would be dependent on the supply of irrigation water, which is in very short supply. Any high intensity agricultural activity would have to be linked to the re-use of treated effluent from the Stellenbosch Waste Water Treatment Works.

The possible development of the Western By-pass to the west of the airfield has the benefit that it will provide alternative suitable and safe access possibly in the form of an off-ramp from the Annandale Road. This will be a prerequisite for any further development to take place including the proposed new cemetery. As stated above, an alternative access to the airfield was also identified by the Provincial Roads Authority as a pre-requisite for the continued use of the airfield. Alternative access may possibly be obtained directly from the R44 in the vicinity of the small holdings as set out above.

Containing development to the west of the R44 will preserve the landscape at the foothills of the Helderberg.

5. THREATS

No further development at or around the airfield (lease are 502L) will be entertained by the Provincial Roads Authority unless a suitable and safe alternative access road is developed. The current access is too dangerous and will be closed in due course. It is of critical importance that an alternative access be identified and approved by the relevant roads authority.

Critical biodiversity areas will act as a constraint to development. The presence of CBA's will require costly environmental impact assessments which may or may not lead to conditional approval of some development. This will impact on a possible cemetery site, a second runway for the SFC as well as the proposed Western By-pass.

Development adjacent to De Zalze may attract resistance particularly should the type of development be seen as "intrusive" or affecting property value. Although Council can decide on any land use application it may have an impact on the time it takes to obtain additional development rights. It should be noted that opposition to the formalising of the airfield in its current form was experienced previously and was only resolved after the flight path of aircraft was changed to direct aircraft away from the town.

Working-for-Fire and medical emergency services are dependent on a longer runway to accommodate the larger and heavier aircraft. Increasing the length of the current runway will provide that service but in order to manage the airfield better, a second runway will be preferred.

Climate change in general and limited raw water resources are a general threat to all development. Any development or land use activity requiring additional water supply would have to be considered in view of the existing shortages.

6. CONSULTATION

The directorate met with all internal directorates and departments to obtain their views and proposals for the airfield precinct. The minutes of the meeting is attached as APPENDIX 1. A meeting was also held with the management of the Stellenbosch Flying Club to obtain their views and input. The minutes of the meeting is attached as APPENDIX 2.

From the consultation process with internal departments the following general principles were agreed:

- a. The precinct is not suitable for nor is it desirable to be developed for intensive urban use i.e. residential, industrial, business use etc.

- b. The southern boundaries of De Zalze and the current southerly extension of Jamestown define the ideal urban edge for Stellenbosch town and it should be protected for the time being.
- c. It was agreed that the airfield plays an important role in the context of Stellenbosch and its community and should be retained and possibly improved to enhance the tourism and service delivery offerings of the municipality and the area in general.
- d. The current airfield is classified as a Grade III airfield and should not be upgraded to an airport with commercial status (Grade II). An alternative location for an airport should rather be identified, preferably in the vicinity of Klapmuts where it can fulfil a commercial function.
- e. The presence of Work-for-Fire is an asset of particular importance and value to Stellenbosch in light of the increase in wild fires. Additional support services in the form of medical emergency will also be seen as an asset and can be linked successfully with the new Medi-Clinic hospital that is currently under construction abutting the R44.
- f. A possible new regional cemetery will function as a buffer between agricultural land and urban development and is an urgent need as cemetery space is running low.
- g. All parties agreed that alternative access to the area is a critical requirement for any development and must be identified and confirmed prior to any development taking place. The opportunity created by a possible new road might resolve this issue permanently.
- h. Louw-se Bos can be used for non-urban uses to strengthen the buffer between the built up area and the rural area and can be used for farming, recreation, the extension of the new cemetery and possible small holdings. The current lease use of portions of the property is not satisfactory and the land could be put to better use.

The SFC expressed their desire to continue with their venture and interest in extending the leasehold in a westerly direction in order to be able to develop a second runway in due course. Some of their intentions are to:

- a. Provide facilities for working-for-Fire and medical emergency services;
- b. To develop the tourist potential of the airfield optimally by developing attractions such as an aircraft museum and to accommodate linked flights to other destinations such as Gansbaai. This will enable tourist to stay in Stellenbosch but to visit other parts of the Western Cape for day trips.
- c. To develop a second runway in order to increase the potential for local economic development;
- d. To link up with existing and new cycle routes;
- e. To become a recreational area for the larger community of Stellenbosch; and
- f. To make provision for the Space Advisory Company and other aeronautical research and development establishments.

7. PROPOSAL

The proposed development of the airfield precinct is illustrated in the attached plan.

The plan proposes that this precinct be retained and developed as an airfield precinct that accommodates the airfield but also makes provision for ancillary land uses such as Working-for-Fire etc.

The area should form a buffer between urban development and the rural area and should not be used for urban expansion. As such opportunities for urban agriculture and recreation should be investigated further.

The current proposal for the development of a regional cemetery is supported and will link well with the proposed peri-urban use.

There is an opportunity to expand the tourist offering of the area by linking tourist activities with the airfield and associated uses.

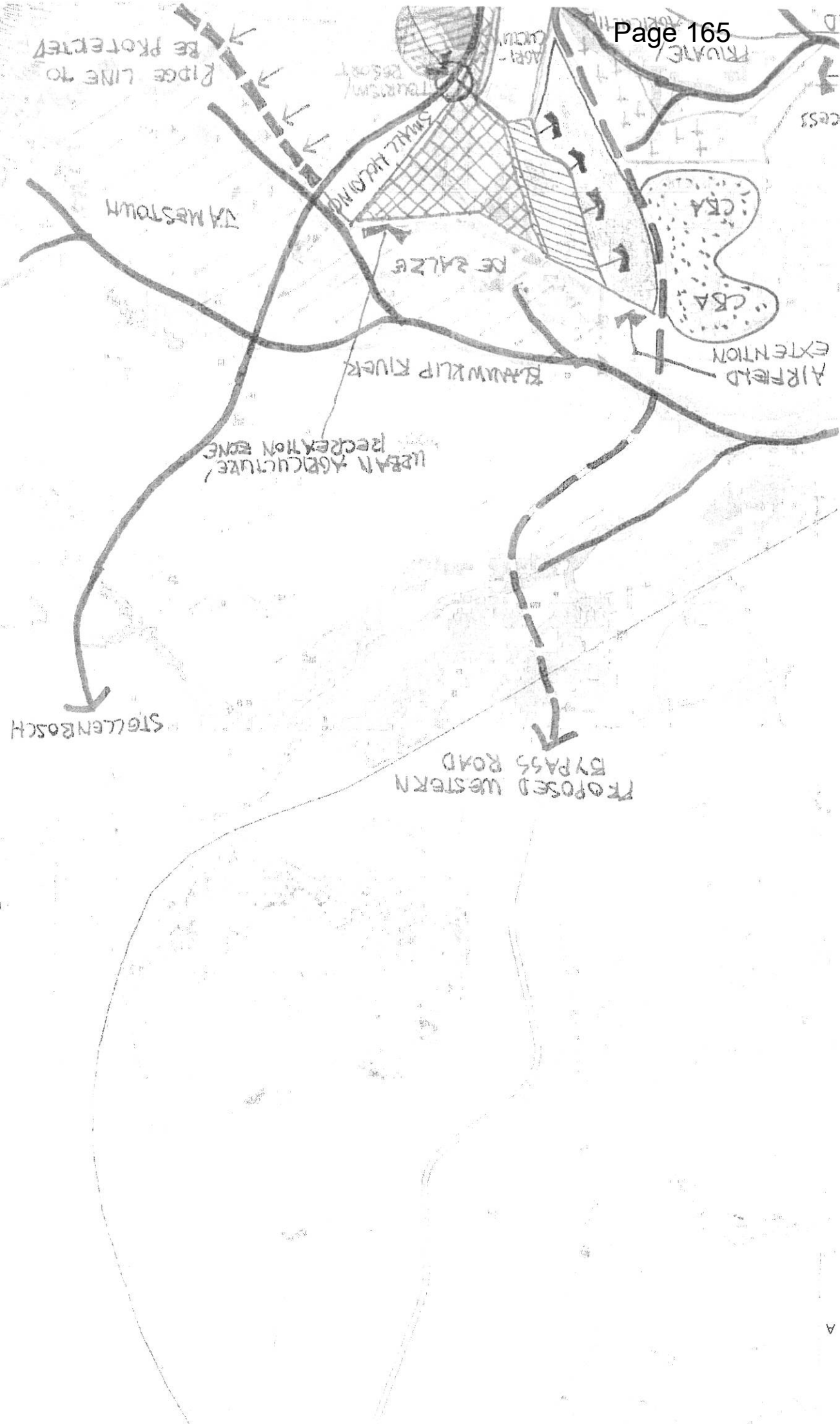
The area to the east of the R44 should be preserved as it is significant cultural landscape that contributes to the unique sense of place of Stellenbosch. The existing small holdings along the R44 should be retained for the same purpose and to function as a peri-urban land use. No subdivision should be allowed.

It is of critical importance that the alternative access, linked with the proposed Western By-pass, be clarified as soon as possible. In the event that the development of by-pass cannot be confirmed or that it will not be developed within the foreseeable future, then alternative access over private and/or municipal property from the Annandale Road be investigated and obtained.

8. CONCLUSION

The airfield precinct plays an important supportive role for the community of Stellenbosch and functions on a level that can benefit the broader community that is not involved with aviation. Opportunities to increase the tourist offering to the area will benefit all including the lessee of the Stellenbosch airfield.

The area does not have a pure agricultural character and has, over time, obtained a peri-urban character without degrading the rural quality of the site. It successfully fulfils a role to curb urban sprawl to the south of Stellenbosch despite the pressure for corridor development along the R44 up to Somerset-West. This function should not be underrated as it protects the sense of place of this all important access to the winelands which plays an important role as a scenic route. Limited development opportunities that do not detract from that value of function of the area will benefit the broader community of Stellenbosch and should be considered.



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

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

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

The return item served before Mayco in November 2019 and was referred back to get a valuation of the property from the valuer responsible for valuations for rates valuations. The valuation report is attached as **APPENDIX 5**.

Council must now make a final determination in this regard.

5. RECOMMENDATIONS

- (a) that Council takes note of the fact that no public inputs/objections/alternative proposals were received; and
- (b) that Council will not dispose of the land indicated in Fig 3 to the Franschoek Methodist Church.

6. DISCUSSION/CONTENT

6.1 Background

6.1.1 Lease Agreement

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

6.1.2 Application to purchase land

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

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

- "(a) that the portion of erf 23, excluding the parking area, Franschoek, as land indicated in Fig 3, be identified as land not needed to provide the minimum level of basic municipal services;*
- (b) that Council, **in principle**, approve the disposal of land to the Franschoek Methodist Church without following a public tender process, and subject to the following conditions:*
- i) that the **purchase price** be determined at **30% of market value**, the market value to be determined by two (2) independent valuers;*

-
- ii) that a **reversionary clause** be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore;*
- iii) that the church be responsible for the **sub-division** and rezoning of erf 23, Franschhoek, to allow for a separate unit to be transferred;*
- iv) that a servitude be registered in favour of the Municipality regarding all municipal services crossing the property;*
- v) that a right of access from Bagatelle Street be registered in favour of the church.*
- (c) *that Council's intention to dispose of the property under the provisions set out above, be advertised for **public inputs/objections/alternative proposals** as provided for in par 9.2.2.1 of the Property Management Policy; and*
- (d) *that, following the public participation process, the matter be submitted to Council to make a final decision on the disposal, or not".*

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

6.1.3 Public Notice

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

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

No inputs/objections or alternative proposals were received.

6.1.4 Valuation report

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

6.2. DISCUSSION

6.2.1 The Property

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



Fig 1: Location and context



Fig 2: The Property



Fig 3: Extent of property

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

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

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

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

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

6.3 Financial Implications

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

6.4 Legal Implications

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

6.5 Staff Implications

No additional staff implications

6.6 Previous / Relevant Council Resolutions

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

6.7 Risk Implications

This report addresses the risk implications for the Municipality.

6.8 Comments from Senior Management

No comments received.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-02-12: ITEM 7.2.6

- (a) that Council takes note of the fact that no public inputs/objections/alternative proposals were received; and
- (b) that it is recommended to Council not to dispose of the land indicated in Fig 3 to the Franschoek Methodist Church at this stage.

ANNEXURES:

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

FOR FURTHER DETAILS CONTACT:

NAME	ANNALENE DE BEER
POSITION	DIRECTOR
DIRECTORATE	Corporate services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.org.za
REPORT DATE	2020-02-07

ANNEXURE 1



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

1. SUBJECT

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

5. RECOMMENDATIONS

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

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Lease Agreements

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

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

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

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

6.1.2 Application to purchase leased property

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

6.2 Discussion

6.2.1 The property

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



Fig 1: Location and context



Fig 2: The Property



Fig 3: Extent of property

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

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

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

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

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

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

6.2.2 Legal requirements

6.2.2.1 MFMA

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

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

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

6.2.2.2 Asset Transfer Regulation (ATR)

6.2.2.2.1 Transfer or disposal on non-exempted capital assets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.2.2.2.6 Transfer agreements

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

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

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

6.2.2.3 Policy on the management of Council-owned property

6.2.2.3.1 Disposal management principles

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

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

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

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

6.2.2.3.3 Deviation from a Competitive process

In terms of paragraph 9.2.2 the Municipal Council may **dispense with the competitive processes** established in this policy, and may enter into a **Private Treaty Agreement** through any convenient process, which may include direct negotiations, including in response to an unsolicited application, but only in the following circumstances, and only **after having advertised Council's intention so to act**. Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy. However, should any objections, be received from potential, competitive bidders, then a public competitive process must be followed. The advertisement referred to above should also be served on adjoining land owners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

- (a) **in exceptional cases where the Municipal Council is of the opinion the public competition would not serve a useful purpose** or that it is in the interest of the community and the Municipality, and where none of the conditions as set out in the policy provides for such exception, is permitted, and where they are not in conflict with any provision of the policy. In such cases reasons for preferring such out-of hand sale or lease to those by public competition; must be recorded

6.2.2.3.4 Disposal and Letting of Immovable Property for Social Care Uses

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

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

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

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

6.2.2.3.5 Criteria for determining compensation

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

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

6.3 Financial Implications

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

6.4 Legal Implications

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

6.5 Staff Implications

No additional staff implications

6.6 Previous / Relevant Council Resolutions

6.7 Risk Implications

This report addresses the risk implications for the Municipality.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

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

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

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

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

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

6.8.2 Director: Planning and Economic Development

None received.

6.8.3 Chief Financial Officer

None received.

ANNEXURES:

A: Lease Agreement

B: Application to purchase

FOR FURTHER DETAILS CONTACT:

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

DIRECTOR: CORPORATE SERVICES

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

ANNEXURE 2



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

OFFICIAL NOTICE

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

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

Background

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

RESOLVED (majority vote with abstentions)

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

Further Particulars:

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

Invitation to submit written inputs

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

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

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

Postal address: PO Box 17
 Stellenbosch
 7599

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

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

Geraldine Mettler
MUNICIPAL MANAGER

DATE: 2019-06-11

20/06/2019

ANNEXURE 3

**CASSIE GERBER
PROPERTY VALUERS CC**

CK 98/22188/23

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

P.O. Box 2217
DURBANVILLE
7551

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

VALUATION REPORT

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

OWNER: MUNICIPALITY STELLENBOSCH



Market value: As per report
Date: 10 May 2019

=====

VALUATION REPORT

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

OWNER: MUNICIPALITY STELLENBOSCH

1. Instructions

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

2. Date of valuation

10 May 2019

3. Description of property

An unregistered portion of the Remainder of Erf 23, Franschhoek

4. Title deed

Unknown

5. Extent/Required

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

6. Owner

Stellenbosch Municipality

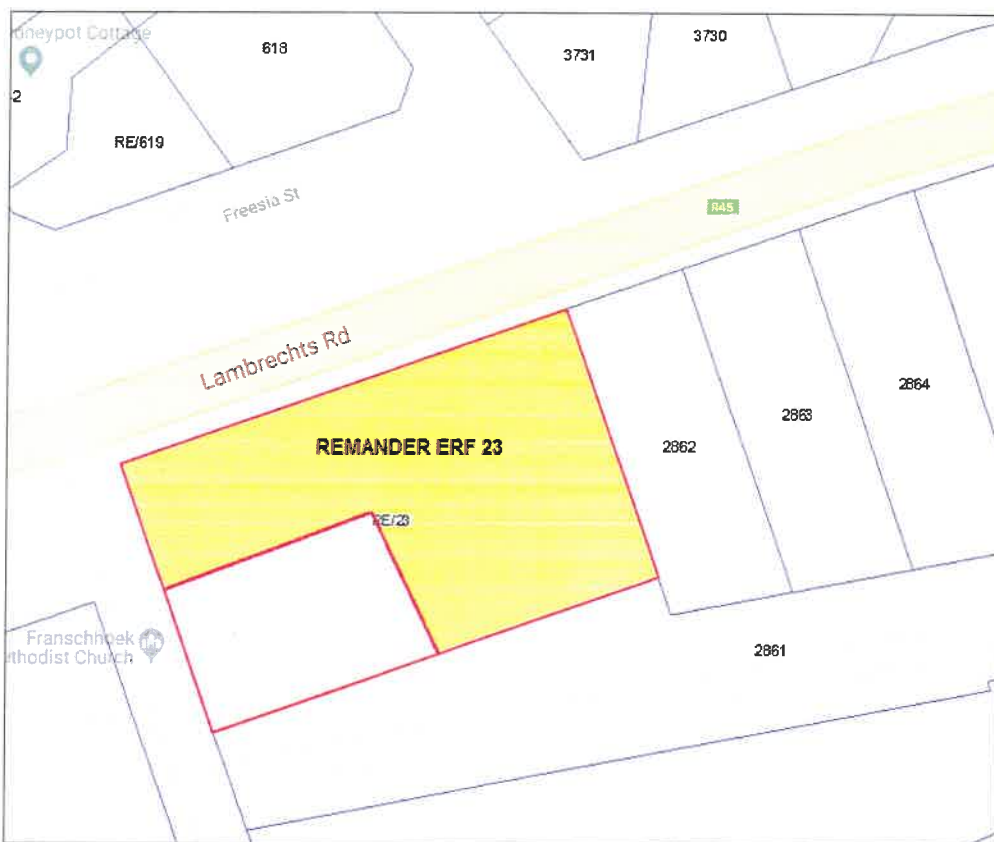
7. Services

All the necessary municipal services are available.

8. Situation and physical aspects

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

Location map and aerial photo page 3 below refers:



Location map



Aerial photo

9. Town Planning

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

10. Highest and best use

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

11. Improvements

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

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

12. Method of valuation

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

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

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

13. Conclusions

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

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

15. Market value calculations

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

Market value rounded: R1 050 000.00 (Excluding VAT)

16. Certificate

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

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

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

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

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



C.L. GERBER

Signed at Durbanville on 10 May 2019

QUALIFICATION TO VALUE

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

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

ANNEXURE 4



VALUATION REPORT

DETERMINATION OF THE MARKET VALUE OF:

2086 m² PORTION OF ERF 23 FRANSCHHOEK

PAARL REGISTRATION DIVISION

WESTERN CAPE

Client:

STELLENBOSCH MUNICIPALITY

31 October 2019

Compiled by:

Johan Klopper

Professional Valuer

Member of the SA Institute of Valuers

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



31 October 2019

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

VALUATION CERTIFICATE

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

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

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

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

As at: **28 October 2019**

Signed at Stellenbosch this 31st day of October 2019.

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

J. Klopper
 Professional Valuer
 Registration Number: 6372/0

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

Verified Level 4 B-BBEE Contributor

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

VALUATION REPORT

1. Instructions & Purpose of Valuation

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

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

2. Date of Inspection

28 October 2019

3. Effective Date of Valuation

28 October 2019

4. Definition of Market Value

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

(International Definition – International Valuation Standards Council)

5. Valuation Methodology

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

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

6. Restrictive Conditions

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

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

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

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

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

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

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

7. Title Deed Information

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

8. Local Government Information

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

9. Physical Characteristics

9.1 Location

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



9.2 Site

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



10. Highest and Best Use

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

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

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


11. Market Information


11.1 Comparable Sales

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

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


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

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

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

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

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

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

11.2 Conclusion on comparable sales

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

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

12. Valuation of Subject Property

Based on the land rate determined in paragraph 11.2 above, the market value of the subject property can be calculated as follows:

Description	Size (m ²)	Market rate	Value	Rounded Market Value
Vacant land	2086 m ²	R 700 / m ²	R 1 460 200	R 1 460 000

The market value is therefore estimated to be R 1 460 000, which is considered in keeping with the market, bearing in mind the location, size and potentialities of the subject property.

13. Declaration

I, Johan Klopper a registered Professional Valuer, declare that I have inspected the above property and that I have conducted this valuation assignment to the best of my knowledge and skills. I have no present or contemplated interest in this property, and accordingly certify that this valuation was undertaken on a completely independent basis.

As a result of my inspection, research and evaluation it is my opinion that the fair market value of the 2086 m² portion of ERF 23 FRANSCHHOEK, PAARL REGISTRATION DIVISION, WESTERN CAPE, on 28 October 2019, amounts to:

R 1 460 000 (ONE MILLION FOUR HUNDRED AND SIXTY THOUSAND RAND)

Signed at STELLENBOSCH on this the 31st day of October 2019.



J. Klopper

Professional Valuer (Reg. No. 6372/0)
Member of the SA Institute of Valuers
BCoOp (Law); NDip (Property Valuation)

ANNEXURES:

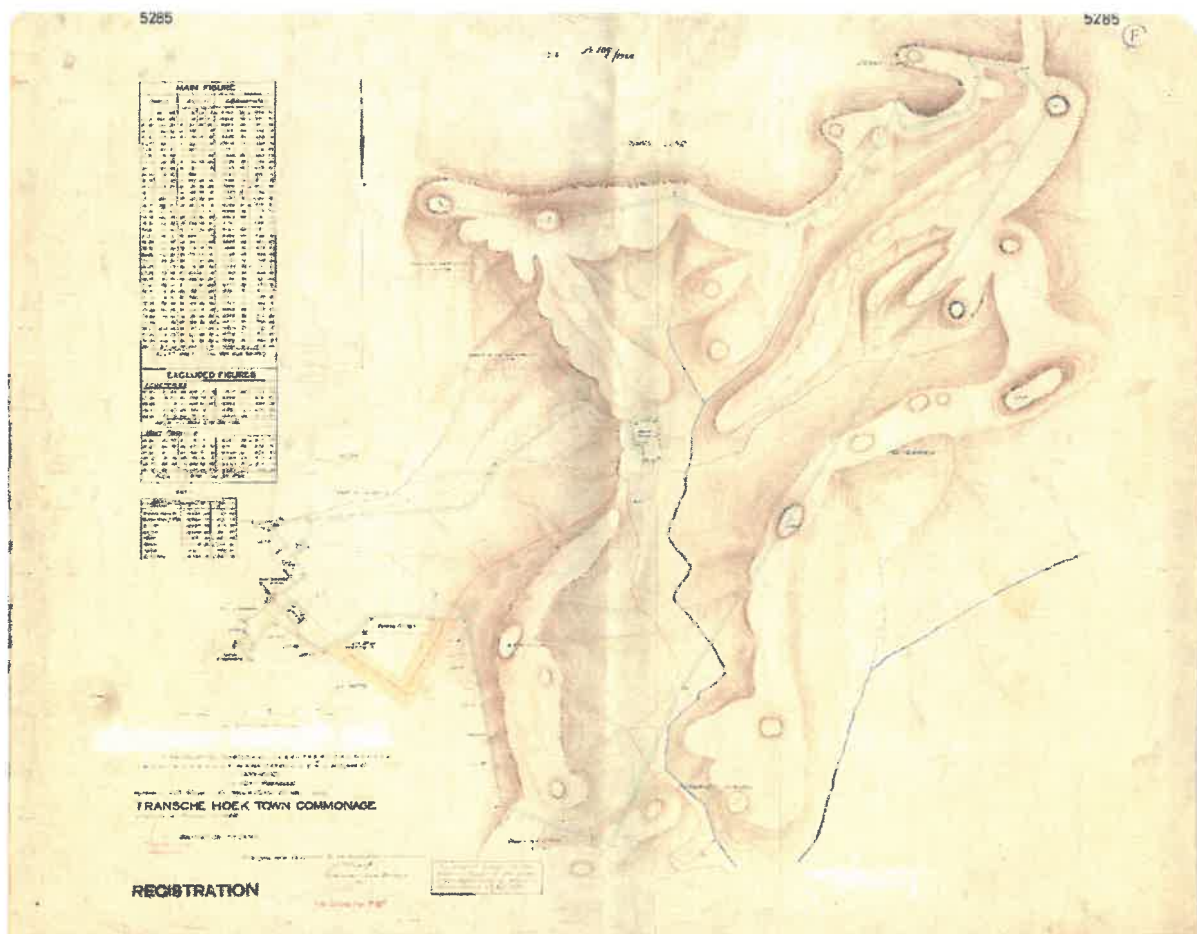
- A. TITLE DEED INFORMATION
- B. S.G. DIAGRAM
- C. PHOTOGRAPHS OF THE SUBJECT PROPERTY

ANNEXURES:

A. TITLE DEED INFORMATION

Deeds Office Property		Printed: 2019/10/22 11:40
FRANSCHHOEK, 23, 0 (REMAINING EXTENT) (CAPE TOWN)		windeed A LexisNexis® Product
GENERAL INFORMATION		
Deeds Office	CAPE TOWN	
Date Requested	2019/10/22 11:39	
Information Source	DEEDS OFFICE	
Reference	-	
PROPERTY INFORMATION		
Property Type	ERF	
Erf Number	23	
Portion Number	0 (REMAINING EXTENT)	
Township	FRANSCHHOEK	
Local Authority	FRANSCHHOEK MUN	
Registration Division	NOT AVAILABLE	
Province	WESTERN CAPE	
Diagram Deed	PLF4-7/1927	
Extent	1628.3467H	
Previous Description	-	
LPI Code	C05500030000002300000	
OWNER INFORMATION		
Owner 1 of 2		
Company Type	LOCAL AUTHORITY	
Name	MUN STELLENBOSCH	
Registration Number		
Title Deed	PLF4-7/1927	
Registration Date	1927/11/17	
Purchase Price (R)	SEC7 16	
Purchase Date	-	
Share		
Microfilm Reference	2007 0761 1348	
Multiple Properties	NO	
Multiple Owners	NO	
Owner 2 of 2		
Company Type	LOCAL AUTHORITY	
Name	MUN STELLENBOSCH	
Registration Number		
Title Deed	T104071/2001	
Registration Date	-	
Purchase Price (R)	TRANSFER BY ENDORSEMENT	
Purchase Date	-	
Share		
Microfilm Reference	2002 0118 3439	
Multiple Properties	NO	
Multiple Owners	NO	

B. S.G. DIAGRAM



C. PHOTOGRAPHS OF THE SUBJECT PROPERTY



End of report

ANNEXURE 5

VALUATION REPORT

PORTION OF ERF 23
FRANSCHHOEK



HCB Property Valuations

29 Church Street
Moorreesburg
7310

Tel: 086 142 2669 **Fax:** 086 514 8551

Email: admin@hcb.co.za

LIMITATIONS AND RESTRICTIONS

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

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



Signature

LIMITATIONS AND RESTRICTIONS

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

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



Signature

<u>INDEX</u>	<u>PAGE</u>
1. INTRODUCTION	
1.1 Instruction	6
1.2 Reason for Valuation	6
1.3 Date of Valuation	6
1.4 Date of Inspection	6
2. TITLE DEED DESCRIPTION	
2.1 Title Deed	6
2.2 Description	6
2.3 Owner	7
2.4 Extent	7
2.5 Purchase Price	7
2.6 Surveyor General Information	7
2.7 Title Deed Conditions	7
3. LOCAL, PROVINCIAL AND CENTRAL GOVERNMENT INFORMATION	
3.1 Local Authority	7
3.2 Zoning	7
3.3 Municipal Valuation	8
4. PHYSICAL DESCRIPTION	
4.1 Location	8
4.2 Land	8
4.3 Improvements	8
4.4 Main Construction	9
4.5 Lease Agreement	9
4.6 Conclusion	10
5. ESTABLISHMENT OF COMPARABLE	
5.1 Highest and Best use	10
5.2 Establishment of Comparable	11
5.3 Comparable Properties	11
6. APPLICATION OF COMPARABLE	
6.1 Method of Valuation	14
6.2 Direct Sales Comparison Method	14
6.3 Sales Conclusion	14
6.4 Valuation Calculation	15

7.	CERTIFYING OF VALUATION	16
8.	CAVEATS	
8.1	Valuation Standard	17
8.2	Statutory Notices & Unlawful Use	17
8.3	Confidentiality	17
8.4	Non-Publication	17
9.	ANNEXURES	
9.1	Annexure 1 – Valuer Certificates	18
9.2	Annexure 2 – Instruction	20
9.3	Annexure 3 – Copy of Windeed Property Report	23
9.4	Annexure 4 – Locality Map of Subject Property	23
9.5	Annexure 5 – Aerial Photo of Subject Property	24
9.6	Annexure 6 – Photos of Subject Property	24
9.7	Annexure 7 – Copy of Lease Agreement	27
9.8	Annexure 8 – Valuation Certificate	34

1. **INTRODUCTION**

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

➤ *See Annexure 1 for Valuer Certificates*

1.1 **Instruction**

An instruction was received from Stellenbosch Municipality to attend to the valuation of the property being more commonly known as a Portion of Erf 23, Franschhoek, Western Cape. This portion is currently being leased to Methodist Church of South Africa. The purpose of the valuation is to determine the open market value of the property as on 1 October 2019.

➤ *See Annexure 2 for Instruction*

1.2 **Reason for Valuation**

It is the intention of the Municipality to sell the portion of Erf 23, Franschhoek to the Franschhoek Methodist Church.

1.3 **Date of Valuation**

The date of valuation as instructed by the client is; 1 October 2019.

1.4 **Date of Inspection**

The property was inspected on; 11 October 2019.

2. **TITLE DEED DESCRIPTION**

➤ *See Annexure 3 for Copy of Windeed Property Report*

2.1 **Title Deed**

Information obtained from the Registrar of Deeds in Cape Town indicate the Title Deed Number as PLF4-7/1927.

2.2 **Description**

The property can be described as "Portion of Erf 23, Franschhoek, Western Cape". Hereafter in the report we will refer to this portion as "subject property".

2.3 Owner

The property is registered in the name of Mun Stellenbosch.

2.4 Extent

Information received from the Municipality is that the area of subject property would be in the area of ±3336m².

2.5 Purchase Price

Not relevant to this report, because it will not have an impact on Market Value.

2.6 Surveyor General Information

HCB could not find any CSG Information specific to subject portion. Municipality supplied a diagram indicating area affected.

2.7 Title Deed Conditions

HCB did not investigate the Title Deed and can therefore not comment on any Title Deed conditions.

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

This property falls under the jurisdiction of the Stellenbosch Municipality, situated in the Western Cape.

3.2 Zoning

As confirmed with Stellenbosch Municipality, the subject property forms part of Franschoek commonage. The subject property is used as Church and the intention is to have it zoned as Institutional.

Institutional Zone

Primary use:	House of worship
Consent uses:	Parsonage, place of assembly
Coverage:	At most 50%
Street building line:	At least 10m
Side building line:	At least 10m
Parking:	At least 1 parking bay per 8 seats

3.3 Municipal Valuation

No Municipal Valuation was done on this portion as it forms part of Worcester Commonage.

4. PHYSICAL DESCRIPTION

4.1 Location

Subject property is located at the corner of Nerina Steet & Lambrechts Road, Franschhoek, and is easily accessible. All municipal services are available, such as water, sewerage, electricity, etc.

Franschhoek is a quaint town in the Cape Winelands, founded in 1688 by French Huguenots, it is one of the oldest towns of South Africa, situated about 75km from Cape Town with centuries-old vineyards and Cape Dutch architecture.

➤ *See Annexure 4 for Locality Map*

4.2 Land

Subject property is flat and ground conditions is good, therefore our findings that the topography will not affect market value.

➤ *See Annexure 5 for Aerial Photo*

4.3 Improvements

Improvements noted on subject property is;

- Church 134m²
- Crèche 180m²
- Under roof stoep 43m²

➤ *See Annexure 6 for Photos of Subject Property*

4.4 **Main Construction** **Church**

Description	Construction
Walls:	Brick/Plaster
Roof:	Corrugated iron
Doors:	Wood
Window frames:	Wood
Floors:	Carpeting
Ceilings:	Knotty pine
Other:	Split aircon installed

Crèche

Description	Construction
Walls:	Brick/Plaster
Roof:	Corrugated iron
Doors:	Wood
Window frames:	Wood
Floors:	Laminated flooring, linoleum tiles & carpeting
Ceilings:	Rhinoboard
Other:	Split aircons installed

Under Roof Stoep

Description	Construction
Walls:	Brick/Plaster (on 3 sides, front of stoep open)
Roof:	Corrugated iron
Floors:	Tile
Other:	N/A

4.5 **Lease Agreement**

Current lease agreement between Stellenbosch Municipality and Methodist Church of South Africa expires on 31 August 2020. It should be noted that the lease agreement state the following;

- **Part 5**

“The premises and any buildings or other structures presently thereon or which may be erected in the future, shall only be used for religious purposes or any such purposes as the Council may determine from time to time. The Council will have the right to determine the use of the premises, buildings and structures for such period and for such purposes as it may deem necessary”.

- Part 7
“The Lessee shall not be entitled to sub-lease or cede this agreement or any part thereof without obtaining the Lessor’s prior written consent thereto”.

- Part 16
“If the Lessee (lease) dissolves or ceases to exist within the period of 25 years, this agreement shall be terminated forthwith and without any notice. In such case, or upon termination of this agreement the premises, buildings or structures or any other improvements shall revert to the Lessor without payment of any compensation by the Lessor. The Lessor may allow the Lessee to remove such buildings and/or structures that the Lessee may have erected from its own funds and in terms of this agreement”.

➤ See Annexure 7 for copy of Lease Agreement

4.6 **Conclusion**

I am of the opinion that his lease does not have a negative effect on the Open Market Value of subject property as it will expire in 1 year and then a potential new lease can be negotiated with the Municipality with new terms and new Lessee’s.

5. **ESTABLISHMENT OF COMPARABLE**

5.1 **Highest & Best Use**

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

Furthermore, the use of property determines its utility to a potential purchaser. Utility can be described in economic terms as a representation of preferences over some set of goods as long as they are transitive, complete and continuous. Therefore, the purchaser will not pay more for a competing property with same utility while the seller would accept no less than a price of a comparable property and these circumstances are true to a certain neighbourhood or area.

Taking into consideration the current use, improvements and zoning the highest and best use is achieved. To obtain alternative highest and best use a rezoning application should happen.

5.2 Establishment of Comparable

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

Comparable factors taken into consideration in regards to these 2 subject properties were the following:

- Similar size of land available
- Similar area
- Same type of construction materials

5.3 Comparable Properties

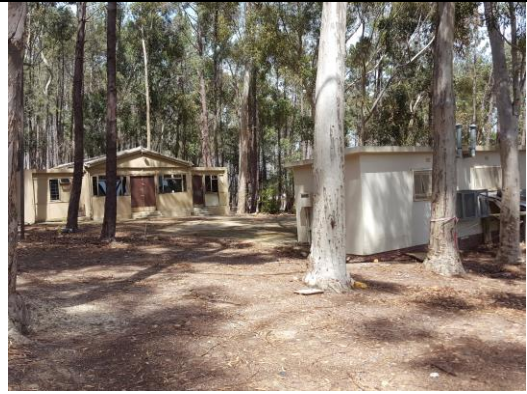


Definition: *“A comparable property is a property selected with characteristics that are similar to subject properties to help estimate the value of such subject properties in a given market”.*

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

Sale 1 – Vacant

	Suburb:	Franschhoek
	Erf number:	2865
	Erf extent:	1539m ²
	Improved extent:	Vacant land
	Date of sale	11/2017
	Sales price:	R3,000,000-00

Sale 2 – Improved

	Suburb:	Franschhoek
	Erf number:	579
	Erf extent:	25695m ²
	Improved extent:	207m ²
	Date of sale	8/2018
	Sales price:	R15,000,000-00
		


Sale 3 – Improved

	Suburb:	Franschhoek
	Erf number:	597
	Erf extent:	1326m ²
	Improved extent:	421m ²
	Date of sale	4/2017
	Sales price:	R5,000,000-00
		


Sale 4 – Improved

	Suburb:	Franschhoek
	Erf number:	607
	Erf extent:	1071m ²
	Improved extent:	169m ²
	Date of sale	5/2017
	Sales price:	R1,750,000-00
		

Sale 5 – Improved

	Suburb:	Franschhoek
	Erf number:	609
	Erf extent:	1166m ²
	Improved extent:	380m ²
	Date of sale	11/2017
	Sales price:	R4,800,000-00

Sale 6 – Vacant (At date of sale)

	Suburb:	Franschhoek
	Erf number:	1335
	Erf extent:	800m ²
	Improved extent:	Incomplete
	Date of sale	6/2018
	Sales price:	R3,000,000-00

Sale 7 – Improved

	Suburb:	Franschhoek
	Erf number:	1446
	Erf extent:	399m ²
	Improved extent:	96m ²
	Date of sale	2/2017
	Sales price:	R1,700,000-00

6. APPLICATION OF COMPARABLE**6.1 Method of Valuation**

Taking above into account, we are of the opinion that to determine the market value of subject property the best appropriate method to use would be; *Direct Sales Comparison Method*, calculated on a rate/m².

6.2 Direct Sales Comparison Method

This is a valuation method in which the property being valued is compared to sales of similar properties in order to arrive at a value. The valuer identifies the comparable property as being similar in time and somewhat similar in size, quality, use, and amenities, among other considerations. The valuer then makes adjustments to the sales price of the sales price of the comparable properties on how they differ from the subject property.

6.3 Sales Conclusion

Sale number 2, as mentioned above, is the most comparable according to use and type. Sale number 1 typically illustrate residential zoned price of vacant land. Other sales typically indicate market activity and market price for quality conditioned properties.

6.4 Valuation Calculation

Instruction received stated that the valuation should be split between land and buildings. It is my opinion that the split should be as follows;

- Usable vacant land portion (1000m² @ R1,000/m²) = R1,000,000
(Indicated as "A" on aerial photo)

- Improvements
(Indicated as "B" on aerial photo)
 - Church (Improvements - R580,000-00) = R1,280,000
 - Crèche (Improvements - R550,000-00) = R1,250,000
 - = **R3,330,000**

Rounded = R3,500,000

Vacant land absorbed into improvements, indicated as "B" on aerial photo (R1,400,000)

***Note:** Adjustments was made for zoning, use, amenities and type of improvements.*

7. CERTIFYING OF VALUE

I hereby certify that I have identified the subject property and obtained all the necessary information to determine the market rental thereof.

Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the market value of the subject property as at 1 October 2019 to be R3,500,000-00 (Three million five hundred thousand rand).



**Hendrik Coenraad Botha
Professional Associated Valuer
Registration Number: 5601**

18 October 2019
Date of Signature



**Ockert Brits
Professional Valuer
Registration Number: 6876**

18 October 2019
Date of Signature

8. CAVEATS

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

8.1 Valuation Standard

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

8.2 Statutory Notices and Unlawful Use

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

8.3 Confidentiality

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

8.4 Non-Publication

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

9. **ANNEXURES**
9.1 **Annexure 1 – Valuer Certificates**



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

This is to certify that

HENDRIK COENRAAD BOTHA

is registered as

Professional Associated Valuer

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

subject to the following condition(s):

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

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

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

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

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

DATE OF ISSUE: 18 October 2018

PERIOD OF VALIDITY: 11 November 2018- 30 June 2023



REGISTRATION No: 5601



JF Cloete
President



MC Seota
Registrar





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

This is to certify that

OCKERT BRITS

is registered as

Professional Valuer

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

DATE OF REGISTRATION AS: Professional Valuer: 21 November 2014

DATE OF ISSUE: 25 November 2014

PERIOD OF VALIDITY: 21 November 2014 - 30 November 2019




M Kubuzie
President

REGISTRATION No: 6876


MC Seota
Registrar



9.2 Annexure 2 – Instruction



HCB

Valuations and Services (Pty) Ltd

Cnr Church Street & Long Street, PO Box 247, Moorreesburg, 7310
T: +27(0)86 142 2669 M: +27(0)83 663 2140 E: admin@hcb.co.za
Company No: 2012/168731/07 GPS: -33.1550,18.6625

GENERAL INSTRUCTION FOR VALUATION

10 October 2019

Hereby I, Kevin Carolus, CFO of Stellenbosch Municipality instructs Coenraad Botha of HCB Valuations & Services (Pty) Ltd to do a Market Valuation of a portion of erf 23, Franschoek.

This portion is owned by Stellenbosch Municipality and currently being leased to Methodist Church of South Africa.

Date of Valuation to be: 1 October 2019

Signature (K. Carolus)

Date

9.3 Annexure 3 – Copy of Windeed Property Report

Page 1 of 2

Deeds Office Property

windeed
A LexisNexis® Product

FRANSCHHOEK, 23, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION	
Deeds Office	CAPE TOWN
Date Requested	2019/10/10 13:59
Information Source	DEEDS OFFICE
Reference	-



PROPERTY INFORMATION	
Property Type	ERF
Erf Number	23
Portion Number	0 (REMAINING EXTENT)
Township	FRANSCHHOEK
Local Authority	FRANSCHHOEK MUN
Registration Division	NOT AVAILABLE
Province	WESTERN CAPE
Diagram Deed	PLF4-7/1927
Extent	1628.3467H
Previous Description	-
LPI Code	C0550003000002300000

OWNER INFORMATION	

Owner 1 of 2	
Company Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
Registration Number	
Title Deed	PLF4-7/1927
Registration Date	1927/11/17
Purchase Price (R)	SECT 16
Purchase Date	-
Share	
Microfilm Reference	2007 0781 1348
Multiple Properties	NO
Multiple Owners	NO

Owner 2 of 2	
Company Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
Registration Number	
Title Deed	T104071/2001
Registration Date	-
Purchase Price (R)	TRANSFER BY ENDORSEMENT
Purchase Date	-
Share	
Microfilm Reference	2002 0118 3439
Multiple Properties	NO
Multiple Owners	NO

ENDORSEMENTS (13)				
#	Document	Institution	Amount (R)	Microfilm
1	K720/1992S	-	UNKNOWN	1992 0640 4634
2	VA1492/95-4-7/2/PLF	-	UNKNOWN	

<https://search.windeed.co.za/DeedsOffice/HtmlPrintout/264407946?printerFriendly=f...> 2019/10/10

3	VA3815/2013	MUN STELLENBOSCH	UNKNOWN	
4	VA3884/2015	MUN STELLENBOSCH	UNKNOWN	
5	VA6207/2001	MUN STELLENBOSCH	UNKNOWN	2002 0118 3413
6	NOW SUBDIVISION	TOWN FRANSCHHOEK ,ERF 1556 ,PRTN 0	UNKNOWN	
7	NOW SUBDIVISION	TOWN FRANSCHHOEK ,ERF 1557 ,PRTN 0	UNKNOWN	
8	NOW SUBDIVISION	TOWN FRANSCHHOEK ,ERF 1678 ,PRTN 0	UNKNOWN	
9	NOW SUBDIVISION	TOWN FRANSCHHOEK ,ERF 1695 ,PRTN 0	UNKNOWN	
10	NOW SUBDIVISION	TOWN FRANSCHHOEK ,ERF 2884 ,PRTN 0	UNKNOWN	
11	NOW SUBDIVISION	TOWN FRANSCHHOEK ,ERF 2885 ,PRTN 0	UNKNOWN	
12	NOW SUBDIVISION	TOWN FRANSCHHOEK ,ERF 2886 ,PRTN 0	UNKNOWN	
13	NOW SUBDIVISION	TOWN FRANSCHHOEK ,ERF 2745 ,PRTN 0	UNKNOWN	

HISTORIC DOCUMENTS (2)				
#	Document	Owner	Amount (R)	Microfilm
1	PLF4-7/1927	MUN GEBIED VAN FRANSCHHOEK	UNKNOWN	2007 0781 1348
2	PLF4-7/1927	MUN GEBIED VAN FRANSCHHOEK	SECT 16	2007 0781 1348

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

9.4 Annexure 4 – Locality Map of Subject Property



9.5 Annexure 5 – Aerial Photo of Subject Property



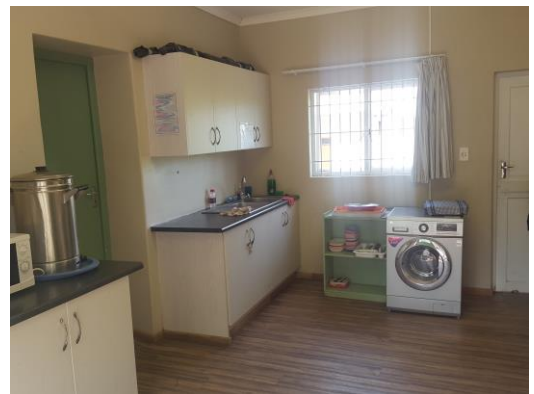
9.6 Annexure 6 – Photos of Subject Property

Church



Crèche





9.7 Annexure 7 – Copy of Lease Agreement

09/09/2013



P-J Le Roux

STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599

9 September 2013

Attention: Mr. P. Smit

Dear Piet

EXISTING LEASE AGREEMENT: STELLENBOSCH MUNICIPALITY AND METHODIST CHURCH OF SOUTH AFRICA: PORTION OF ERF 23 FRANSCHHOEK

With reference to the existing lease agreement entered into between the Stellenbosch Municipality and the Methodist Church of South Africa in respect to a portion of Erf 23 Franschoek, please allow me to inform you as follows.

I act on behalf of the Methodist Church of South Africa (Franschoek) (Lessee) and to ensure a continuous relationship between the Lessee and the Lessor, please provide me with your comment on the following:

In terms of **Clause 24** of the said lease agreement (copy attached) the;
"...Council at any time decide to sell the said property then it is agreed that the Lessee shall be granted a first refusal to purchase the property."

Please confirm if your Council will be willing to act on the abovementioned clause and sell the property to the current Lessee.

In terms of **Clause 7** of the same the:
"The Lessee shall not be entitled to sub-lease or cede this agreement or any part thereof without obtaining the Lessor's prior written consent thereto"

Please confirm whether consent to sub-lease of a portion of the property (the classroom attached to the Sunday School Hall and fenced playground) would be granted by your Council.

Your written response to these questions is appreciated.

Kind regards
PIERRE-JEAN LE ROUX
 PROFESSIONAL PLANNER

Hoofstraat 262 Main Road, Paarl, 7646 Posbus / P O Box 3457, Paarl, 7620
 Mobile: 0760317607 Tel: +27 21 8711837 Faks: +27 21 8722499 Epos: pj@pjleroux.co.za
 CK 2007/000974/23
 Lid P.J le Roux SS (SA) LSAISS/MSAITRP, Ba Hons. M(S&S)

12-Sep-2003 11:52

FROM-STELLENBOSCH-PLAN/DEVELOPMENT

+027218088313

T-870 P.002/008 F-080

Methodist Church
Franschhoek
29/11/1995

MEMORANDUM OF AGREEMENT OF LEASE

Entered into between

THE MUNICIPALITY FOR THE AREA OF FRANSCHHOEK,
herein represented by MEYER SIEBRITS in his capacity as Town Clerk and
as such acting on behalf of the Council of the said Municipality

(hereinafter called the Lessor)

and

THE METHODIST CHURCH OF SOUTHERN AFRICA, FRANSCHHOEK

herein represented by WINSTON MONDE SANQELA

in his capacity as SUPERINTENDENT ^{MINISTER} and as such acting on
behalf of the said Methodist Church of Southern Africa, Franschhoek

(hereinafter called the Lessee)

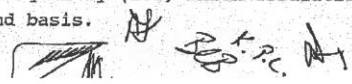
WHEREAS the Lessee has applied to the Lessor for the lease of a piece
of land (hereinafter called the premises) known as a portion of Erf
23 Franschhoek and more fully indicated on the diagram annexed hereto
marked annexure "A" for the purpose of erecting certain buildings
thereon;

AND WHEREAS the Lessor has agreed to lease the said premises to the
Lessee;

NOW THEREFORE the parties agree as follows:

In terms of the authority granted to the Lessor in terms of the Cape
Municipal Ordinance, No. 20 of 1974, as amended, the Lessor herewith
leases to the Lessee the premises subject to the following terms and
conditions:

1. The lease will be for a period of 25 (twenty five) years
calculated from 1st September 1995 or soonest
2. The Lessee shall pay to the Lessor a rental of R240 per year,
which rental will be payable in advance on the first day of this
lease and thereafter on the first day of every successive year,
payable at the offices of the Town Treasurer. The rental will
increase annually from the second year by (10%) which escalation
will be calculated on a compound basis.



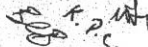
12-Sep-2003 11:52 From-STELLENBOSCH-PLAN/DEVELOPMENT #027218088313 T-870 P.003/009 F-060

3. Notwithstanding anything else contained herein, this lease will be subject to all the escalations of the Cape Municipal Ordinance, No. 20 of 1974, as amended.
4. This lease will further be subject to all servitudes and conditions if any, presently effective on the premises.
5. The premises and any buildings or other structures presently thereon or which may be erected in the future, shall only be used for religious purposes or any such purposes as the Council may determine from time to time. The Council will have the right to determine the use of the premises, buildings and structures for such period and for such purposes as it may deem necessary.
6. The Lessee must fence the premises with a wire fencing and to such an extent as the Lessor may deem necessary.
7. The Lessee shall not be entitled to sub-lease or cede this agreement or any part thereof without obtaining the Lessor's prior written consent thereto.
8. The Lessee shall not erect any buildings, or effect any improvements or alterations or additions to any building or structure that is presently in existence or will be erected in future in terms of this agreement without the prior written consent of the Lessor. The Lessee shall only have access to the premises along such routes and/or entrances or at such points as may be agreed to in writing between the parties.
9. The Lessee shall not be entitled to display any advertisements signs or notices of any description whatsoever on any part of the premises or on any building or structure erected thereon without the prior written consent of the Lessor.
10. No trees or shrubs on the premises may be pruned or removed without the prior written consent of the Lessor.
11. The Lessee shall at all times be responsible for the proper conduct of everyone on the premises and the maintenance of proper order on the premises and shall not allow any nuisance to be caused to any neighbours or the general public.
12. The Lessee shall not be entitled to remove any soil, clay, gravel, sand or any other substance on or under the surface of the premises or allow such removal without the prior written consent of the Lessor.



12-Sep-2009 11:53 From-STELLENBOSCH-PLAN/DEVELOPMENT #027218088313 T-870 P.004/009 F-080

13. The Lessee shall be liable to keep the premises and all buildings, fences and structures thereon in a proper state of repair and fit for the purposes for which it was intended.
14. The Lessor or any of his employees shall at all reasonable times be entitled to enter the premises or any buildings or structures thereon and to inspect such premises, buildings, fences or structures for any defects or damage thereto. The Lessee shall be responsible for effecting such repairs as may be requested by the Lessor within 14 days after receipt of written notice to this effect failing which the Lessor shall be entitled to enter upon the premises and to carry out such repairs as may be necessary and recover the costs thereof from the Lessee.
15. The Lessor shall at all reasonable times be at liberty to enter into or upon the premises without prior notice for the purposes of inspection, maintenance, renewal, cleaning, repair and rebuilding of any building or structure or in relation to dirty sewerage works, water pipes, stormwater drainage, electrical cables or installations or any other Municipal services that the Lessor may now or in future have over the premises. The Lessor furthermore reserves the right to establish any such services without notice to the Lessee.
- The Lessee shall not be entitled to erect any building or structure over such services or to interfere with any such services without the prior written consent of the Lessor and upon such conditions as may be prescribed by the Lessor or any of its employees. The Lessor shall at all times effect such works with due care but shall not be liable for any damage caused to the Lessee in executing such works.
16. If the Lessee dissolves or ceases to exist within the period of 25 years, this agreement shall be terminated forthwith and without any notice. In such case, or upon termination of this agreement the premises, buildings or structures or any other improvements shall revert to the Lessor without payment of any compensation by the Lessor. The Lessor may allow the Lessee to remove such buildings and/or structures that the Lessee may have erected from its own funds and in terms of this agreement.
17. The Lessee undertakes to insure the premises, buildings and structures presently in existence or which may be erected on the premises against any damage or loss caused by fire, stormwater or any other act of God for such amount as the Lessor may from time to time require. The Lessee must cede such insurance

12-Sep-2003 11:53

From-STELLENBOSCH-PLAN/DEVELOPMENT

+027218088919

T-070 P.005/009 F-080

policies to the Lessor and must furthermore pay all premiums of such policy as and when it becomes due and furnish proof of such payment to the Lessor whenever requested thereto.

18. The Lessor will be entitled to cancel this agreement upon:

18.1 The rental not being paid within 30 days of the date on which it became payable;

18.2 If the premises, fences, buildings and/or structures thereon are not kept in the proper state of repair;

18.3 If the Lessee fails to comply with any term or condition of this agreement;

18.4 If the Lessee commits any act of insolvency or is sequestrated or liquidated.

In such event the agreement will be deemed to be terminated immediately and will the Lessor shall be entitled to take possession of the premises, fences, buildings and/or structures or any other improvements thereon without payment of any compensation whatsoever to the Lessee and without prejudice to its right to claim any rental that may be in arrear or any damages that the Lessor may have suffered as a result of the Lessee's failure to comply with all the terms and conditions of this agreement.

19. The Lessee shall return the said premises, buildings, fences, structures and other improvements thereon to the Lessor in a satisfactory condition upon the termination of this agreement.

20. The Lessee shall be liable for the payment of all electricity and water consumed on the premises.

21. The Lessee indemnifies the Lessor against all claims, costs, damages and expenses that the Lessor may have in respect of any negligent act by the Lessee, his employees or any person acting under his control. The Lessee hereby chooses his domicilium citandi et executandi for the purposes of the receipt and service of any notice or any other process at the following address:

40 MR K P COLLINAN
VALBA VIEW (FARM), FRANSCHHOEK

22. The Lessee hereby consents to the jurisdiction of the Magistrates Court in respect of any claim that may be instituted relating to this agreement.

23. Notwithstanding anything else contained in this agreement the Lessor shall be entitled to take possession of the whole or any part of the premises at any time after the Lessor has given the Lessee at least six months written notice which shall not be given in the first three years of the lease to such effect if the premises or any part thereof should be needed for Municipal or Government use, and the agreement may then be cancelled or amended accordingly. In any such event the Lessor may pay compensation to the Lessee after he has received undisturbed possession of the property in respect of improvements effected by the Lessee on the premises on condition that where only a part of the premises is re-occupied and the remainder is not of such extent that it may be used for the original intention of the Lessee, then the Lessee shall have the option to cancel this lease and to claim compensation for improvements effected on the rest of the premises. The compensation payable in terms of this condition will only be for such improvements as the Lessee may have effected with its own funds and only such improvements as are actually in existence at the time of cancellation of the agreement. The Lessor reserves the right to determine in its own discretion which improvements will pay compensation for according to these conditions and no compensation will in any case be payable if the Lessee has not within one month after completion of such improvements rendered a certified statement showing the actual capital expense to the Lessor. The Lessor shall be entitled if he so chooses, to inspect the Lessee's financial records to verify such a statement. Any compensation payable in terms of this condition shall be calculated according to the following formula:

$\frac{CX}{Y}$

in which formula C = Capital cost of improvements:

X = Number of calendar months between date of repossession by the Lessor and the date of determination of this agreement in terms of clause 1 hereof:

M. B.B. K.P.C.

Y = Calendar months between the date of completion of the improvements and the termination of the agreement in terms of clause 1 hereof.

24. Should the Council at any time decide to sell the said property then it is agreed that the Lessee shall be granted a first refusal to purchase the property.

M. B.B. K.P.C.

12-Sep-2008 11:53 From-STELLENBOSCH-PLAN/DEVELOPMENT +027218088313 T-870 P.007/008 F-060

- 25. The Lessor agrees that the Lessee shall have the option to renew this lease for a further period of up to ten years on terms and conditions to be mutually agreed between the parties no later than six months before the expiry of the lease.
- 26. The Lessor shall at all times be entitled to inspect the books, accounts, records and other documents of the Lessee and the Lessee shall yearly within three months of the closure of its financial year, furnish the Lessor with a copy of its financial statements.

DATED AT FRANSCHHOEK
NOVEMBER 1995.

on this 29th day of

AS WITNESSES:

- 1. Boegeleberg
- 2. Nokwana


TOWN CLERK

DATED AT
1995.

on this day of

AS WITNESSES:

- 1.
- 2.

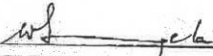
SECRETARY

DATED AT FRANSCHHOEK
1995.

on this 17th day of November

AS WITNESSES:

- 1. K. P. Cullina
- 2. Blba


CHAIRMAN
SUPERINTENDENT
MINISTER

kontrak\meth

9.8 Annexure 8 – Valuation Certificate



HCB

Valuations and Services (Pty) Ltd

Cnr Church Street & Long Street, PO Box 247, Moorreesburg, 7310
 T: +27(0)86 142 2669 M: +27(0)83 663 2140 E: admin@hcb.co.za
 Company No: 2012/168731/07 GPS: -33.1550,18.6625

Market Valuation Certificate

Client:	Stellenbosch Municipality
Erf Number:	Portion of Erf 23
Suburb:	Franschhoek
Owner:	Mun Stellenbosch
Extent of Portion:	3336m ²
Date of Valuation:	1 October 2019
Reference Number:	HCB/18/10/2019/23
Valuation Amount:	R3,500,000-00

COMMENTS:

- This certificate must be read together with attached Valuation Report
- Date issued: 18 October 2019

Hendrik Coenraad Botha
 Professional Associated Valuer
 Registration Number: 5601

Ockert Brits
 Professional Valuer
 Registration Number: 6876

11.2.5	PROPOSED SETTLEMENT OFFER IN THE MATTER BETWEEN G.S. VAN NIEKERK N.O & OTHERS (“THE APPLICANTS”) / STELLENBOSCH MUNICIPALITY (“THE MUNICIPALITY”) WITH REGARD TO THE REVIEW APPLICATION INSTITUTED TO REMOVE THE ILLEGAL ENCROACHMENT AND BOUNDARY FENCES ON ERF 1771 STELLENBOSCH (“THE MILLSTREAM”)
---------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

GOOD GOVERNANCE

12 February 2020

1. **SUBJECT: PROPOSED SETTLEMENT OFFER IN THE MATTER BETWEEN G.S. VAN NIEKERK N.O & OTHERS (“THE APPLICANTS”) / STELLENBOSCH MUNICIPALITY (“THE MUNICIPALITY”) WITH REGARD TO THE REVIEW APPLICATION INSTITUTED TO REMOVE THE ILLEGAL ENCROACHMENT AND BOUNDARY FENCES ON ERF 1771 STELLENBOSCH (“THE MILLSTREAM”)**

2. **PURPOSE**

To consider the settlement proposal submitted by the Applicants to settle the dispute between the Applicants and the Municipality in the case G.S. Van Niekerk N.O & Others (“the Applicants”) / Stellenbosch Municipality (“the Municipality”) – Case number 8473/2019.

3. **DELEGATED AUTHORITY**

FOR DECISION BY COUNCIL

Council resolved to have the fences removed and although the Municipal Manager, in consultation with the Executive Mayor, has delegated authority to settle court matters out of court they felt it appropriate in this instance to bring the matter to Council for approval due to the Council resolution.

4. **EXECUTIVE SUMMARY**

One of the owners affected by the council resolution removed his fence in accordance with the resolution. One of the owners requested the Municipality to remove the fence and that the costs will be paid to the municipality from the proceeds of the sale of the house. A contractor has been appointed to do the work and the costs of approximately R64 000 will be recovered from the owner. Two of the owners took the council resolution on review and the matter is set down for a hearing in May 2020. The applicants in the court matter are proposing a settlement of the matter. There are consultations with the last owner’s attorneys on the process to comply with the order.

The Applicants instituted review proceedings against Stellenbosch Municipality’s resolution of 31 October 2018, which resolved that the owners be instructed to demolish all structures/boundary fences impeding public access to the Millstream, and to move any and all boundary fencing to their own erf boundaries, within a period of 3 (three) months of receipt of the notice (“the Council resolution”), be reviewed and set aside. Furthermore, that the decision of the Municipality on or about 22 November 2018, alternatively on or about 14 May 2019, to issue notices pursuant to the Council’s resolution to the First to Fourth Applicants and the Fifth to Seventh Applicants, respectively (“the decision to issue the notices”), be reviewed and set aside. One of the Applicants prayers is that the Municipality pay the Applicants costs of the application, including costs of two counsel. The proposals are attached as **Appendix 1**.

The item served before Mayco in January 2020, but was referred back for the Community Services Department to provide a report on the trees:

- a) Are the trees worth protecting?
- b) Are the measures proposed practical and within measure?
- c) Is there any other manner to protect the trees?

The department provided an updated report attached as **APPENDIX 2**.

5. RECOMMENDATION

that Council considers the settlement offer made by the Applicants.

6. DISCUSSION / CONTENTS

6.1 Background

The Applicants erven, *i.e.* the Alabama Trust as registered owner of erf 1629, Stellenbosch and the Gillomee Trust as registered owner of erf 1726 Stellenbosch abut Erf 1771 Stellenbosch of which Stellenbosch Municipality is the owner. Erf 1771 Stellenbosch is zoned as Public Open Space. The Applicants erected structures, which structures encroached on Erf 1771 Stellenbosch, without any prior approval of Stellenbosch Municipality. The Stellenbosch Municipal Council *inter alia* resolved on 31 October 2018 that the owners be given notices that any and all agreements that may exist with them in writing, or allowances made over the years, in regard to the use of land across the Millstream, is cancelled/revoked and that the owners be informed to demolish all structures/boundary fences not allowing public access to the Millstream and move any and all boundary fencing to their own erf boundaries within a period of 3 months of receipt of the notice.

6.2 Discussion

The Municipality held an inspection in loco on erven 1629 Stellenbosch and 1726 Stellenbosch respectively. The owners indicated that they have proposals on how to deal with the practical implementation of the council resolution. As their proposals included boundary fences on council property as part of the settlement it was indicated that any settlement proposal will be tabled to council as it deals with the implementation of the Council resolution. The property owners that instituted review proceedings against the decision of the Municipality are the Alabama Family Trust and the Giliomee Family Trust. The proposals on the implementation of boundary fences by the two owners are dealt with separately. We deal with the proposals of the two property owners separately below.

Erf 1629 Stellenbosch: The Alabama Family Trust

The Applicants obtained a report from Mr Burger, the land surveyor as well as a tree specialist and arborist, Mr Leon Visser and made two proposals regarding the realignment of the fences on Erf 1629 Stellenbosch, a copy of which is annexed hereto as **APPENDIX "1"**.

The first option entails a set back of the existing fence to the southern boundary of the erf up to the wooden deck (and includes a small sacrifice of land by the owner of Erf 1629 Stellenbosch). This will result in a substantial part of the Millstream being open to the public. This proposed (re)alignment of the fence will then cross the Millstream and thereafter be (re)aligned to include and protect a number of old and valuable trees, including stinkwood trees and wild olive trees. This (re)alignment (which includes the trees to be protected) is indicated by the blue dotted line on the attached diagram.

The second option entails a set back of the existing fence to the southern boundary of the owner's erf up to the wooden deck. The proposed (re)alignment of the fence will then cross the Millstream and be aligned along the outer (southern) bank of the Millstream, to cater for the various physical impediments on the inner bank of the Millstream which makes it impractical to erect a fence on the inner bank. This (re)alignment of the fence is indicated by the solid blue line on the attached diagram, and will not protect the trees referred to under option 1 above. According to the applicants it will not be practical to

(re)align the fence on the inner bank of the Millstream because of, *inter alia*, a very large pepper tree that is located on the inner bank of the Millstream. According to Mr Visser's report this tree is one of the largest and oldest pepper trees in Stellenbosch, and is situated right on the inner bank of the Millstream. They indicate that the difficulty which arises, is that the (re)alignment of the fence on the inner bank of the Millstream will simply not be practically possible without causing major damage to a number of the trees identified, including the aforementioned old and large pepper tree, and in certain cases will result in the removal of very old trees.

The owner of Erf 1629 Stellenbosch prefers that their fence be (re)align in accordance with option 1, specifically so as to ensure the protection of the very old, large and valuable trees. Any other option runs the real risk of the old trees being destroyed through bark stripping, which will be unavoidable should these trees be exposed to the public.

Erf 1726 Stellenbosch: The Giliomee Family Trust

From the diagram attached to Mr Burger's report the southern boundary of this property (defined as the inner bank of the Millstream) and the existing fence position are clearly indicated. The proposed (re)alignment of the boundary fence is indicated by the solid blue line on the attached diagram. The proposed (re)alignment entails a substantial set back of the existing fence to the southern boundary of this property. As a result, a substantial portion of the Millstream will be open to the public. As can be seen on the attached diagram, the owner of this erf is prepared to sacrifice a significant strip of land on its property on the western side of Erf 1726 Stellenbosch next to the Millstream, which will form part of the existing municipal open space. In line with the "give and take" approach suggested, it is proposed that the fence be partially (re)aligned beyond the outer bank of the Millstream to include certain trees. This specifically proposed to ensure the protection of various indigenous trees.

Mr Visser has indicated in his report that there are a number of indigenous trees (including stinkwood, assegai, ironwood, Cape ash, Cape holly and wild almond trees) located on this portion of Erf 1771, which ought to be protected. It is specifically stated in Mr Visser's report that these trees are well established, some having been planted over forty years ago and other are even older. These trees are largely located on the southern bank of the Millstream. Mr Visser has also unequivocally stated that the (re)alignment of any fence on the southern bank of the Millstream will result in the loss of these trees either due to the construction of a fence, or bark strippers. It is against this backdrop that it is proposed that the fence be (re)aligned to include and protect these indigenous trees. Should the fence not be (re)aligned in such a manner to ensure the protection of these indigenous trees, they fear that leaving these valuable trees exposed to the public, will undeniably expose them to bark strippers with the result that these trees will be severely damaged and may ultimately result in these trees not surviving. Mr Visser has confirmed that from an arboriculture perspective the proposed (re)alignment (as indicated on the diagram), will be the best option to benefit both the Applicants and the public and which will also ensure the protection of valuable old indigenous trees.

Type of fence to be constructed:

The Applicants are both amenable to erecting "Clearvu" type fencing which is both secure and will allow visual access to the Millstream to the public and insofar as physical access, where the fence is located on the municipal property side, to the Millstream will not be possible. The Applicants also undertake to keep vegetation off this fencing so as to ensure the public's continued visual access along the full extent of the Millstream.

4.2. Financial Implications

The Municipality have already spent R194 829.25 on legal costs in the court matter and further costs will be incurred during the preparation for trial and the trial. If the matter is settled at this stage preparation and trial costs for all will be avoided. The Municipality may be ordered by the court to pay the costs of the other party should they be successful.

6.4 Legal Implications

If the matter is not settled, the High Court needs to decide on the outcome of the matter. This could delay the matter further and will lead to further legal costs. Where a matter is settled it is custom for parties to pay their own costs. The applicants could have approached the municipality with proposals on the implementation of the resolution without bringing court applications and they are therefore the reason why any costs were incurred, and which could have been prevented. Should the applicants be successful with the application the risk is that the Municipality may be ordered by court to pay the legal costs of the Applicants.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

31 October 2018 - relates to the decision to remove the illegal encroachments on Erf 1771 Stellenbosch.

6.7 Risk Implications

If the High Court decides on the merits thereof and it will lead to further legal cost which could have been prevented if the matter was settled.

6.8 Comments from Senior Management:

Comments were not requested from senior management.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-02-12: ITEM 7.2.8

- (a) that Council does not accept the settlement offer made by the Applicants;
- (b) that Council undertakes to make alternative arrangements to protect the trees on council property that were pointed out by the Applicants, in line with the recommendations by the Senior Manager: Community Services in Appendix 2; and
- (c) that the Senior Manager: Community Services submits a report to the section 80 Committee for the potential upgrade and cost thereof of the Millstream area.

ANNEXURES

APPENDIX 1: The proposal made by the Applicants regarding the realignment of the boundary fences, including the report of the land surveyor as well as the tree report.

APPENDIX 2: Updated Report from Community Services Department.

FOR FURTHER DETAILS CONTACT:

NAME	MERVIN WILLIAMS
POSITION	SENIOR LEGAL ADVISOR
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	mervin.williams@stellenbosch.gov.za
REPORT DATE	13 January 2020

APPENDIX 1

Van der Spuy & Partners
36 Thom Street
PAARL

Date: 30 December 2019
Your ref: AG347
Our ref: MOE13/0005 | MBN/svw
E-mail: marieke@cluvermarkotter.law

By email: gerrit@vdslegal.co.za

WITHOUT PREJUDICE

Dear Mr. Stofberg

**G.S. VAN NIEKERK N.O. & OTHERS // STELLENBOSCH MUNICIPALITY
WESTERN CAPE HIGH COURT - CASE NUMBER: 8473/2019**

1. We refer to the settlement discussions and *in loco* inspection held on 28 November 2019 (with your client's Ms De Beer and Messrs Swart and Williams in attendance) and also to your "without prejudice of rights" letter of 1 December 2019.
2. Our clients have consulted with Mr. Damien Burger (land surveyor) regarding the (re)alignment of their fences; and Mr. Burger has, in turn, consulted with a tree specialist and arborist, Mr. Leon Visser.
3. In support of the proposal made by our clients in this letter, we enclose Mr. Burger's report on the proposed new position of our clients' fences, and which includes the diagrams in respect of each erf, marked "MS1". We also enclose two reports (in respect of each erf) prepared by Mr. Visser, specifically dealing with the protection of valuable, old trees. Mr. Visser's report in respect of Erf 1629, Stellenbosch is annexed, marked "MS2", and his report in respect of Erf 1726, Stellenbosch is annexed, marked "MS3".
4. The new proposed (re)alignment of our clients' boundary fences, has been approached (as discussed at our meeting) on the basis that the parties adopt a "give and take" approach to find a solution. The proposals are made in an attempt to reach a practical solution for the (re)positioning of the boundary fences; and, where it is not practical to erect the fences on the inner (northern) bank of the Millstream, an alternate route has been proposed, specifically taking cognisance of the number of existing old and valuable trees.
5. We are instructed to make the following proposal regarding the (re)alignment of our clients' boundary fences.
6. **ERF 1629, STELLENBOSCH:**
 - 6.1. We confirm that Erf 1629, Stellenbosch is owned by the Alabama Family Trust.
 - 6.2. We draw your attention to the diagram, titled "*Fencing Annexure – Van Niekerk*" which is annexed to Mr. Burger's report.

MG

Cluver Markotter Building | Mill Street | Stellenbosch | 7600
PO Box 12 | Stellenbosch | 7599 | South Africa

Directors

AMJ Melck (Chairman) | L Brink | AL de Waal | JM Geyser | SM Geyser
B Hess | PL Hill | M Koen | JH Lamprecht | MM Loubser | L Pecoraro
S Roberts | RA Stevens | L van Niekerk | MC Wild

Telephone +27(0)21 808 5619 | **Fax** +27(0)21 886 5420
Docex 6 | Stellenbosch | www.cluvermarkotter.law

Senior Associate | H Bevis-Challinor | **Associates** | PA Badenhorst
| J Bothma | B Hill |

Practice Manager | A Keyter

Cluver Markotter Incorporated Registration Number 2000/002905/21

- 6.3. You will note from this diagram that the southern boundary of this property (defined as the inner bank of the Millstream) and the existing fence position are clearly indicated.
- 6.4. We are instructed to propose two possible proposals for the (re)alignment of the boundary fence in respect of this erf. These proposals are based on the practicalities of the current situation (which has been in place for nigh on 95 years) and was inherited by our client when it purchased this property in 2001.
- 6.5. You will note from the diagram that the first option entails a set back of the existing fence to the southern boundary of our client's erf up to the wooden deck (and includes a small sacrifice of land by our client). This will result in a substantial part of the Millstream being open to the public. This proposed (re)alignment of the fence will then cross the Millstream and thereafter be (re)aligned to include and protect a number of old and valuable trees, including stinkwood trees and wild olive trees. This (re)alignment (which includes the trees to be protected) is indicated by the blue dotted line on the attached diagram.
- 6.6. In his report in respect of this erf, Mr. Visser states that he conducted a visual inspection of our client's erf. He did not conduct a climbing inspection. Mr. Visser has also had sight of the diagram prepared by Mr. Burger.
- 6.7. It is specifically stated in Mr. Visser's report that, from an arboriculture perspective, this alignment would be preferable as it will secure and ensure the protection of valuable old trees, including stinkwood trees.
- 6.8. It is important to note that, should one leave these valuable trees exposed to the public, it will undeniably expose them to bark strippers with the result that these trees will be severely damaged and may ultimately result in these trees not surviving. You will see from Mr. Burger's annexed report that one of the neighbouring properties (where a fence was recently moved back in its entirety to the inner bank of the Millstream) the bark of two large camphor trees has already been stripped off and will in all likelihood result in these old and valuable trees ultimately dying. You are specifically referred to the photographs included in Mr. Burger's report which clearly indicates the extent and severity of this bark stripping. Our client also undertakes to maintain the existing garden and to protect the trees at their expense.
- 6.9. The second option entails a set back of the existing fence to the southern boundary of our client's erf up to the wooden deck. The proposed (re)alignment of the fence will then cross the Millstream and be aligned along the outer (southern) bank of the Millstream, to cater for the various physical impediments on the inner bank of the Millstream which makes it impractical to erect a fence on the inner bank. This (re)alignment of the fence is indicated by the solid blue line on the attached diagram, and will not protect the trees referred to under option 1 above.
- 6.10. It will not be practical to (re)align the fence on the inner bank of the Millstream because of, *inter alia*, a very large pepper tree that is located on the inner bank of the Millstream. According to Mr. Visser's report this tree is one of the largest and oldest pepper trees in Stellenbosch, and is situated right on the inner bank of the Millstream. It will also be noted that there are a number of branches and other plants overhanging the Millstream and

numerous large trees growing on the inner bank of the Millstream or in very close proximity to the inner bank.

- 6.11. The difficulty which arises, is that the (re)alignment of the fence on the inner bank of the Millstream will simply not be practically possible without causing major damage to a number of the trees identified, including the aforementioned old and large pepper tree, and in certain cases will result in the removal of very old trees. You are referred to the photographs included in Mr. Burger's report.
- 6.12. As has been explained above, this option will also expose these trees to bark strippers with the real risk of the trees ultimately not surviving.
- 6.13. From a security point of view, our clients' erf will be exposed to various security risks should the fence be re(aligned) on the inner bank of the Millstream right next to any trees. Intruders will simply be able to gain access to our client's property by climbing into the trees and vaulting onto our client's property. The location of any security fence on the inner bank of the Millstream will in all likelihood result in far reaching security risks for our client. This concern is real, as our client has had three break-ins from Erf 1771 which necessitated the installation of the existing razor wire fencing.
- 6.14. We are instructed that our client would prefer that their fence be (re)aligned in accordance with option 1 (one) (as described above); specifically so as to ensure the protection of the very old, large and valuable trees. Any other option runs the real risk of the old trees being destroyed through bark stripping, which will be unavoidable should these trees be exposed to the public.
- 6.15. We point out that these options allow the public to enjoy visual access to the Millstream (insofar as limited areas of the Millstream will not be physically accessible to the public) and will also open a substantial portion of Erf 1771 to the public.

7. **ERF 1726, STELLENBOSCH:**

- 7.1. We confirm that Erf 1726, Stellenbosch is owned by the Giliomee Family Trust.
- 7.2. We draw your attention to the diagram, titled "*Fencing Annexure – Giliomee*" which is annexed to Mr. Burger's report.
- 7.3. You will note from this diagram that the southern boundary of this property (defined as the inner bank of the Millstream) and the existing fence position are clearly indicated.
- 7.4. The proposed (re)alignment of the boundary fence is indicated by the solid blue line on the attached diagram.
- 7.5. The proposed (re)alignment entails a substantial set back of the existing fence to the southern boundary of this property. As a result, a substantial portion of the Millstream will be open to the public. As can be seen on the attached diagram, our client is prepared to sacrifice a significant strip of land on its property on the western side of Erf 1726 next to the Millstream, which will form part of the existing municipal open space.

- 7.6. In line with the "give and take" approach suggested in paragraph 4 (and as tendered in paragraph 7.5), it is proposed that the fence be partially (re)aligned beyond the outer bank of the Millstream to include certain trees. This is specifically proposed to ensure the protection of various indigenous trees. Mr. Visser has indicated in his annexed report that there are a number of indigenous trees (including stinkwood, assegai, ironwood, Cape ash, Cape holly and wild almond trees) located on this portion of Erf 1771, which ought to be protected.
- 7.7. It is specifically stated in Mr. Visser's report that these trees are well established; some having been planted over forty years ago and others are even older. These trees are largely located on the southern bank of the Millstream. Mr. Visser has also unequivocally stated that the (re)alignment of any fence on the southern bank of the Millstream will result in the loss of these trees either due to the construction of a fence, or bark strippers. It is against this backdrop that it is proposed that the fence be (re)aligned to include and protect these indigenous trees.
- 7.8. Should the fence not be (re)aligned in such a manner to ensure the protection of these indigenous trees, we fear that leaving these valuable trees exposed to the public, will undeniably expose them to bark strippers with the result that these trees will be severely damaged and may ultimately result in these trees not surviving. We again refer you to the photographs included in Mr. Burger's report which clearly indicate the bark stripping which occurred at one of the neighbouring properties where a fence was recently set back and which, until then, had protected these trees.
- 7.9. Mr. Visser has confirmed that from an arboriculture perspective the proposed (re)alignment (as indicated on the attached diagram), will be the best option to benefit both our client and the public and which will also ensure the protection of valuable old indigenous trees. It will be noted that Mr. Visser specifically pointed out that these trees form a unique part of the landscape and contribute positively to the overall experience when walking along the Millstream.
- 7.10. Mr. Burger's report also points out that there are various overhanging branches and old trees on the inner (northern) bank of the Millstream, which will make it impractical to erect a fence on this bank of the Millstream as it will necessarily result in major damage to a number of the valuable trees identified.
- 7.11. As pointed out in paragraph 6.13 above, the same security risks will apply to this erf, should any fence be erected on the inner bank of the Millstream.
8. To the extent that the matter is resolved as set out in this letter, which results in an encroachment on Municipal land, our clients naturally agree to enter into encroachment agreements with your client and to pay a market related rental.
9. **TYPE OF FENCING:**
- 9.1. You have requested us to give an indication of the type of fencing which will be utilised by our clients should they be allowed to (re)align their fences in accordance with the suggested solutions as outlined in this letter.

- 9.2. We are instructed that (as you have proposed) both our clients are amenable to erecting "Clearvu" type fencing which (as you have pointed out) is both secure and will allow visual access to the Millstream to the public and insofar as physical access to the Millstream will not be possible. This would be aesthetically much more attractive than, for example, a solid structure which could otherwise be erected for security and privacy purposes.
 - 9.3. Photographs of examples of this type of fencing are included in Mr. Burger's report.
 - 9.4. Should our clients' proposals be acceptable to your client, our clients hereby undertake to keep vegetation off this fencing so as to ensure the public's continued visual access along the full extent of the Millstream.
10. We understand that our clients' proposals will be considered by the Municipality's officials and that a recommendation will be made to the meetings of the Mayoral Committee and Council during the week of 20 January 2020.
 11. We await your feedback once your client has had an opportunity to consider our clients' proposals. Should any aspect of this letter not be clear, you are requested to please first clarify this with us before any report is brought out, specifically given the time and effort everyone has made to find an amicable solution to this dispute.

Yours faithfully



M KOEN
CLUVER MARKOTTER INC

**REPORT ON PROPOSED NEW FENCE POSITION
ERF 1629 STELLENBOSCH (VAN NIEKERK) AND ERF 1726 (GILLIOME)**

The proposed position of the new fence as indicated on both the FENCING ANNEXURES has been determined based on the following:

- Input from the property owner
- Report from Trees Unlimited - Tree Specialist and Arboriculturist
- Site inspection and verification of the boundary

The southern boundary of both properties is defined as the inner bank of the Mill Stream (Meulsloot) on their respective diagrams.

A physical inspection of the Meulsloot confirmed that there are numerous large trees growing on the bank or in close proximity to the bank, and in certain cases the with branches hanging over the Meulsloot. See PHOTO ANNEXURES

The erection of any security fence along certain sections of the inner bank of the Meulsloot will be practically difficult without causing major damage to certain trees, and in certain cases the removal of very old trees.

This has been confirmed in the Tree Report prepared by Mr. Leon Visser, a respected Arboriculturist within the Stellenbosch Community, and can clearly be seen on the attached photos.

In an attempt to reach a practical solution for the positioning of the new fence, it is proposed that a "give and take" approach be followed where possible. Where it is not practical to erect the fence on the inner bank of the Meulsloot an alternate route has been proposed on the outer bank taking due cognisance of existing trees.

Once the fence is moved to the indicated position there will be ample direct access to the Meulsloot from within Erf 1771 for the public as indicated on both FENCING PLANS

In order to visually open up the proposed fenced area the owners have indicated that they are prepared to use a "clearview" or similar type of fencing material.

See attached FENCING EXAMPLES

The Tree Report has also identified numerous old trees that would need protection from bark strippers.

On one of the neighbouring properties where the fence has recently been moved, the bark of two large old camphor trees was stripped within a few days and will probably result in the trees not surviving. See PHOTO ANNEXURES

In the case of the new fence for the Van Niekerk, it is proposed that along the section Meulsloot where trees have been identified as worthy of protection in the Tree Report, the fence be erected around these trees as indicated.

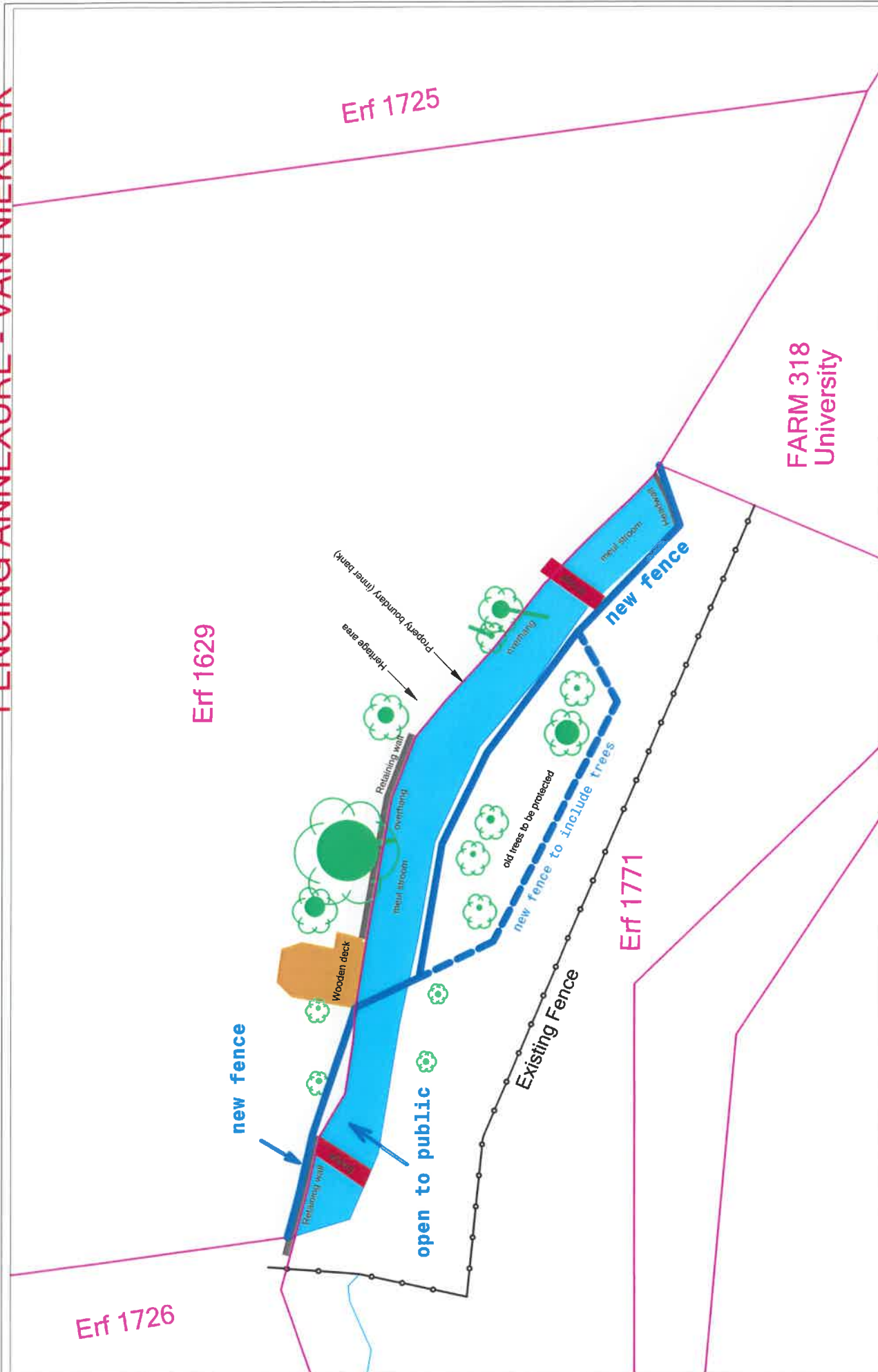
The identified trees will be visible through the "clareview" fence, but protected from bark strippers.

Date: December 2019



D.P.Burger Pr. Land Surveyor
FRIEDLAENDER BURGER VOLKMANN

FENCING ANNEXURE - VAN NIEKERK



<p>Notes:</p> <ul style="list-style-type: none"> PROPERTY BOUNDARIES TREES 	<p>Caveat</p> <ol style="list-style-type: none"> Any areas and dimensions are provisional and will be finalised at time of subdivision survey. All levels are to be confirmed prior to construction. 		<p>Scale 1:150 @ A3</p> <p>Date: 10/12/2019</p> <p>Contours: N/A</p> <p>System: WG 19</p>
<p>PROPOSED FENCING PLAN</p> <p>ERF1629 STELLENBOSCH</p> <p>Ref: ERF1629</p> <p>DWG: FENCING_PLAN</p>		<p>friedlaender, burger & volkmann</p> <p>PROFESSIONAL ENGINEERS AND ARCHITECTS</p> <p>30 Heer Street/Herengat PO Box 74/Station 54, Stellenbosch 7799</p> <p>TEL: 27 21 8861004, FAX: 27 21 8878868 Email: info@fba.co.za</p>	

FENCING ANNEXURE - GILLIOMEE

ROWAN STREET

1629

1726

1771

13152

13153

13156

13157

13158

Property boundary (inner bank)

Heritage area

Trees to be protected

Existing Fence

new fence

open to public

open to public

meul slot

meul slot

Caveat
 1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
 2. All levels are to be confirmed prior to construction.



Notes:
 PROPERTY BOUNDARIES
 TREES

Scale 1:250 @A3 Date: 10/12/2019

Contours: N/A

System: WG 19

PROPOSED FENCING PLAN
 ERF 1726 STELLENBOSCH

Ref: ERF1726 Dwg: FENCING_PLAN

friedlaender, burger & volkmann
 PROFESSIONAL LAND SURVEYORS, ARCHITECTS, CONSULTANTS, MARKING CONTRACTORS
 28 Heide Street/Heidestraat PO Box/Postbus 154, Stellenbosch, 7599
 TEL: 27 21 8878804 E-mail: info@fvdv.co.za

PHOTO ANNEXURE 1 - VAN NIEKERK



LARGE OLD TREES ON NORTHERN BANK



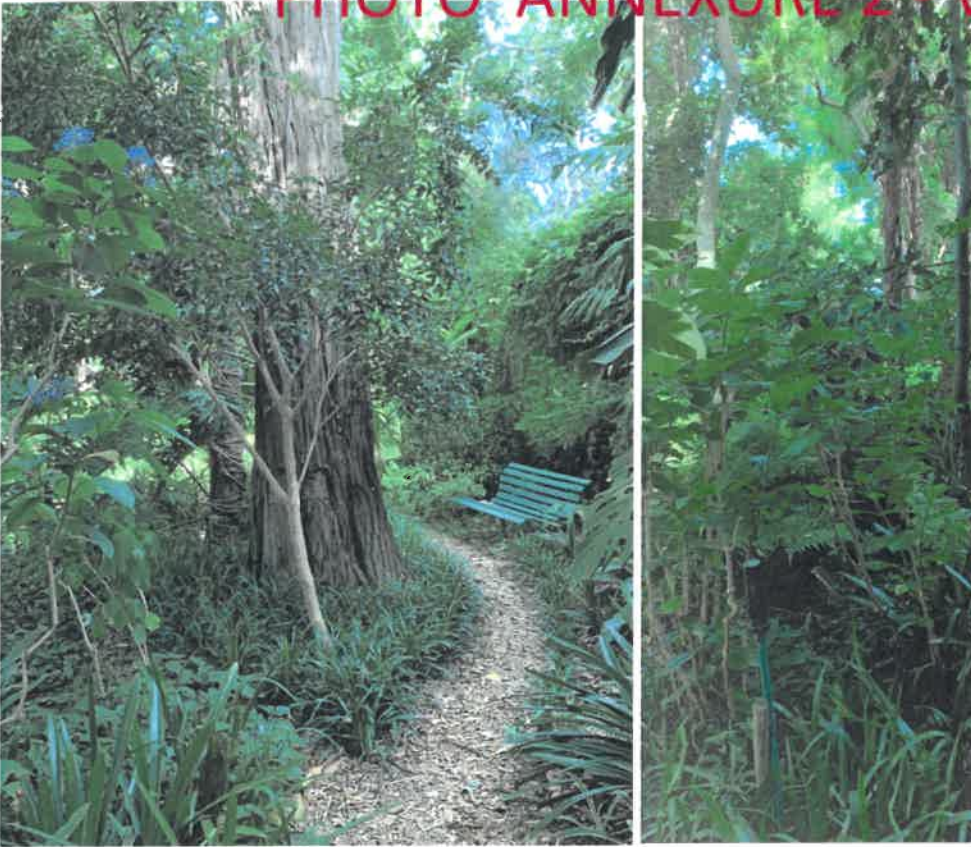
TREES AND SHRUBS ON NORTHERN BANK



LARGE PEPPER TREES ON NORTHERN BANK



TREES AND OVERHANG ON NORTHERN BANK.



LARGE TREES ON SOUTHERN BANK TO POSSIBLY BE INCLUDED FOR PROTECTION



EXAMPLE OF BARK STRIPPING ONCE FENCE MOVED BACK ON VAN WYK PROPERTY

PHOTO ANNEXURE 1 GILLIOMEE



OVERHANGING BRANCHES



OLD TREE ON NORTHERN BANK



OLD TREES WITH OVERHANGING BRANCHES ON NORTHERN BANK

PHOTO ANNEXURE 2 GILLIOMEE



LARGE TREE ON SOUTHERN BANK TO BE PROTECTED



LARGE TREE ON NORTHERN BANK



BARK STRIPPING ON VAN WYK PROPERTY ONCE FENCE WAS MOVE

FENCING EXAMPLES





PO Box 12487
 Stellenbosch 7613
 Tel : 021 88 66919
 Cell : 082 5679133
 trees.stellenbosch@gmail.com
 www.treesunlimited.co.za

10 December 2019

Cluver Markotter Attorneys
 Mill Street
 Stellenbosch

Tel: 021-808 5600

Ref: R34/19

To whom it may concern

re: tree assessment for Gerhard v Niekerk, erf 1629

The proposed fence line for erf 1629, Stellenbosch refers. The new line crucially includes the protection of a number of valuable trees including two stinkwoods and a very large pepper tree which is possibly the oldest and largest in Stellenbosch.

There are two options for the fence from an arboricultural perspective – option one includes the protection of the stinkwood trees and dog-legs just south of these (see land surveyor layout).

The second option would be to run the fence along the southern bank of the stream which would unfortunately exclude the stinkwoods and therefore leave them exposed to bark strippers.

It will not be possible to run the fence on the northern boundary of the stream as the large trees prevent this.

From an arboricultural perspective, the first option is the best which includes the protection of the stinkwoods.

Kind regards

- THE BEST IN ARBORICULTURAL WORK IS ASSURED
- FULL PAYMENT ON COMPLETION OF THE JOB FAILING WHICH INTEREST WILL BE CHARGED AT THE CURRENT PRIME RATE
- ANY ADDITIONAL WORK WILL BE QUOTED FOR UPON REQUEST
- WE HAVE PUBLIC LIABILITY INSURANCE

Bank Details
Trees Unlimited
ABSA, Stellenbosch
Acc # 4047071951

Please use the reference number on this quote when making payment

Tree report

Meulsloot, Stellenbosch

December 2019

**Trees Unlimited
Lindani
Stellenbosch**

CONTENTS

1. DESCRIPTION OF TREES
2. RECOMMENDATIONS
3. REFERENCES

1. Description

The short report includes the area along the Meulsloot bordering erf 1629, Stellenbosch. For the purposes of the exercise, the level of inspection was limited to a visual, basic assessment. No climbing inspection was done.

Please refer to the surveyor map for the layout of the existing fence line and the proposed fence line.

There are some very old, well established trees including one of the largest, oldest pepper trees in Stellenbosch growing right on the northern (garden side) of the Meulsloot.

A large oak tree is growing right on the existing fence line which is covered in a massive bougainvillea.

There are two younger stinkwood trees on the southern bank of the Meulsloot.

2. Recommendations

There are two options for the fence from an arboricultural perspective – option one includes the protection of the stinkwood trees and dog-legs just south of these (see land surveyor layout).

The second option would be to run the fence along the southern bank of the stream which would unfortunately exclude the stinkwoods and therefore leave them exposed to bark strippers.

It will not be possible to run the fence on the northern boundary of the stream as the large trees are directly in the way and therefore prevent this.

From an arboricultural perspective, the first option is the best which includes the protection of the stinkwoods.

3. Limitation of tree risk assessment

This tree risk assessment has been done with limited information about the structural condition of each tree and so Trees Unlimited cannot be held liable for any failure due to unseen conditions or exceptional weather conditions that may result in tree failure. It considers known targets and visible or detectable tree conditions represented at the time of the assessment.

References/Resources

1. Smiley, E.T., Matheny, N., Lilly, S. 2011. *Tree Risk Assessment - best management practices*. International Society of Arboriculture. Illinois, USA.
-



PO Box 12487
 Stellenbosch 7613
 Tel : 021 88 66919
 Cell : 082 5679133
 trees.stellenbosch@gmail.com
 www.treesunlimited.co.za

10 December 2019

Cluver Markotter Attorneys
 Mill Street
 Stellenbosch

Tel: 021-808 5600
 Email:

Ref: R34/19

To whom it may concern

re: tree assessment for Jan Gilliomee, erf 1726

The proposed fence line for erf 1726, Stellenbosch refers. The new line crucially includes the protection of a number of indigenous trees including stinkwood, assegai, ironwood, Cape ash, Cape holly, wild almonds etc. These are well established trees, some having been planted over forty years ago and others even older and close to the southern edge of the stream. The erection of the fence on the southern bank would mean the loss of these trees, either due to the construction of the fence, or the bark strippers. If the trees were excluded and the fence positioned in such a way that they were open to the public space, they would certainly be stripped of their bark as has been the case further up the stream.

From an arboricultural perspective, the new proposed fence-line is the best solution which will benefit both the land owner and the public.

Kind regards

- THE BEST IN ARBORICULTURAL WORK IS ASSURED
- FULL PAYMENT ON COMPLETION OF THE JOB FAILING WHICH INTEREST WILL BE CHARGED AT THE CURRENT PRIME RATE
- ANY ADDITIONAL WORK WILL BE QUOTED FOR UPON REQUEST
- WE HAVE PUBLIC LIABILITY INSURANCE

Bank Details
Trees Unlimited
ABSA, Stellenbosch
Acc # 4047071951

Please use the reference number on this quote when making payment

Tree report

Meulsloot, Stellenbosch

December 2019

**Trees Unlimited
Lindani
Stellenbosch**

CONTENTS

1. DESCRIPTION OF TREES
 2. RECOMMENDATIONS
 3. REFERENCES
-

1. Description

The short report includes the area along the Meulsloot bordering erf 1726, Stellenbosch. For the purposes of the exercise, the level of inspection was limited to a visual, basic assessment. No climbing inspection done.

Please refer to the surveyor map for the layout of the existing fence line and the proposed fence line.

There is a variety of well-established indigenous trees which form a boundary for the home owner, as well as a beautiful tunnel of greenery at the entry into the Meulsloot path from the town side.

This is a unique part of the landscape which contributes positively to the overall experience of walking along the Meulsloot.

2. Recommendations

The new line crucially includes the protection of a number of indigenous trees including stinkwood, assegai, ironwood, Cape ash, Cape holly, wild almonds etc. all of which add considerable value to the environment in that context. These are well-established trees, some having been planted over forty years ago and others even older and close to the southern edge of the stream. The erection of the fence on the southern bank would mean the loss of these trees, either due to the construction of the fence, or the bark strippers. If the trees were excluded and the fence positioned in such a way that they were open to the public space, they would certainly be stripped of their bark as has been the case further up the stream.

From an arboricultural perspective, the new proposed fence-line is the best solution which will benefit both the land owner and the public.

3. Limitation of tree risk assessment

This tree risk assessment has been done with limited information about the structural condition of each tree and so Trees Unlimited cannot be held liable for any failure due to unseen conditions or exceptional weather conditions that may result in tree failure. It considers known targets and visible or detectable tree conditions represented at the time of the assessment.

References/Resources

1. Smiley, E.T., Matheny, N., Lilly, S. 2011. *Tree Risk Assessment - best management practices*. International Society of Arboriculture. Illinois, USA.
-

APPENDIX 2

Stellenbosch Municipality Ecclesia Building 3 rd Floor 71 Plein Street STELLENBOSCH 7599			
To:	Annalene De Beer Director: Corporate Services	From:	Senior Manager: Community Services Albert van der Merwe
CC:	Director: Community and Protection Services Gary Boshoff	Date:	Monday, 10 February 2020
Re:	PROPOSED SETTLEMENT OFFER IN THE MATTER BETWEEN G.S. VAN NIEKERK N.O & OTHERS ("THE APPLICANTS") / STELLENBOSCH MUNICIPALITY ("THE MUNICIPALITY") WITH REGARD TO THE REVIEW APPLICATION INSTITUTED TO REMOVE THE ILLEGAL ENCROACHMENT AND BOUNDARY FENCES ON ERF 1771 STELLENBOSCH ("THE MILLSTREAM")		

1. PURPOSE

To make recommendations to Council regarding the Tree report that was provided by two of the owners adjacent to the Millstream, namely, the Giliomee Family Trust, owner of erf 1726 and the Alabama Family Trust, owner of erf 1629.

2. EXECUTIVE SUMMARY

At the MAYORAL COMMITTEE, dated 2020-01-22, ITEM 7.2.7 the committee resolved that item be referred back to Administration to obtain input from a tree specialist appointed by the Municipality.

Two of the owners took the council resolution on review and the matter is set down for a hearing in May 2020. The applicants in the court matter are proposing a settlement of the matter, based on the fact that they are of the opinion that old and valuable trees will be exposed to bark stripping and the fact that it will not be possible to erect the fence on the boundary of the erf, due to the fact that the trees will be an obstruction where the fence is to be erected.

Due to the urgency of the matter an external tree specialist was not appointed. The input and recommendation in this report is the expertise opinion of the Senior Manager: Community Services, Stellenbosch Municipality. Due to the Senior Manager's academic qualifications, which entail a degree in Parks and Recreation Management, obtained from the University of Stellenbosch and 28 years' experience gained at different municipalities, as Manager: Parks, Sport and Recreation, Mr Albert Van der Merwe can be regarded as an expert in the field of Urban Forestry.

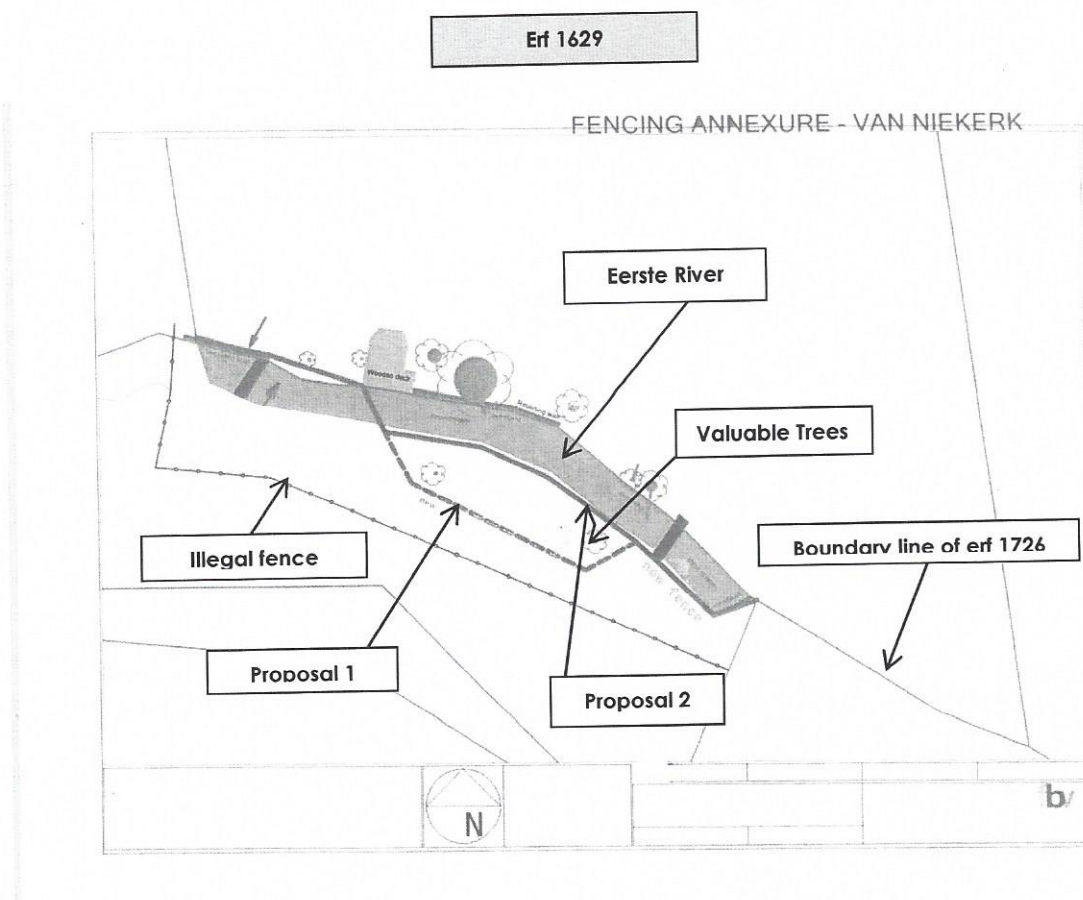
3. DISCUSSION / CONTENTS

3.1 Erf 1629 Stellenbosch: Owner: The Alabama Family Trust

The applicants obtained a report from Mr Burger, the land surveyor as well as a tree specialist and arborist, Mr Leon Visser and made two proposals regarding the

realignment of the fences on Erf 1629 Stellenbosch, a copy of which is annexed hereto as **APPENDIX 1**.

The first proposal is that the existing fence be moved to the Southern boundary of the erf up to the wooden deck (and includes a small sacrifice of land by the owner of Erf 1629 Stellenbosch). This will result in a substantial part of the Millstream being open to the public. This proposed (re)alignment of the fence will then cross the Millstream and thereafter be (re)aligned to include and protect a number of old and valuable trees, including Stinkwood Trees and Wild Olive Trees. This (re)alignment (which includes the trees to be protected) is indicated by the blue dotted line on the attached diagram. The second option proposes that the existing fence be moved to the Southern boundary of the owner's erf, up to the wooden deck. The proposed (re)alignment of the fence will then cross the Millstream and be aligned along the outer (southern) bank of the Millstream, to cater for the various physical impediments on the inner bank of the Millstream which makes it impractical to erect a fence on the inner bank.



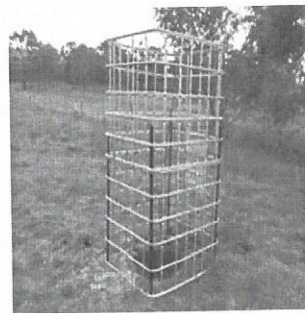
Evaluation of the tree report by Mr Leon Visser for erf 1629

Mr Visser is correct in his report that there are some very old, well established trees, including very old Pepper Trees. The area also includes two Stinkwood Trees on the Southern embankment, next to the Mill Stream and a large oak tree which is growing on the fence line. He emphasizes the point that these trees will be exposed to possible bark strippers if they are exposed to the public.

I do not agree with the two options that Mr Visser proposed namely, to erect the fence so that the Stinkwood Trees are protected and the option of erecting the fence

south of the Eerste River, thus including the Eerste River on erf 1629, due to the following reasons:

- The trees can be protected by the municipality by placing tree protectors around the trees. Below are examples of different types of protectors. The Community Services Department is currently investigating the costing and availability of these trees protectors.
- **It is possible for the owner of erf 1629 to erect the fence on the border of his erf. This will leave the Eerste River accessible to the public for their enjoyment.**
- It is possible for the owner to erect the fence on his erf border. Where there are trees on the border it is possible to erect the fence around the tree stem.

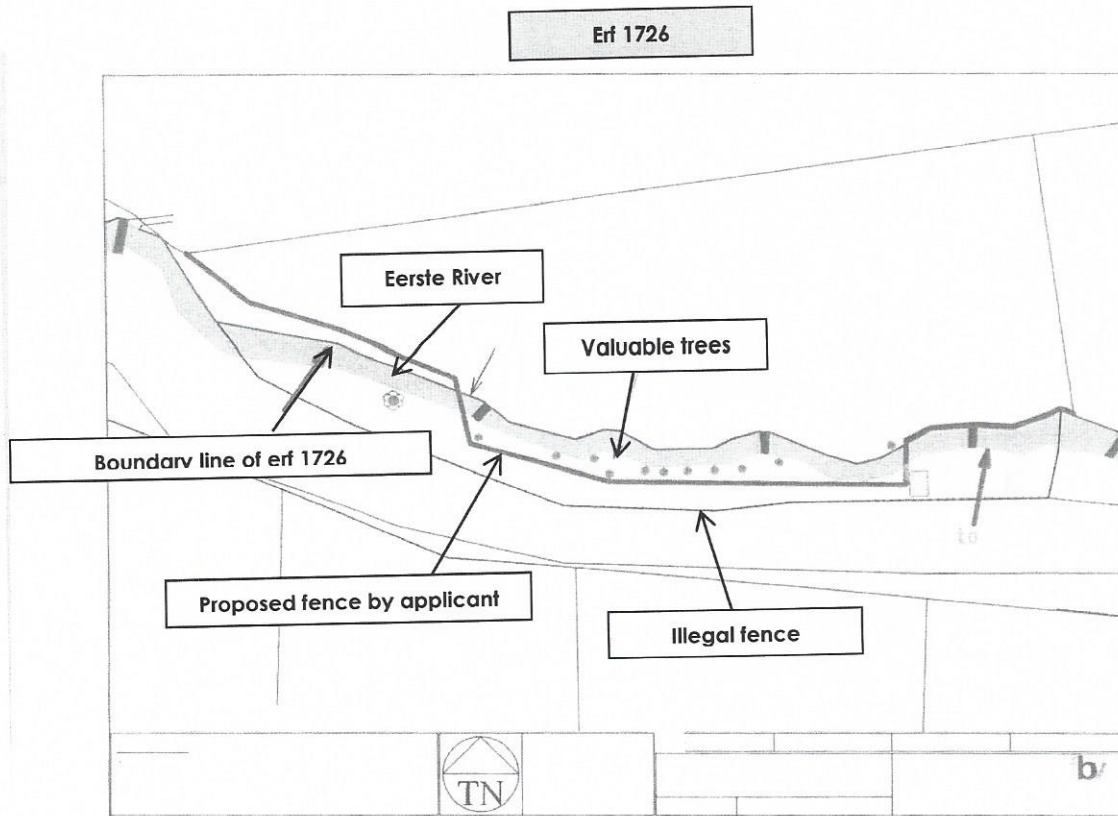


3.2 Erf 1726, Stellenbosch: Owner: Giliomee Family Trust

Evaluation of the tree report by Mr Leon Visser for erf 1726

The applicants obtained a report from Mr Burger, the land surveyor as well as a tree specialist and arborist, Mr Leon Visser and made two proposals regarding the realignment of the fences on Erf 1726 Stellenbosch, a copy of which is annexed hereto as APPENDIX 1.

Mr Visser indicated in his report the important trees, such as Stinkwood, Assegai, Ironwood, Cape ash, Cape Holly and Wild Almonds that will be subject to possible bark stripping and loss due to the erecting of a new fence on the border of the property.



I agree with the information provided by Mr Visser that a number of valuable indigenous trees are currently protected by the illegal fence position. These trees could be exposed to possible bark stripping. The construction of the fence on the boundary of Erf 1726 will damage the trees but as in the case of Erf 1629, the owner can erect his/her fence on his/her erf border. This will make the Eerste River accessible for the community to enjoy.

In conclusion, the Municipal Tree Expert (Senior Manager: Community Services) is of the opinion that it will be unfair to the other residents ("complainants") who have already removed their illegal fences and made a plan to erect a fence on their border line and where not possible, erected the fence close to and around the trees, without damaging the trees. This principle is also possible with Erven 1629 and 1726.

4. RECOMMENDATIONS

- 4.1 That Stellenbosch Municipality does NOT accept the proposed settlement and that the owners affected by the Council resolution remove their fences in accordance with the resolution.
- 4.2 That Stellenbosch Municipality protect the valuable trees, as indicated in the report of Mr Leon Visser of Trees Unlimited, by erecting Tree protectors around these trees.

APPENDIX 1

Two reports from Mr Leon Visser, owner of Trees Unlimited and a report from Mr D.P. Burger from FRIEDLAENDER BURGER VOLKMANN.



Albert van der Merwe
Senior Manager: Community Services

14/02/2020
Date



Gary Boshoff
Director: Community and Protection Services

14/2/2020
Date

APPENDIX 1

"MS1"

friedlaender, burger & volkmann
 PROFESSIONAL LAND SURVEYORS. SECTIONAL TITLE CONSULTANTS. MAPPING CONSULTANTS



39 Herta Str, Stellenbosch, 7800
 PO Box 154, Stellenbosch, 7599
 t +27 21 8864004
 m +27 82 8940686
 f +27 21 8878088
 e info@fbvsurvey.co.za

3 Bergsig, Walter Street
 PO Box Riebeek Kasteel,
 7307
 t +27 72 5507624
 f +27 22 4481024
 e christian.king@fbvsurvey.co.za

**REPORT ON PROPOSED NEW FENCE POSITION
 ERF 1629 STELLENBOSCH (VAN NIEKERK) AND ERF 1726 (GILLIOME)**

The proposed position of the new fence as indicated on both the FENCING ANNEXURES has been determined based on the following:

- Input from the property owner
- Report from Trees Unlimited - Tree Specialist and Arboriculturist
- Site inspection and verification of the boundary

The southern boundary of both properties is defined as the inner bank of the Mill Stream (Meulsloot) on their respective diagrams.

A physical inspection of the Meulsloot confirmed that there are numerous large trees growing on the bank or in close proximity to the bank, and in certain cases the with branches hanging over the Meulsloot. See PHOTO ANNEXURES

The erection of any security fence along certain sections of the inner bank of the Meulsloot will be practically difficult without causing major damage to certain trees, and in certain cases the removal of very old trees.

This has been confirmed in the Tree Report prepared by Mr. Leon Visser, a respected Arboriculturist within the Stellenbosch Community, and can clearly be seen on the attached photos.

In an attempt to reach a practical solution for the positioning of the new fence, it is proposed that a "give and take" approach be followed where possible. Where it is not practical to erect the fence on the inner bank of the Meulsloot an alternate route has been proposed on the outer bank taking due cognisance of existing trees.

Once the fence is moved to the indicated position there will be ample direct access to the Meulsloot from within Erf 1771 for the public as indicated on both FENCING PLANS

In order to visually open up the proposed fenced area the owners have indicated that they are prepared to use a "clearview" or similar type of fencing material.

See attached FENCING EXAMPLES


The Tree Report has also identified numerous old trees that would need protection from bark strippers.

On one of the neighbouring properties where the fence has recently been moved, the bark of two large old camphor trees was stripped within a few days and will probably result in the trees not surviving. See PHOTO ANNEXURES

In the case of the new fence for the Van Niekerk, it is proposed that along the section Meusloot where trees have been identified as worthy of protection in the Tree Report, the fence be erected around these trees as indicated.

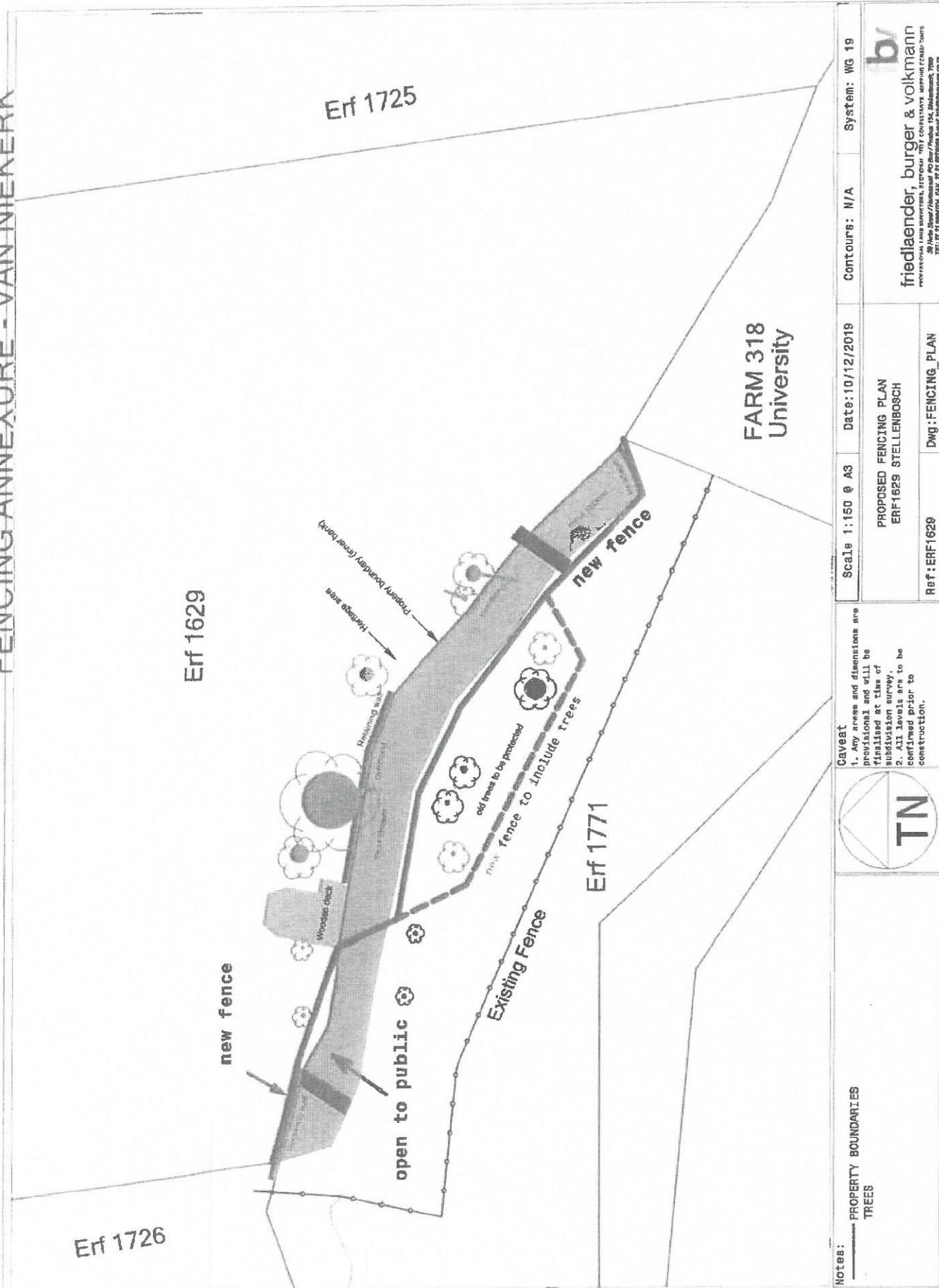
The identified trees will be visible through the "clareview" fence, but protected from bark strippers.

Date: December 2019

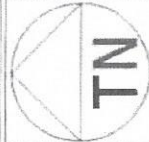


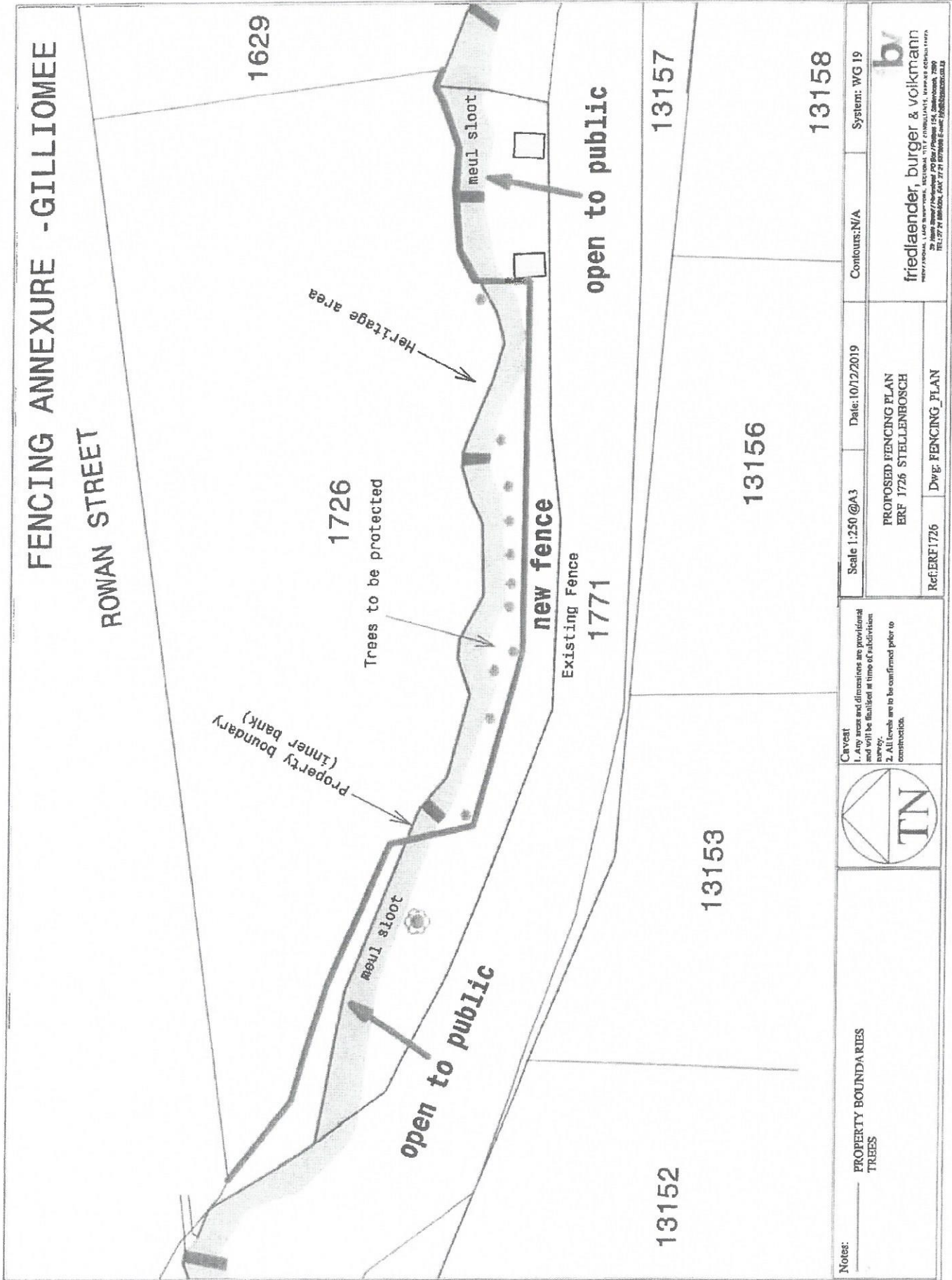
D.P.Burger Pr. Land Surveyor
FRIEDLAENDER BURGER VOLKMANN

FENCING ANNEXURE - VAN NIEKERK



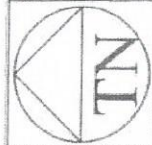
<p>NOTES:</p> <ul style="list-style-type: none"> PROPERTY BOUNDARIES TREES 	<p>CAVEAT</p> <ol style="list-style-type: none"> Any areas and dimensions are provisional and will be finalised at time of submission survey. All levels are to be confirmed prior to construction. 	<p>Scale: 1:150 @ A3</p>	<p>Date: 10/12/2019</p>	<p>Contours: N/A</p>	<p>System: WG 19</p>
		<p>Ref: ERF1629</p>	<p>Dwg: FENCING_PLAN</p>	<p>PROPOSED FENCING PLAN ERF1629 STELLENBOSCH</p>	<p>friedlaender, burger & volkmann <small>PROFESSIONAL LAND SURVEYORS, REGISTERED WITH THE SURVEYING BOARD OF SOUTH AFRICA 38 Nels Spier/Meerstrand Road/Postcode 754, Stellenbosch, Western Cape TEL: 027 21 6291001, FAX: 027 21 6291002 EMAIL: info@friedlaender.co.za</small></p>





Notes:

PROPERTY BOUNDARIES
TREES



caveat
 1. Any areas and dimensions are provisional and will be finalized at time of subdivision.
 2. All fences are to be confirmed prior to construction.

Scale 1:250 @A3

Date: 10/12/2019

Contours: N/A

System: WG 19

PROPOSED FENCING PLAN
 ERF 1726 STELLENBOSCH

Ref: ERF1726 DWG: FENCING_PLAN

friedlaender, burger & volkmann
 ARCHITECTS & ENGINEERS
 25 HERSHMAN/ROBINSON ROAD #1501/1502, SINGAPORE 069000
 TEL: 65 6734 8888 FAX: 65 6734 8889 EMAIL: INFO@FBV.CO.SG



“MS2”



PO Box 12487
Stellenbosch 7613
Tel : 021 88 66919
Cell : 082 5679133
trees.stellenbosch@gmail.com
www.treesunlimited.co.za

10 December 2019

Cluver Markotter Attorneys
Mill Street
Stellenbosch

Tel: 021-808 5600

Ref: R34/19

To whom it may concern

re: tree assessment for Gerhard v Niekerk, erf 1629

The proposed fence line for erf 1629, Stellenbosch refers. The new line crucially includes the protection of a number of valuable trees including two stinkwoods and a very large pepper tree which is possibly the oldest and largest in Stellenbosch.

There are two options for the fence from an arboricultural perspective – option one includes the protection of the stinkwood trees and dog-legs just south of these (see land surveyor layout).

The second option would be to run the fence along the southern bank of the stream which would unfortunately exclude the stinkwoods and therefore leave them exposed to bark strippers.

It will not be possible to run the fence on the northern boundary of the stream as the large trees prevent this.

From an arboricultural perspective, the first option is the best which includes the protection of the stinkwoods.

Kind regards

- THE BEST IN ARBORICULTURAL WORK IS ASSURED
- FULL PAYMENT ON COMPLETION OF THE JOB FAILING WHICH INTEREST WILL BE CHARGED AT THE CURRENT PRIME RATE
- ANY ADDITIONAL WORK WILL BE QUOTED FOR UPON REQUEST
- WE HAVE PUBLIC LIABILITY INSURANCE

Bank Details
Trees Unlimited
ABSA, Stellenbosch
Acc # 4047071951

Please use the reference number on this quote when making payment

Free Oaks trading as TREES UNLIMITED
Reg. CK97/00566/23

MEMBER - Iron Age & Bio (EAST) Forest SL 1004
MEMBER INTERNATIONAL SOCIETY OF ARBORICULTURE • MEMBER TREE CARE INDUSTRY ASSOC (IICA)

Tree report

Meulsloot, Stellenbosch

December 2019

**Trees Unlimited
Lindani
Stellenbosch**

CONTENTS

1. DESCRIPTION OF TREES
2. RECOMMENDATIONS
3. REFERENCES

1. Description

The short report includes the area along the Meulsloot bordering erf 1629, Stellenbosch. For the purposes of the exercise, the level of inspection was limited to a visual, basic assessment. No climbing inspection was done.

Please refer to the surveyor map for the layout of the existing fence line and the proposed fence line.

There are some very old, well established trees including one of the largest, oldest pepper trees in Stellenbosch growing right on the northern (garden side) of the Meulsloot.

A large oak tree is growing right on the existing fence line which is covered in a massive bougainvillea.

There are two younger stinkwood trees on the southern bank of the Meulsloot.

2. Recommendations

There are two options for the fence from an arboricultural perspective – option one includes the protection of the stinkwood trees and dog-legs just south of these (see land surveyor layout).

The second option would be to run the fence along the southern bank of the stream which would unfortunately exclude the stinkwoods and therefore leave them exposed to bark strippers.

It will not be possible to run the fence on the northern boundary of the stream as the large trees are directly in the way and therefore prevent this.

From an arboricultural perspective, the first option is the best which includes the protection of the stinkwoods.

3. Limitation of tree risk assessment

This tree risk assessment has been done with limited information about the structural condition of each tree and so Trees Unlimited cannot be held liable for any failure due to unseen conditions or exceptional weather conditions that may result in tree failure. It considers known targets and visible or detectable tree conditions represented at the time of the assessment.

References/Resources

1. Smiley, E.T., Matheny, N., Lilly, S. 2011. *Tree Risk Assessment - best management practices*. International Society of Arboriculture. Illinois, USA.
-

"MS3"



PO Box 12487
 Stellenbosch 7613
 Tel : 021 88 66919
 Cell : 082 5679133
 trees.stellenbosch@gmail.com
 www.treesunlimited.co.za

10 December 2019

Cluver Markotter Attorneys
 Mill Street
 Stellenbosch

Tel: 021-808 5600
 Email:

Ref: R34/19

To whom it may concern

re: tree assessment for Jan Gilliomee, erf 1726

The proposed fence line for erf 1726, Stellenbosch refers. The new line crucially includes the protection of a number of indigenous trees including stinkwood, assegai, ironwood, Cape ash, Cape holly, wild almonds etc. These are well established trees, some having been planted over forty years ago and others even older and close to the southern edge of the stream. The erection of the fence on the southern bank would mean the loss of these trees, either due to the construction of the fence, or the bark strippers. If the trees were excluded and the fence positioned in such a way that they were open to the public space, they would certainly be stripped of their bark as has been the case further up the stream.

From an arboricultural perspective, the new proposed fence-line is the best solution which will benefit both the land owner and the public.

Kind regards

- THE BEST IN ARBORICULTURAL WORK IS ASSURED
- FULL PAYMENT ON COMPLETION OF THE JOB FAILING WHICH INTEREST WILL BE CHARGED AT THE CURRENT PRIME RATE
- ANY ADDITIONAL WORK WILL BE QUOTED FOR UPON REQUEST
- WE HAVE PUBLIC LIABILITY INSURANCE

Bank Details
Trees Unlimited
ABSA, Stellenbosch
Acc # 4047071951

Please use the reference number on this quote when making payment

Tree Oaks trading as TREES UNLIMITED
 Reg. CK97/DO566/23

MEMBER INTERNATIONAL SOCIETY OF ARBORICULTURE • MEMBER TREE CARE INDUSTRY ASSOC. (BATH)

"MS3"

Tree report
Meulsloot, Stellenbosch

December 2019

Trees Unlimited
Lindani
Stellenbosch

"MS3"

CONTENTS

1. DESCRIPTION OF TREES
2. RECOMMENDATIONS
3. REFERENCES

1. Description

The short report includes the area along the Meulsloot bordering erf 1726, Stellenbosch. For the purposes of the exercise, the level of inspection was limited to a visual, basic assessment. No climbing inspection done.

Please refer to the surveyor map for the layout of the existing fence line and the proposed fence line.

There is a variety of well-established indigenous trees which form a boundary for the home owner, as well as a beautiful tunnel of greenery at the entry into the Meulsloot path from the town side.

This is a unique part of the landscape which contributes positively to the overall experience of walking along the Meulsloot.

2. Recommendations

The new line crucially includes the protection of a number of indigenous trees including stinkwood, assegai, ironwood, Cape ash, Cape holly, wild almonds etc. all of which add considerable value to the environment in that context. These are well-established trees, some having been planted over forty years ago and others even older and close to the southern edge of the stream. The erection of the fence on the southern bank would mean the loss of these trees, either due to the construction of the fence, or the bark strippers. If the trees were excluded and the fence positioned in such a way that they were open to the public space, they would certainly be stripped of their bark as has been the case further up the stream.

From an arboricultural perspective, the new proposed fence-line is the best solution which will benefit both the land owner and the public.

“MS3”

3. Limitation of tree risk assessment

This tree risk assessment has been done with limited information about the structural condition of each tree and so Trees Unlimited cannot be held liable for any failure due to unseen conditions or exceptional weather conditions that may result in tree failure. It considers known targets and visible or detectable tree conditions represented at the time of the assessment.

References/Resources

1. Smiley, E.T., Matheny, N., Lilly, S. 2011. *Tree Risk Assessment - best management practices*. International Society of Arboriculture. Illinois, USA.
-

Annalene De Beer

From: Albert van der Merwe
Sent: 19 February 2020 09:59 AM
To: Kevin Carolus
Cc: Annalene De Beer; Gary Boshoff; Dalleel Jacobs
Subject: Beskerming van Bome langs Meulsloot
Attachments: Mill Stream Report to Annalene.finaal.docx

Goeie more CFO

Met verwysing na die item van die Meulsloot wat verlede week voor MAYCO gedien het en waar die Burgemeester aangedui het ons moet dringend die reeds beskadigde bome, waarvan die bas gestroop is beskem kry, asook beskerming van die bome nadat die eienaars die onwettige heinings verwyder het het ek kwotasie ingewin vir twee voorbeelde van boom beskermers. Die voorbeelde verskyn ook in my verslag wat deel vorm van direkteur se item wat die week voor die Raad gaan dien.

FOTO A

KWOTASIE = R 2783-00/Boom



FOTO B

KWOTASIE = R 2093-00/Boom



Die aantal bome wat dadelik beskermers kan kry is 4 bome. Ek is nie seker wat die bome is wat agter die onwettige heinings staan nie. Ons sal eers die werklike getal weet wanneer die onwettige heinings verskuif word. Ek sal die duurder opsie voorstel omrede jy dalk nog steeds die beskermers op foto B kan knip, maar nie die beskermers op Foto A nie.

Ek het die kwotasie by Kermis Construction gekry. Die maatskappy is op ons databasis. Myself en mnr Jacobs is vertrouwd met sy kwaliteit werk is beveel ek aan dat u toestemming verleen om voort te gaan met 'n noodbestelling vir die bome wat dadelik beskermers moet kry. Ons benodig ook 'n Ukey vir die werke.

By voorbaat dank.

Direkteur de Beer, met my opstel van die verslag was die waardes van die boombeskermers nog nie bekend nie, maar ek glo u sal geleentheid kry om die inligting mondelings te deel

Winners of the Arbor City Awards 2014 & 2017 Local Municipality Category



*Kind Regards / Vriendelike
Groete*

Albert Van Der Merwe

Senior Bestuurder:
Gemeenskapsdienste
Senior Manager:
Community Services

**Community and Protection
Services**

T: +27 21 808 8165 | F: +27 21 887

7446

123 Merriman Avenue,
Stellenbosch, 7600

www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
------	---

NONE

11.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
------	---

11.4.1	PROPOSED DEVELOPMENT OF ERF 81/2 AND ERF 81/9, STELLENBOSCH, FOR BACKYARDERS OF STELLENBOSCH
--------	--

Collaborator No: 653153
IDP KPA Ref No:
Meeting Date: 12 February 2020

1. SUBJECT: PROPOSED DEVELOPMENT OF ERF 81/2 AND ERF 81/9, STELLENBOSCH, FOR BACKYARDERS OF STELLENBOSCH

2. PURPOSE

To provide feedback on Resolution (a) of item 7.4.1 "Proposed Development of Erf 81/2 and Erf 81/9, Stellenbosch for Backyarders of Stellenbosch" which served before 29th Council Meeting.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

A consulting firm was appointed to undertake a feasibility study in accordance with Resolution (a) of item 7.4.1 of the 29th Council Meeting.

Resolution (a)

"that a feasibility study as a matter of urgency must be concluded to determine the exact extent of the developable area".

The consulting firm was appointed in late November 2019 and had very little time to undertake the studies required for the feasibility report, as most companies are closed over the festive period. Therefore only a progress report can be submitted to Council for information. **See APPENDIX A.**

In essence the draft findings of the report are as follows:

- 4.1. The progress report confirms that there are several constraints impacting on the developable area.
- 4.2. The progress report proposes multi storey buildings (3 to 4 storey walkups) because the developable area is significantly reduced by the abovementioned constraints.

The Consultants are currently busy with firming up the project cost for this proposal and that the figure quoted at the end of the attached document are indicative and for discussion purposes only.

5. RECOMMENDATIONS

- (a) that the progress report be noted;
- (b) that Council approves in principle the development proposal as set out in the draft feasibility study;
- (c) that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHI's) or Other Development Agencies (ODA's);
- (d) that a Smart Partnership and a Land Availability Agreement be entered into with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and
- (e) that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.

6. CONCLUSION

The Consultants are currently busy with firming up the project cost for this proposal and the figure quoted at the end of the attached document are indicative and for discussion purposes only.

6.1 FINANCIAL IMPLICATIONS

None at this stage. Future financial implications will be dealt with when a SHI and/or ODA has been appointed and a viability study has been done.

6.2 LEGAL IMPLICATIONS

- Chapter 2, Section 5(a) of the Social Housing Act 16 of 2008;
- Local Government: Municipal Finance Management Act (Act 56 of 2003);
- Local Government: Municipal Systems Act (Act 32 of 2000); and
- Administration of Immovable Property Policy

6.3 STAFF IMPLICATIONS

None at this stage.

6.4 PREVIOUS / RELEVANT COUNCIL RESOLUTIONS**29TH COUNCIL MEETING: 2019-07-24: ITEM 7.4.1****RESOLVED** (majority vote)

- (a) that a feasibility study as a matter of urgency must be concluded to determine the exact extent of the developable area;
- (b) that the appropriate land use rights as a matter of urgency be obtained;
- (c) that any development on the property be sensitive and complementary to enhancing the aesthetics of the entrance of Stellenbosch;
- (d) that the proposed development be earmarked for backyarders in Cloetesville, Ida's Valley and Kayamandi; and
- (e) that the report be brought to Council as soon as possible.

6.5 RISK IMPLICATIONS

None at this stage.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-02-12: ITEM 7.4.1

- (a) that the progress report be noted;
- (b) that Council approves in principle the development proposal as set out in the draft feasibility study;
- (c) that the Municipal Manager is authorised to undertake a process towards entering into Land Availability Agreements with competent Social Housing Institutions (SHI's) or Other Development Agencies (ODA's);
- (d) that a Smart Partnership and a Land Availability Agreement be entered into with the successful accredited Social Housing Institution (SHI) or Other Development Agency (ODA); and
- (e) that the proposed base criteria which need to be met by a viable Social Housing Institution, be noted.

ANNEXURES:**ANNEXURE 1: DRAFT FEASIBILITY REPORT**

APPENDIX 1



**PROPOSED DEVELOPMENT OF ERF 81/2 AND ERF 81/9,
STELLENBOSCH, FOR BACKYARDERS OF STELLENBOSCH
FEASIBILITY STUDY**

PREPARED BY:
ETL CONSULTING



5TH FLOOR, IMPERIAL TERRACES
CARL CRONJE DRIVE
BELLVILLE, 7530

PREPARED FOR:
STELLENBOSCH MUNICIPALITY



TOWN HOUSE COMPLEX,
PLEIN STREET,
STELLENBOSCH, 7600



Contents

1. INTRODUCTION	1
2. TECHNICAL EVALUATION	10
3. POTENTIAL PLANS FOR THE SITE	30
4. PRELIMINARY COST ESTIMATE.....	34
5. RECOMMENDATIONS.....	38
DOCUMENT CONTROL RECORD.....	39



1. INTRODUCTION

The right to adequate housing is one of the most important basic human rights. It speaks to the restoration of dignity to the millions of South Africans. Government has delivered more than 4,5 million houses and subsidies since 1994, benefiting more than 20 million South Africans.

The Stellenbosch Municipality has an important responsibility of ensuring that all its citizens reside in developable, formalised, safe and sustainable human settlements and to the extent possible, within closer proximity to employment opportunities that would improve the quality of life of all citizens and free the potential of each person. Council at its monthly meeting of July 2019 resolved that a feasibility study must be undertaken in order to determine how developable ERF 81/2 and 81/9 in terms of current housing typologies. The overall objective of the proposed housing project to be initiated by Stellenbosch as a municipality is committed to providing sustainable human settlements to improve the quality of household life for the low and middle-income earners.

This phase of the project relates to conducting a feasibility study and project planning for Erf 81/2 and 81/9. ETL Consulting will advise on the following:

- Identify a multi-disciplinary team of professionals consisting of a Town Planner, Engineer Civil and Electrical, Environmental specialist, Geotechnical specialists, Urban designer / Architect, Transport planner, Land surveyor and or any other required specialist.
- Produce an implementation plan. The implementation plan is to detail the milestones / deliverables, and their estimated duration. It will also include a cash flow budget linked to timeframes and deliverables.
- Facilitate the definition of the project scope, goals and deliverables to all stakeholders, including to the consultants, relevant municipal official and the local community.
- Co-ordinate and drive all the work streams to ensure all stakeholders perform and contribute so that the project targets and objectives are achieved and completed in the shortest possible time
- Reporting, including preparing and submission of status quo reports on the overall progress of the project on a monthly basis and when required.
- Project communication, including organising and chairing regular meetings of the consulting team and municipal officials, arranging and attending project steering committee meetings, secretarial services for the professional team and project steering committees,
- Monitoring overall project progress and use of resources, initiating corrective action where necessary,
- Preparing and maintaining project, stage and execution plans as required,
- Time management; including the preparing and updating of a project programme, and ensuring adherence to it by all professionals and contractors,
- Managing project risks, including the development of contingency plans,
- Managing the payments of professionals and submission of invoices





1.1 Legislation and Policy Context

The Constitution

According to the constitution (section 152 and 153), local government is responsible for the development process in municipalities, including municipal planning. The constitutional mandate relates to municipalities' management, budgeting and planning functions of its objectives and provides a clear indication of the intended purposes of municipal integrated development planning.

The Constitution's Bill of Rights

The Bill of Rights contained in the Constitution of the Republic of South Africa entrenches certain basic rights for all citizens of South Africa including: "The right to have access to adequate housing" (Article 26).

Rental Housing Act of 1999

The Rental Housing Act, 1999 (Act 50 of 1999) defines the responsibility of government in respect of the rental housing market. It creates mechanisms to advance the provision of rental housing property and promotes access to adequate housing by working to ensure the proper functioning of the rental housing market.

The Intergovernmental Relations Framework Act of 2005

The objective of the Act is to provide a framework for implementation of the principle of cooperative governance set out in Chapter 3 of the Constitution and also provides guidance for co-operation by national, provincial and local governments, and all organs of state to facilitate coordination in the implementation of policy and the delivery of goods and services. The act allows for the establishment of intergovernmental forums at and between the different spheres of government, which in this instance would be Inter-municipality forums whose role is to serve as a consultative forum for the participating municipalities to discuss and consult each other on matters of mutual interest.

Development Facilitation Act of 1995 (DFA)

The DFA deals with spatial and land development principles such as discouraging illegal occupation of land through informal land development processes, promotion of speedy land development, promotion of sustainable land development, etc.

The Division of Revenue Act of 2007 (DORA)

The Division of Revenue Act is a vital and annually prepared piece of legislation which impacts directly on the delivery of integrated human settlements, and housing in particular, because it has the force of law behind it. In operational terms, it provides an equitable share of funding to municipalities, which is an unconditional grant and is used largely for operational purposes, according to a formula agreed on by the Fiscal and Financial Commission.

The National Spatial Development perceptive. (NSDP)

The NSDP consists of a spatial narrative, a set of maps, and a strategic response for the whole country. These provide an overview and determine into which category of development an area fits. The NSDP also informs the Spatial Development Frameworks of the IDPs (and consequently the Housing Chapters) that aim to redress the spatial inequalities persisting as a result of apartheid legislation and development.



**The National Housing Act of 1997 (NHA)**

The government's primary housing objective is to undertake housing development, which section 1 of the Housing Act, No. 107 of 1997 defines as being "the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities, and to health, educational and social amenities in which all citizens and permanent residents of the Republic will, on a progressive basis, have access to; permanent residential structures with secure tenure, ensuring internal and external privacy, and providing adequate protection against the elements, potable water, adequate sanitary facilities, and domestic energy supply. The Housing Act states in Section 9(1)(f) that "Every municipality must, as part of the Municipalities process of integrated development planning, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to initiate, plan, coordinate, facilitate, promote and enable appropriate housing development in its area of jurisdiction"

Estate Agency Affairs Act 112, 1976

This act regulates and controls certain activities of estate agents in the public interest. It acts as a guide to ensure proper management of the affairs of the estate agencies.

The National Housing Code

The purpose of the National Housing Code is to set out clearly, the National Housing Policy of South Africa. The National Housing Policy comprises of an overall vision for housing in South Africa and the way in which this vision should be implemented.

The Municipal's Structures Act of 1998 (MSA)

The Municipal Structures Act 1998 (Act No. 117 of 1998) provides for the establishment of Municipal categories and for the appropriate division of functions and powers between these categories of municipality

The Municipal's Systems Act of 2000

In terms of Section 25 and 26 of the Municipal Systems Act (2000), all municipalities are required to compile Integrated Development Plans (IDPs), which are single, all inclusive, strategic plans that should include housing planning. The processes to be followed to compile the IDP, participation structures, and related provisions are also detailed in the Municipal Systems Act. Section 24(1) puts the onus on municipalities to align with the development plans and strategies of other organs of state. The intention of these sections of the Act is for alignment to be the responsibility of all spheres of government.

The Municipal Finance Management Act of 2003 (MFMA)

The Municipal Finance Management Act plays a central role in housing delivery because it regulates the procurement of service providers for the planning and implementation of national housing programmes and projects. Importantly, it also clearly defines the roles and responsibilities of the councillors and officials in the tender process.

Breaking New Ground

The Department of Human Settlement introduced the New Comprehensive Human Settlement Policy called Breaking New Ground (BNG) to combat the continuation of the post 1994 spatial development





pattern. The aim of the policy is to reinforce and expand the vision of the National Housing Act by creating settlements that are well located to economic opportunities and integrated in terms of income, social amenities, and race. The key element underpinning this policy is the expanded role of the Department of Human Settlement.

The Main objectives of the Breaking New Ground Policy are:

- Accelerate the delivery of housing as a key job creation strategy for poverty alleviation
- Utilise the provision of housing as a major job creation strategy
- Ensuring that property can be accessed by all as a wealth creation strategy and empowerment
- Leveraging growth in the economy
- Combating crime, promoting social cohesion, and improving quality of life for the people of South Africa
- Supporting the functioning of a single residential property market to reduce duality within the sector by breaking the barriers between the first economy (formal) property boom and the second slump (informal)
- Utilizing housing as an instrument for the development of sustainable human settlement, in support of spatial restructuring

1.2. Problem Identification and Scoping

As per the Council Minutes of meetings held on 17th and 24th July 2019: “Stellenbosch Municipality has over the last number of years developed a housing pipeline that addresses all types of housing delivery that takes into consideration all social and financial requirements of the residents.

Against this background Stellenbosch Municipality is desirous to commence with a project that could address the housing needs of residents that reside primarily in the backyards of privately owned properties. The areas that are targeted for these projects are Idas Valley, Cloetesville and Khayamandi and to a lesser extent Jamestown and Klapmuts. The purpose of the project is to make provision for essentially residents who would not under ordinary circumstances qualify for subsidised housing, for example backyard dwellers that earn higher than the earnings threshold for a housing subsidy or are not in a position to obtain a mortgage loan from a financial institution.

It is therefore imperative that the proposed development must be sensitive to the general built and landscaping vernacular of the Stellenbosch area. The proposed site for this project is Erf 81/2 and Erf 81/9. The site has several constraints for development. A desktop study using Google Earth indicated that a developable area ranging between 1ha and 3ha could be realised on the property. The latter area takes into consideration all the physical constraints on the property.”

1.2.1. Client Goals

To motivate for the proposed development of Erf 81/2 and Erf 81/9, Stellenbosch, henceforth “the property”, as a residential development that can potentially assist towards addressing the housing needs of backyarders in Stellenbosch.

It is imperative that a feasibility study is undertaken in order to determine and confirm the appropriate development mix for this property.





The desktop study proposes a transition from medium income housing in Mount Simon to GAP housing at the immediate adjacent portion of the site and 3-4 storey walk ups to the south of the property

GAP / Social option (Option 1)

This option is geared towards a combination of rental and outright ownership. The housing typology could be single storey residential units, duplex residential units, 3-4 storey walk ups or a combination of the above.

Social option (Option 2)

A rental or co-operative housing option for low income persons at a level of scale and built form which requires institutionalized management and which is provided by accredited social housing institutions or in accredited social housing projects in designated restructuring zones.

GAP option (Option 3)

This option allows for single residential dwellings or serviced sites or a combination of both.

1.3. Physical Site Description

The property is located between the Khayamandi and Cloeteville settlements. Its boundary is framed by the R304 to the west and the railway line to the east. The Plankenburg River traverses the property along the eastern boundary. The southern boundary of property includes portions of the Khayamandi Tourism Centre, as well as bridge over the railway line. The northern boundary is framed by the Mount Simon residential development.

1.3.1. Overview

The desk-top study will provide a clear indication of development potential and recommendations on how to maximize the use.

1.3.2. Project Locality

The property is located between the Khayamandi and Cloeteville settlements. Its boundary is framed by the R304 to the west and the railway line to the east. The Plankenburg River traverses the property along the eastern boundary. The southern boundary of property includes portions of the Khayamandi Tourism Centre, as well as bridge over the railway line. The northern boundary is framed by the Mount Simon residential development.

The property has a triangular shape with its widest part on the northern boundary with the Mount Simon residential development, however this shape in this particular instance allows for the construction of social amenities which in return allows for community integration. This type of erf shape reduces the developable area significantly. Furthermore, a significant portion of the property is situated south of the bridge over the railway line and this area is not suitable for development. The cadastral boundaries must be adjusted to take all of the constraints into consideration.

The total erf size is approximately 17.47ha and this area includes the road, the river as well as a portion of Khayamandi Tourism Corridor. These features must all be subtracted from the total area to determine the developable area. It is understood that the road reserve for the R304 is approximately 45m wide. This implies that the area of the road reserve is approximately 5.4ha and this area must be





subtracted from the developable area which leaves approximately 12.07ha. A similar argument for the impact of the river area on the developable area can also be made. **The latter area measures approximately 8.6ha which leaves an effective developable area of 3.47ha.**



Figure 1: The Site



Photo 1: Extent of erf 81/9 facing it in a westerly direction





Photo 2: Erf 81/9 in an easterly direction

1.3.3. Restrictions

The following restrictions are anticipated:

- The appropriate land use rights be obtained.
- Development on the property be sensitive and complementary to enhancing the aesthetics of the entrance of Stellenbosch.
- Current civil works executed on the sites reduces the extent of developable land. The extent will only be measurable once the works are completed.
- Wetland delineation and 32m wetland buffer be determined.
- 1:100 year flood line be determined.



Photo 3: Current site activity restricting the development potential even further

1.4. Community Profile

The areas that are targeted for these projects are Idas Valley, Cloetesville and Khayamandi and to a lesser extent Jamestown and Klappmuts. The purpose of the project is to make provision for essentially residents who would not under ordinary circumstances qualify for subsidised housing, for example backyard dwellers that earn higher than the earnings threshold for a housing subsidy or are not in a position to obtain a mortgage loan from a financial institution.

1.4.1. Recreation and Open Space

The location of the property and potential will allow the development of the site include recreational areas for the residents. Access to the town and other amenities makes the site ideal for high density housing.

1.4.2. Income Distribution and Housing

The development of the site will target the backyarder falling above the threshold for low cost housing. This will allow the development (aesthetically) to create bearing in mind the appearance of the area and road leading into the town.

1.4.3. Disabled



The development can allow for disabled units on the ground floor.





2. TECHNICAL EVALUATION

2.1. Geotechnical Engineering

The success of civil engineering projects, whether it involves the construction of houses, bridges, roads or tunnels, depend largely on the adequate identification of subsurface conditions. Geotechnical engineering, even in its most primitive form, has been around for hundreds of years, and unfortunately, so have geotechnical related problems. The geotechnical investigation aims to reduce the occurrence and impact of such problems as far as possible. Although risk inherent in the ground is inevitable, it can ideally be identified and mitigated by way of incorporating geotechnical investigations in contractual agreements. This way, thorough understanding of requirements and preparation of an adequate investigation may assist in minimising the risk as well as cost and schedule overruns on construction projects.

In South Africa, there are various national standards, codes of practice and legislation available that are intended to guide geotechnical practitioners and associated professionals in the planning and execution of adequate geotechnical site investigations. Yet, the occurrence of structural foundation failures and construction cost overruns due to inadequate investigations still occur frequently. Cost and schedule overruns on large civil engineering projects are typically the effect of unforeseen geological conditions and associated geotechnical problems. “Despite numerous attempts to deal with these situations, such as incorporating various clauses in contract documents, the problems persist. The specification of the minimum extent of fieldwork and laboratory testing will ensure a realistic assessment of the subsurface conditions and provide relevant input data on the basis of which realistic engineering decisions can be made. Problem Statement A poor geotechnical investigation typically results in the collection of insufficient geotechnical data, which is the main cause of project delays, disputes, claims, and project cost overruns and failures. Site investigation can be considered a failure if it does not accurately reveal subsurface conditions needed for safe economical design of foundations or earth structures.

The following specific objectives were formulated with the goal of achieving the main objective:

- i. To provide a geotechnical investigation and an overview of the requirements
- ii. Produce an initial draft of a standardised specification for geotechnical investigations of residential townships and housing.

The purpose of this study is to provide related professions with the means of specifying an appropriate scope of work when calling for proposals for such investigations.

Research questions that relate to the study include, but are not limited to:

- i. Adequately determining subsurface conditions?
- ii. What are the minimum site investigation requirements to accurately define soil conditions and identify potential geotechnical hazards, including problem soils?

A Preliminary Site Assessment comprising a desktop study of the area with a review of available information and meeting with local land owners in the area, was conducted. The regional geology of the area was taken from the 1:250 000 Cape Town 3318 geological map prepared by the Council for Geosciences.

The regional geology consists of;





- Loam and Sandy Loam, Quaternary, overlying
- Greywacke, phyllite and quartzitic sandstone with interbedded lava and tuff of the Tygerberg Formation, Malmesbury Group.
- Granite Plutons comprising mainly coarse grained porphyritic with porphyritic biotite, fine grained leucocratic, hybridic and medium grained tourmaline-bearing variants outcrop.

The site is underlain by a mantle of colluvial soils overlying the weathered shales of the Tygerberg Formation of the Malmesbury Group which is the older of the formations mentioned. The site is overlain, in the north by a soil mantle comprising, from ground surface, cream brown loose to dense to very dense fine grained calcareous SAND or SAND with plant roots over the top 0.4m to 0.7m, overlying

- Cream to grey brown medium dense to dense weakly cemented to cemented CALCRETE overlying;
- Grey brown to olive brown stiff to very stiff slightly shattered sandy CLAY, overlying;
- Light grey highly to medium weathered widely jointed medium hard to hard rock SANDSTONE.

Impervious and semi pervious calcrete and clay layers in the upper soil profile will limit the groundwater recharge capability. These conditions may lead to a shallow perched water table in the normally wet winter months or periods of high rainfall.

At this stage there is no clear indication that the site may not be suitable for the proposed development.

It is required that a detailed geotechnical investigation comprising the excavation of trial pits at locations around the site as well as Dynamic Cone Penetrometer Light (DPL) Tests be carried out adjacent to the inspection pits to establish the consistency of the soils with depth.

The site should be rated in terms of selected attributes such as:

- Excavatability
- Stability
- Soil workability
- Groundwater
- Soil permeability, and
- Backfill Permeability

2.2 Electrical Engineering

Bulk Electrical Services to the property may require upgrading in order to meet the required demand.

A full electrical design will need to be conducted to calculate electricity demand and liaise with relevant stakeholders for electricity supply, should the project proceed successfully.

Applicable Standards and Regulations

- NRS 069:2004: “Code of practice for recovery of capital costs for distribution networks assets
- SANS 10142-1: “Code of Practice for the Wiring of Premises”





- SANS 10098-1: “The lighting of public thoroughfares”
- SANS 1574: 2004 Electrical cables – flexible cords and flexible cables.
- The Occupational Health and Safety Act, 1993, as amended

Bulk Load Estimates

It is currently proposed that the individual sites should be allocated a maximum allowable electrical load based on NRS 069:2004 standard. It is also proposed that network should be able to be stable and supply power to all of the residential dwellings without collapsing. The total estimated power requirements will be based on the information available (i.e. the number, type and footprint of the different loads) at this time. Assumptions to be used in the load estimate are as follows:

- The consumption for government assisted housing (RDP) and social housing is similar.
- A diversity factor of 0.8 will be assumed for all the loads except for business/office and sports facility, which are 0.75 and 0.70 respectively.
- It was also assumed that the industrial area is light and not heavy.
- The number of streetlights required will be assumed to be 1000 or more, to be confirmed once the town plan is finalised with street layouts.
- Floor Area Ratios (FAR) will be assumed for the other facilities. These will be updated once the town planners have finalised with the client.

Based on the above, the estimated loads are shown in **Table 1**.

LOAD TYPE	DIVERSIFIED MAXIMUM DEMAND	MAXIMUM CURRENT
Residential Low Cost (RDP)	1.5 kVA	20A
Residential middle income house	2 kVA	40A
Residential high income – single phase	4,5 kVA	60A
Commercial, Business, Offices or equivalent	80 VA/m ²	
Light Industrial or equivalent	40 VA/m ²	
Industrial	120 VA/m ²	

Table 1: Estimated electrical loads based on NRS 069:2004

LV Reticulation

The LV network is largely determined by the layout of the development, the allocated customer load (ADMD), number of customers connected to the street front kiosk (if underground system) or pole-mounted service box (if overhead) and the maximum permissible voltage drop at the customer point of supply.

According to NRS 034-1 and SANS 10142-1, the LV system shall be designed such that the voltage variation at the customer point of supply does not exceed $\pm 10\%$ of the standard voltage (i.e. the voltage must be between 207 and 253 V).

The voltage drop at the LV feeder is taken as 8 % as recommended in NRS 034-1.

Social Housing





Aerial bundled conductor (ABC) is proposed for LV reticulation of social houses. Traditional overhead LV system consisting of bare conductors is unappealing, conductors short circuit due to external forces (e.g. wind or people hitting poles) and requires a lot of maintenance (e.g. bush clearing), when compared to ABC lines.

The proposed LV network shall be along the street front of the development. This arrangement will ensure sharing of poles with MV lines, ABC and streetlights, leading to reduced cost of installation.

For preliminary design purposes, it will be assumed that the social houses are located in the same area and not mixed with middle-income houses and other loads.

Table 2 shows a range of ABC conductor sizes and the maximum permissible LV cable distance from the transformer to the last customer on the connection box for the voltage drop at the customer to be within 8 % as recommended in NRS 034-1. The calculations were performed using a diversified current (taken as 80 % of the maximum demand), which is 16 A in this case.

Number of customers	35 mm ² PVC SWA	50 mm ² PVC SWA	70 mm ² PVC SWA	95 mm ² PVC SWA	120 mm ² PVC SWA
9	350 m	480 m	700 m	980 m	1285 m
15	215 m	290 m	420 m	590 m	735 m
18			m		
21	153 m	207 m	299 m	423 m	525

Table 2: Estimated cable length for LV reticulation – social houses

The maximum permissible LV cable distance to the last customer is calculated using equation (1)

$$L(m) = \frac{Vd(V)}{\text{sqrt}(3) * Z * \text{load current}(A)} \quad (1)$$

Where $Vd(V)$ is the permissible voltage drop. Z is the impedance of the cable. Thus the 35 mm² cables is adequate and cost effective for LV reticulation RDP and social houses, provided the number of customer connected to the cable is less than 15 or the distance from the transformer to the last customer is less than 215 m. The prospective short circuit current for 9 and 15 customers is 0.9 kA and 1.6 kA respectively and are below the short circuit rating of the cable (3.2 kA). The prospective short circuit currents was calculated using transformer impedance of 5 %, which is generally the maximum expected short circuit current. This cable shall have a supporting core of 54.6 mm² and 25-mm² streetlight.

A 70 mm² ABC shall be selected if the 35 mm² is found to be inadequate. The choice of the cable will be finalised once the layout of the development is presented.

Street Lighting





Conventional street lighting: The street light is designed in accordance with SANS 10098-1 and the requirements are shown in Table 3. Due to the nature of the development, a lighting category B1 was selected for this project.

Lighting category	Type of street	Minimum Average Horizontal Illuminance ($E_{H_{ave}}$) (Lux)	Minimum Horizontal Illuminance ($E_{H_{min}}$)	Minimum Semi Cylindrical Illuminance ($E_{ac_{min}}$)
B1	Residential street with high volume of traffic	5	1	2
B2	Residential street with medium volume of traffic	3	0.6	1
B3	Residential street with high volume of traffic	2	0.4	0.6

Table 3: Recommended lighting values for group B street light and footways (SANS 10098-1)

Traditionally, high pressure sodium (HPS), high pressure mercury vapour (HMV), metal halide (MH) and compact fluorescent (CFL) lights were used in street lighting, with majority using HPS and CFL. These lights contain mercury, which is not environmentally friendly, tend to be less brighter with time and have relatively short life span than LED lights. As such, many municipalities, cities and Eskom are rolling out programmes to retrofit their street lights with LED lights.

70 W LED was selected for its efficiency (producing 6400 lumens at load current of 500 mA) in an ambient temperature of up to 35 °C without reducing the useful lifespan of 60 000 hours. This light is generally recommended for replacing compact fluorescent lights and high pressure sodium lights streetlights.

The spacing between the street light poles is determined using equation 1 and the following design parameters:

- Width of road = 5m
- A one sided lighting arrangement is selected (typically used for roads with 1 to 3 lanes) – refer to Figure 10.
- Pole height of 7 m.

$$S = \frac{L_0 * C_u * LLD * LDD}{E_u w} \quad (2) \text{ It follows from above and equation 2) that the spacing between the poles is 30 m. The lights come standard with surge protection of 20 kV/10 kA.}$$

Where L_0 the lamp output lumens (lumens) is, C_u is the coefficient of utilisation factor (generally taken as 0.8), LLD is the lamp depreciation factor (0.8), LDD is the luminaire dirt depreciation (0.9), E_u is the required lux and w is the width of the road.



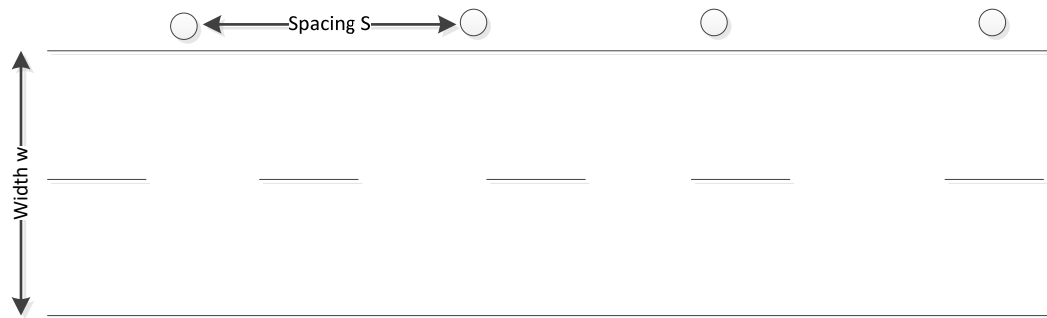


Figure 2: One-sided lighting arrangement

These lights shall be installed on woodpole structures (if overhead MV and LV systems are preferred) or on their dedicated poles where underground LV and MV system are used. For the former, the lights will be supplied from the 25 mm² street light cable using piercing connectors. For the latter, the lights will be fed from nearby kiosk, using 10 mm² 3 core cables and photocell for switching. A separate 6 mm² earth conductor will be run in parallel to the streetlight cable to ensure proper electrical earthing of all steel poles.

The number of street lights to be used shall be finalised after completion of the development layout.

2.3 Civil and Structural Engineering

A desk study and site walk-over was conducted for the preliminary investigations. The desk study includes but is not limited to a review of site historical records. A detailed study and analysis of topographical, geological, aerial maps and ortho-photographs needs to be conducted. No historical data on previous investigations or, nor did we assess previous geotechnical reports, newspaper reports, geotechnical and civil engineering journals to learn about possible geotechnical problems. We gathered information on services (water pipes, power lines etc.) and climatic data of the area.

During the walk-over survey attention was brought to the current outfall sewer main being constructed. Confirmation of a stream on the northern boundary of the property. It is notable and shouldn't have an effect taking the 100-year flood level in consideration, when designing of structures at the current platforms cut on the upper end of the site. There is no presence of surface water, signs of contamination. Services on site need to be identified. The conceptual site model and a recommended full survey of the sites need to be conducted.

2.3.1 Structural Engineering

Methodology

The following methodology should be adopted for the structural design:

- Establish design criteria applicable to structural design;
- Interpret the soils report from the geotechnical engineers;
- Determine the required strength of the foundations;
- Calculate the required strength of all materials; and
- Compile layout plans, sections, reinforcing drawings and bending schedules.

Design Standards





The following standards should be used in design and construction:

- SANS 10400: The application of the National Building regulations
- SABS 1200: Standardised Specifications
- SANS 10100: Reinforced Concrete
- SANS 10160: Basis of Structural Design and Actions for Buildings and Industrial Structures
- SANS 10161: 1980 The Design of Foundations for Buildings
- SANS 10162: Design of Structural Steelwork
- SANS 10163: The Structural use of Timber
- SANS 10164: Structural use of masonry design

2.3.2 Civil Engineering

Sanitation Methodology

The following methodology should be adopted in the design of the sewer reticulation network:

- Status Quo of existing infrastructure; the as-built data will be obtained from Stellenbosch Municipality.
- Establish design criteria applicable to the outfall sewer and sewer reticulation network;
- Establish connection points at the existing municipality services and determine possible link pipe routes for the new development;
- Calculate sewage demand and peak flows;
- Conduct a hydraulic analysis of the proposed system to determine optimum pipe sizes; and
- Compilation of layout plans and sections.

Sewer Design Criteria

The design criteria listed below will used in the design of the sewer reticulation network.

Design Parameter	Value
Design Standards	SANS 10 252 Red book
Residential - Medium	800l/day/unit
Peak Factors	2.5 (Peak Factor)
Stormwater Infiltration	0.04l/min/m length/m diameter
Capacity of Sewer	To flow 67% of full capacity, measured in terms of flow depth
Sewer Pipe Type	uPVC
Minimum velocity	0.7 m/s
Maximum velocity	3.0 m/s
Manning friction coefficient	0.012
Minimum depth of cover	0.6 m (Within erf boundary) 1.0 (Road servitude) 1.2 m (Trafficked areas)
Minimum pipe size	160 mm diameter to avoid blockages





Minimum manhole	1000mm
Maximum manhole spacing	40m
Gradients	Min 1:60 Max 1 :12 (where not avoidable connecting manholes to be anchored with concrete)

Table 4: Sewer Outflow Design Criteria**Stormwater Methodology**

The design of the stormwater networks should be done according to the design guidelines set out in the Guidelines for Human Settlement, Planning and Design (Hereinafter referred to as the 'Red Book').

The following methodology should be adopted:

- The intended approach will be to ensure that the site layout design and surface gradients allow for the management of stormwater run-off on the surface, ending at logical low points disposing the run-off into the natural drainage line adjacent to the site.
- This approach will be subject to meeting with minimum required design standards (as summarised below), as well as possible specific environmental requirements that may be forthcoming.

Stormwater Design Criteria

The design criteria listed below should be used in the design of the stormwater network.

DESIGN PARAMETER	VALUE
Design Method	Rational Method – SANRAL
Stormwater details	Red Book and Drainage Manual
Design Flood Frequency – Minor system	1 in 2 year
Design Flood Frequency – Major system	1 in 50 year
Maximum design velocity	3.5 m/s
Minimum design velocity	1.0 m/s
Minimum gradients	0.667% slope
Minimum pipe diameter	450 mm diameter (to avoid blockages)
Pipe type	Concrete Pipe
Minimum manhole	1000mm
Maximum manhole spacing	40m (internal) 80m (outside boundary)
Gradients	Min 1:180 Max 1 :12 (where not avoidable connecting manholes to be anchored with concrete)
Minimum pipe class	100D trafficked areas 50D non - trafficked areas

Table 5: Stormwater Design Criteria

**Roads & Parking Design Objectives**

The objectives of the design from a geometric perspective shall be to:

- Satisfy the needs of all road users, both vehicular and non-vehicular resulting in a safe, efficient, affordable and convenient roads, streets and parking system
- Accommodate the optimum number of parking bays within the new school's parking area
- Fit for purpose for the Employer's intended use
- Geometric design shall accommodate the various anticipated vehicles (to utilise the facility) in a spatial context in terms of movement and manoeuvrability (in both the horizontal and vertical planes) taking cognizance of applicable spatial constraints
- Proper drainage in order to avoid discomfort to users of the new proposed parking area
- Safe movement zones/corridors to pedestrians within the new proposed parking area

Geometric Design Guidelines

The following design guidelines were used for the geometric design of the school parking areas:

Geometric Design Guidelines

REFERENCE	APPLICATION
Guidelines for Human Settlement Planning and Design (Red Book)	Geometric – (Vertical, Horizontal) design norms and standards, road pavement design and stormwater design guidelines
UTG 1: Guidelines for the Design of Urban Arterials Roads	Geometric – (Vertical, Horizontal) design - urban transport guideline
UTG 5: Geometric Design of Urban Collector Roads	Geometric – (Vertical, Horizontal) design - urban transport guideline
UTG 7: Geometric Design of Urban Local Residential Streets	Geometric – (Vertical, Horizontal) design – urban transport guideline

Table 6: Geometric Design Guidelines

Geometric Design Criteria

The design criteria is tabled below:

Parameter	Unit	Parking Area
Design Speed	Km/h	30
Minimum Bellmouth Radius	m	>13
Maximum Gradients	-	<1:8
Minimum Gradients	-	>1:150 (0.67%)
Parking Size (Minimum)	m	2.5m wide x 5m long
Kerb at Entrance	-	Fig 8 (mountable)





Kerb – raised islands	-	Fig 3 (Barrier Kerb)
Kerb – landscaped areas	-	Fig 3 (Barrier Kerb)
Kerb transitions (insitu / precast)	-	As per Red Book standard details
Raised Islands – pedestrians	-	Min 2m wide (paver blocks as specified) at 1% max. slope for drainage
Pedestrian Ramps	-	As per Red Book standard details
Traffic Calming	-	Painted speed humps as per Red Book standards
Road Markings	-	As per South African Roads and Traffic Signs Manual (SARTSM)
Road Signage	-	As per SARTSM
Road Surfacing Type	-	80mm paving blocks in vehicular area 60mm paving blocks on non-trafficked areas
Road Category	-	UC (Car Park)
Pavement Class	-	To be determined (80kN axles/lane)

Table 7: Geometric Design Criteria – Parking Area (Summarised)

Pavement Design

The objectives of the design from a pavement design perspective shall be to design pavement layers for a 20-year structural design life period without the requirement for major rehabilitation to the pavement structure during this period.

Pavement Design Guidelines

The following design guidelines are proposed for use with the pavement design:

REFERENCE	APPLICATION
Guidelines for Human Settlement Planning and Design (Red Book)	Roads pavement design guidelines
TRH 4: Structural Design of Flexible Pavements for Interurban and Rural Roads	Flexible pavement structural design – technical recommendation
UTG 3 Structural Design of Urban Roads	Structural design – urban roads – urban transport guideline

Table 8: Pavement Design Guidelines Listed

Road Signage

Parking areas and driveways signage placing and demarcations will be done according to the South African Roads and Traffic Signs Manual (SARTSM).





2.4 Environmental

2.4.1 Environmental legislation

The scope and content of this Report has been informed by the following legislation, guidelines and information series documents:

National Environmental Management Act and EIA Regulations 2014

The National Environmental Management Act (NEMA) (Act No. 107 of 1998) as amended sets out a number of principles to give guidance to developers, private land owners, members of public and authorities. NEMA provides environmental governance by providing principles for decision-making on matters that affect the environment and defines the principles that apply to the Organs of State involved in the decision-making.

The Act sets out the legal and procedural requirements for cooperative environmental governance, environmental compliance and enforcement; and regulating Government and business impacts on the environment. Regulations under the Act define activities that may not commence without prior approval from the Competent Authority.

Section 24(1) of the (NEMA), (Act No. 107 of 1998) as amended states: "In order to give effect to the general objectives of integrated environmental management laid down in this Chapter, the potential impact on the environment of listed activities must be considered, investigated, assessed and reported to the Competent Authority charged by this Act with granting the relevant Environmental Authorisation."

The reference to "listed activities" in Section 24 of the NEMA relates to the regulations promulgated in GN R982, R983, R984 and R985 in Government Gazette 38282, dated 4 December 2014, which came into effect on 8 December 2014 and amended with GNR No 327 of 07 April 2017. The relevant Government Notices published in terms of the NEMA collectively comprise the NEMA EIA Regulations listed activities that require either a Basic Assessment or Scoping and EIA (that is a "full EIA") be conducted.

National Environmental Management: Biodiversity Act (Act 10 of 2004)

The National Environmental Management: Biodiversity Act (Act 10 of 2004) (NEMBA) provides for "the management and conservation of South Africa's biodiversity within the framework of the NEMA, the protection of species and ecosystems that warrant national protection, and the use of indigenous biological resources in a sustainable manner, amongst other provisions". The Act states that the state is the custodian of South Africa's biological diversity and is committed to respect, protect, promote and fulfil the constitutional rights of its citizens. An amendment to the NEMBA has been promulgated, which lists 225 threatened ecosystems based on vegetation types present within these ecosystems. Should a project fall within a vegetation type or ecosystem that is listed, actions in terms of NEMBA are triggered.

National Water Act (Act 36 of 1998)

The National Water Act is a legal framework for the effective and sustainable management of water resources in South Africa. Section 21 of this Act identifies certain land uses, infrastructural developments, water supply/demand and waste disposal as 'water uses' that require authorisation or licensing by the Department of Water and Sanitation (DWS).





The regulated area of a watercourse for Section 21 (c) and (i) of the Act water uses in terms of Notice 509 of 2016 for any activities that requires Water Use Authorisation/ License are defined as follows:

- (a) The outer edge of the 1 in 100-year flood-line and/or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam;
- (b) In the absence of a determined 1 in 100-year flood-line or riparian area, the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual banks fill flood bench (subject to compliance to section 144 of the Act); or
- (c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.

2.4.2 Environmental Assessment Triggers

The following table provides a list of the likely triggers for the development, and whether or not each of these triggers a Basic Assessment or a Scoping and Full Environmental Impact Assessment. At this stage, where details of the development are not fully known, activities that trigger a full Scoping and EIA can be avoided and restricted to ensure only a BA is triggered.

A brief summary of the different risk classes associated with the Department of Water Affairs (DWS) Risk Assessment protocol are summarised in Table 9, below. The risk assessment is conducted in accordance with the DWS risk-based Water Use Authorisation approach and delegation guidelines. The outcomes of the risk assessment can only be ascertained if a full freshwater (wetland and/or aquatic) baseline and impact assessment is undertaken at a site, however, assumptions can be made on the likely risk of the development based on the nature and location of proposed activities onsite.





Listing Notice	Activity Number	Activity Description
GNR 327 of 07 April 2017 (Listing Notice 1) read in conjunction with GNR 983 of 04 December 2014	27	The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.
GNR 327 of 07 April 2017 (Listing Notice 1) read in conjunction with GNR 983 of 04 December 2014	28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;
GNR 327 of 07 April 2017 (Listing Notice 3) read in conjunction with GNR 983 of 04 December 2014	12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. i. Western Cape v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.
GNR 327 of 07 April 2017 (Listing Notice 3) read in conjunction with GNR 983 of 04 December 2014.	15	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space. conservation or had an equivalent. f. Western Cape i. Outside urban areas,
GNR 327 of 07 April 2017 (Listing Notice 3) read in conjunction with GNR 983 of 04 December 2014.	9	The development of infrastructure exceeding 1 000 metres in length of the bulk transportation of water or storm water – (i) With an internal diameter of 0.36 metres or more; or (ii) With a peak throughput of 120 litres per second Excluding where – (a) Such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or Where such development will occur within an urban area.
	10	The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes- i i. with an internal diameter of 0,36 metres or more; or ii ii. with a peak throughput of 120 litres per second or more; excluding where- (a) such infrastructure is for bulk transportation of sewage, effluent, process water, waste (b) water, return water, industrial discharge or slimes inside a road reserve; or where such development will occur within an urban area.
	12	The development of – (iii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs – (a) within a watercourse; (b) in front of a development setback; or if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse

Table 9: List of activities associated with the proposed development that trigger a BA or Full EIA





Low Risk	Medium and High Risk
Low risk activities located within the regulated area of the watercourse will qualify for a General Authorisation (GA)	Medium and High-Risk activities located within the regulated area of the watercourse will require a Section 21 (c) and (i) full Water Use Licence.

Table 10: DWS Risk Matrix to determine whether a Water Use License or a General Authorisation is required

The proposed development is located within 500m of a watercourse and therefore a Water Use Authorisation Application (WUA) must be submitted to the Department of Water and Sanitation (DWS) in terms of Section 21 (c) or (i) in accordance with the National Water Act 1998 (Act No. 36 of 1998) (NWA). The following table provides a summary of water uses that will likely apply to the proposed development.

Activity Number	Water Use	Description
Section 21 (c) of NWA of 1998	Impeding or diverting the flow of water in a watercourse	<ul style="list-style-type: none"> • Impeding flow means the temporary or permanent obstruction or hindrance to the flow of water into a watercourse by structures built either fully or partially in or across a watercourse. • Diverting flows means a temporary or permanent structure causing the flow of water to be re-routed in a watercourse for any purpose.
Section 21 (i) of NWA of 1998	Altering the bed and banks of a watercourse or characteristics of a watercourse	<ul style="list-style-type: none"> • Altering the bed and banks means any change affecting the resource quality of the watercourse (the area within the riparian habitat or 1:100-year floodline, whichever is greatest).

Table 11: Summary of water uses

2.4.3 Biophysical Risk Assessment

The South African National Biodiversity Institute provides the Land Use Decision Support tool, or LUDS, which is checked to provide a biophysical summary of each municipality, as well as for allowing to check if there are any biodiversity concerns with any site within South Africa. This has been analysed to determine if any biophysical constraints are likely to be encountered on the proposed development site, and if so, if these will result in possibly halting the development (through red flags), severely restricting the development, restricting the development, or not restricting development. A matrix has been developed for each of these potential issues, and to allow for the determination of risk for the development. This table is provided below, with associated maps also presented following the table.





Biophysical Attribute	Data origin	Present on site	Notes	Restriction			
				Red Flag	Severe	Moderate	Low
NEFPA wetlands	SANBI shapefiles	No	n/a				
NFEPA rivers	SANBI shapefiles	Yes	Site investigation required, site level delineation of riverine area and buffer zone required			X	
River FEPAs	SANBI shapefiles	No	n/a				
Wetlands (not NFEPA)	Google earth imagery and specialist opinion	Possible	Site investigation and wetland delineation required			X	
Presence of forests	Google earth imagery and specialist opinion	No	n/a				
Presence of rocky outcrops	Google earth imagery and specialist opinion	No	n/a				
IBA	Birdlife Africa shapefiles	No	n/a				
Threatened Ecosystem	Cape Nature shapefiles	Yes	Site investigation required, vegetation has been mapped as Swartland Shale Renosterveld (Critically Endangered) at a desktop level.			X	
Protected Area	SANBI shapefiles	No	n/a				
NPAES focus areas	SANBI shapefiles	No	n/a				
RAMSAR wetland	RAMSAR shapefiles	No	n/a				
CBA	Cape Nature shapefiles	Yes	Site investigation required, Provincial CBA: Aquatic and Terrestrial areas have been identified within the site boundary at a desktop level.			X	
ESA	SANBI shapefiles	Yes	Site investigation required, Provincial ESA2: Restore areas have been identified within the site boundary			X	

Table 12: Biophysical Risk Assessment Matrix

2.4.4 Environmental Assessment

As noted above, in terms of the EIA Regulations promulgated under Chapter 5 of the NEMA published in GN R982, R983, R984 and R985 on 4 December 2014 and read in conjunction with GNR 327 of 07 April 2017, a Basic Assessment Process is required for the residential development within Stellenbosch.

The need for the Basic Assessment Process is triggered by, amongst others, the inclusion of Activity 14 and 27 listed in GN R983 (Listing Notice 1) read in conjunction with GNR 327:

“The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80m³ or more but not exceeding 500m³”.

“The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation.”

In addition, in terms of the National Water Act (Act 36 of 1998), there is a need for a Water Use Authorisation/License as the activities of the establishment of developments fall within the regulated area of a watercourse for Section 21 (c) and (i) water uses.

“A 500 m radius from the delineated boundary (extent) of any wetland or pan.”

The outcomes of the risk assessment can only be ascertained if a full freshwater (wetland and/or aquatic) baseline and impact assessment is undertaken at a site and will confirm whether a General Authorisation or a full Water Use License is triggered.

The proposed Residential Development requires Environmental Authorisation from the Department of Economic Development, Tourism and Environmental Affairs (EDTEA), and General Authorisation or a full Water Use License from the Department of Water and Sanitation (DWS), acting in consultation with other spheres of Government.





2.4.4 Biophysical Risk Assessment

The results of the risk assessment indicate that there are minimal restrictions to the development, with a likely buffer around a patch of forest identified on site. The following recommendations are made:

- A brief site visit be conducted, and a description of the site compared to these desktop results;
- A clearer identification of possible risks based on a site visit;
- Layouts and alternatives can be reassessed based on the outcomes.

In order to quantify how and where a project may impact on the environment, specialist studies are required to inform the Basic Assessment process as well as the Water Use Authorisation/Licence to provide supporting specialist data. It is recommended that the following specialist studies be conducted to inform the BAR process and WULA. Environmental Specialist Studies that are likely to be undertaken are summarised below.

Environmental Feature	Specialist Study Required / Proposed Resolution
Wetland	A wetland specialist must be appointed to conduct a site assessment in order to identify, delineate and assess the wetlands located within the site boundary, and the surrounding area. A rehabilitation plan may also be required.
River / Stream	An Aquatic specialist must conduct a site assessment to identify and assess the stream / river on site.
Terrestrial Ecological	An Ecologist must investigate how much indigenous vegetation will be cleared and if any fauna and flora species of conservation importance will be affected by the proposed development. If required, a Search Rescue and Relocation Plan of flora/ fauna needs to be undertaken. The study must also identify if any permits would be required from DAFF for protected trees on site.
Geology and Soil	A geotechnical study is required to assess the geology and soil conditions in order to ensure that the site is developable and to identify limitations and to provide construction recommendations of structures.
Heritage	A Heritage specialist must be appointed as the proposed development exceeds 5000m ² in size, therefore a Phase 1 HIA is required to determine if any heritage resources occur on site and if any permits are required from the Competent Authority.
Socio-economic	A socio-economic assessment must be conducted in order to identify the potential impacts of the proposed development on communities.
Traffic	A traffic impact assessment should be undertaken due to the size and location of the project site to determined traffic-related impacts and whether upgrades in the area are required to accommodate the proposed development.
Visual impact	A visual impact assessment must be conducted to assess the visual impacts of the proposed development on the surrounding landscapes and communities.

Table 13: Recommended specialist requirements

A Detailed Environmental Impact Assessment covering all above-mentioned subjects will need to be conducted.

2.5 Traffic Engineering

The site has an existing road (Mount Simon Drive) on the northern boundary and the R304 on the western boundary.

Access to the property will be off Mount Simon Drive which accesses off the R304.





Road upgrades to Mount Simon Drive, in the vicinity of the property access and the Mount Simon Drive / R304 intersection may be required.

A Detailed Traffic Impact Assessment addressing all access and road upgrading requirements will need to be conducted.

The primary study objectives are:

- The determine an impact that the proposed development will have on the existing surrounding road network (e.g. road capacity, intersection capacity)
- The traffic-related geometric requirements of the proposed accesses to the development.
- To indicate requirements for public transport facilities on the existing surrounding road network as a result of the proposed residential development.

The proposed methodology will consist of the following tasks:

- Determine existing AM and PM peak hour traffic volumes in the study area.
- Traffic counts will be undertaken at all critical intersections:
- Investigate road infrastructure in the study area
- Conduct the conventional modelling process for the newly generated trips i.e. trip generation, trip distribution, modal split and trip assignment
- Analyse the traffic impact for the following 4 scenarios:
 - Base year without development
 - Base year with development
 - Target year without development
 - Target year with development
- Determine required intersection upgrades of (Provincial roads)
- Analyse the proposed access to the development in terms of traffic and geometric requirements.
- The future road planning in the study area will be taken into account for the purpose of analyses of the future scenarios.
- SIDRA software will be utilized for analysing and determining capacity conditions at the intersections in the study area.

2.6 Flood Line Study

A 1:100-year Flood Line Study will be required to determine its effect on the proposed development.

This has the potential to reduce developable land. This investigation aims to achieve the following objectives:

- Study the catchment characteristics of the Plankenburg River
- Calculate or otherwise estimate 100 year flood peaks
- Study the river morphology adjacent to the site
- Create a hydrodynamic model of the rivers and impose the 100 year flood scenario
- Produce a flood line drawing and a succinct report describing the methods utilised.

The deterministic method of calculating flood flows for different return periods involved the following steps, as outlined in the SANRAL Drainage Manual, 6th Edition:





- Determine the catchment area of the point of interest on the river below.
- Determine the length of the watercourse above the point of interest.
- Calculate the average slope of the river within the catchment (10/85 method)
- Select the appropriate SDF basin number
- Identify the mean annual precipitation of the study area.
- Determine the appropriate design rainfall values to be used, for various return periods

3.7 Architectural and Urban Design

The architectural language will reflect the Cape vernacular with a modern adaptation. The importance of the Urban corridor which should encourage pedestrian traffic and favour the need to move towards a greener society shall form the basis for the development.

There is a need to develop more appropriate settlement designs and housing products and to ensure appropriate housing quality. The architect will accordingly apply the following:

- Enhancing settlement design – The architect should investigate promoting the development of dignified size of house that supports morality of family and society.
- Enhancing housing design - there is a need to focus on “changing the face” of the stereotypical “RDP” houses and settlements through promotion of alternative technology and design. The architect should investigate measures and incentives to enhance housing design and promote and alternative technologies, including support and protection of indigenous knowledge systems.

3.8 Town Planning

Town planning restrictions will need to be reviewed with the overall purpose of the developments being to encourage a more modern greener lifestyle. These restrictions may need to be adapted by means of the creation of positive precincts that reflect the needs of the development corridor.

The bulk of the development will comprise medium to higher density residential development (40 units/hectare and higher). The project will be developed as a Sustainable Human Settlement as defined in the National Department of Housing Comprehensive Plan of 2004. According to this definition Sustainable Human Settlements are:

“Well-managed entities where economic growth and social development are in balance with the carrying capacity of the natural systems on which they depend for their existence, and result in sustainable development, wealth creation, poverty alleviation and equity. The present and future inhabitants of sustainable human settlements, located both in urban and rural areas, live in safe and secure environments, and have adequate access to economic opportunities, a mix of safe and secure housing and tenure types, reliable and affordable basic services, educational, entertainment and cultural activities, and health, welfare and police services. Land utilization is well planned, managed and monitored to ensure the development of compact, mixed land use, diverse, life-enhancing environments with maximum possibilities for pedestrian movement, and transit via safe and efficient public transport”.

The process to be followed in the compilation of the Urban Development and Design Framework and how this feeds into the eventual Township Establishment process is noted below:





- The first step in the process is to obtain aerial photography for the area and to compile the base map with contours, servitudes and cadastral information for the area.
- With the base map completed, the different technical work-streams will commence with the Geotechnical/dolomite investigation, Environmental Impact Assessment, Roads and Stormwater Assessment, Water and Sanitation Assessment, Electrical Assessment, and also an assessment of the Title Deed Status and Restrictions registered over the various land parcels.
- From these technical investigations, the project team will identify the major structuring/form giving elements which may impact on the nature, intensity and location of development in future.
- Based on the structuring elements identified, the development concept for the project will be developed
- The development yield for different land uses based on the development concept will be determined next
- This information, combined with the detailed reports from the conveyancer, traffic engineers, environmentalists, and geotechnical engineers, will inform the compilation of the Development Framework
- Following from this, and based on the specifications contained in the Design Framework, the project team will compile the detailed Layout Plan for development. At the same time the EIA report as well as the Phase 1 Geotech and Engineering Reports will be compiled to serve as technical reports to support the Township Establishment Application.
- Once the draft layout plan is completed it will be circulated to the project team for technical inputs and subsequent amendments. Thereafter the layout plan will be submitted to the client (stakeholders) for comments.

Once all parties and stakeholders are satisfied with the layout plan, the Township Establishment Application will be compiled, where after it will be submitted to the relevant local authority for consideration and approval.

3.9 Topographical Survey

The property is located between the Khayamandi and Cloetesville settlements. Its boundary is framed by the R304 to the west and the railway line to the east. The Plankenburg River traverses the property along the eastern boundary. The southern boundary of property includes portions of the Khayamandi Tourism Centre, as well as bridge over the railway line. The northern boundary is framed by the Mount Simon residential development.

The property has a triangular shape with its widest part on the northern boundary with the Mount Simon residential development, however this shape in this particular instance allows for the construction of social amenities which in return allows for community integration. This type of erf shape reduces the developable area significantly. Furthermore, a significant portion of the property is situated south of the bridge over the railway line and this area is not suitable for development. The cadastral boundaries must be adjusted to take all of the constraints into consideration.





A detailed Land Survey will be conducted to establish the full extent of developable land on the properties.

The Topographical survey to be carried out as follows:

The Topographical and Contour survey to be based on the following control:

- X and Y based on WG29 survey system.
- Z to be carried from existing benchmarks in the vicinity.
- Sufficient Bench Marks to be provided in the area to enable the execution of future project works.
- Contours to be drawn at 0.25 meters interval on the site.
- All existing services in the vicinity of the site to be surveyed.
- All existing manholes to have Cover Level, Invert Level, Pipe Diameter, Direction of flow of pipe.

3.10 Design Standards and Guidelines

The following Design Guidelines and Standards are used during the Preliminary Design of all municipal services and Buildings.

- The Guidelines for Human Settlement Planning and Design (Red Book)
- SANS 1200 Specifications – Civil Engineering Works
- SANS 10400 – Building Works
- Any other relevant recognized Standards and Guidelines.

This ensures that all infrastructure is designed to provide an acceptable level of service.

Any variations to these Guidelines and Standards will be discussed and agreed with the Client prior to implementation.





3. POTENTIAL PLANS FOR THE SITE

3.1. Affordable Housing

The National Housing Code sets the underlying policy principles, guidelines and norms and standards which apply to Government's various housing assistance programmes. Security of tenure remains one of the fundamental principles of housing policy. Where some programmes provide freehold tenure to households, there has also been an increasing need for affordable rental units that provide secure tenure to households, which prefer the mobility provided by rental accommodation.

One of the subsidy programmes provides access to state assistance where qualifying households wish to acquire an existing house or a vacant serviced residential stand, linked to a house construction contract through an approved mortgage loan. These properties are available in the normal secondary housing market or have been developed, as part of projects not financed through one of the National Housing Programmes. The Programme encourages the growth of the secondary residential property market achieving an objective of the Comprehensive Plan for the Creation of Sustainable Human Settlements.

For the purpose of this feasibility, typical units will be sized at around 45m² with single bathrooms and an open plan living styled area. For the most part these flatland structures will be in subdivided into smaller manageable sites ranging from 4000 to 8000 m². Figure indicates a typical floor of 45m² units, with eight units per floor. The layout is indicative and it is suggested that a combination of typologies be considered in order to accommodate various preferences of the beneficiaries.

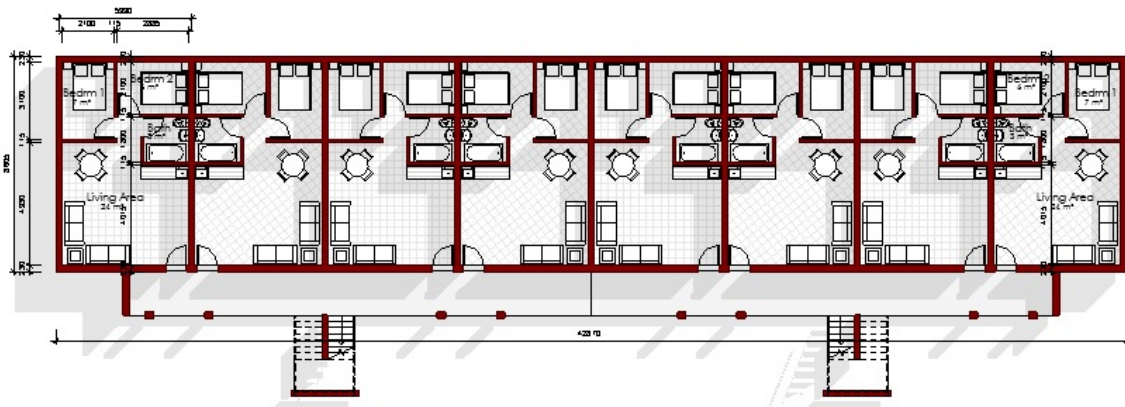


Figure 3: Typical 45m² Unit Floor Plan (8 Units)



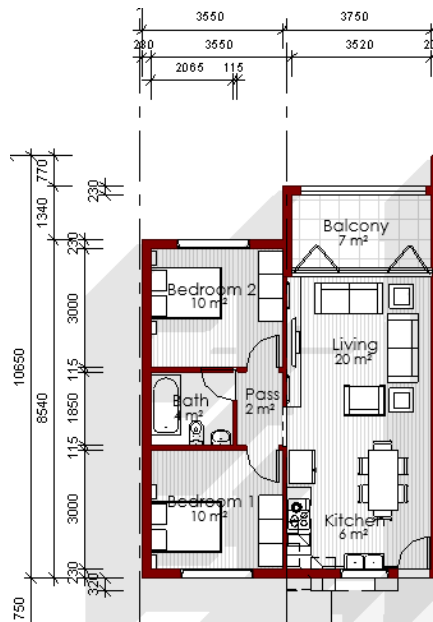
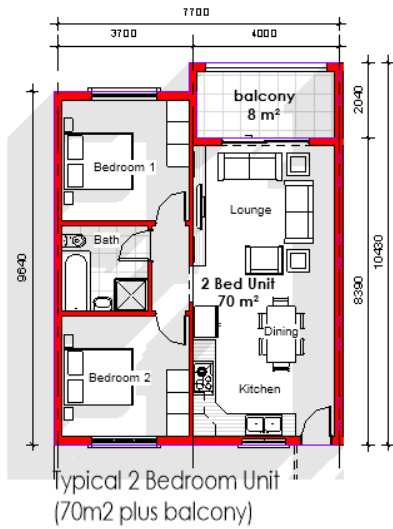


Figure 4: Typical 60m2 Unit Floor Plan



Interspersed among the walk-up units, there will be clusters of traditional smaller cottage style housing to cater for the stand alone living or village style community choice.



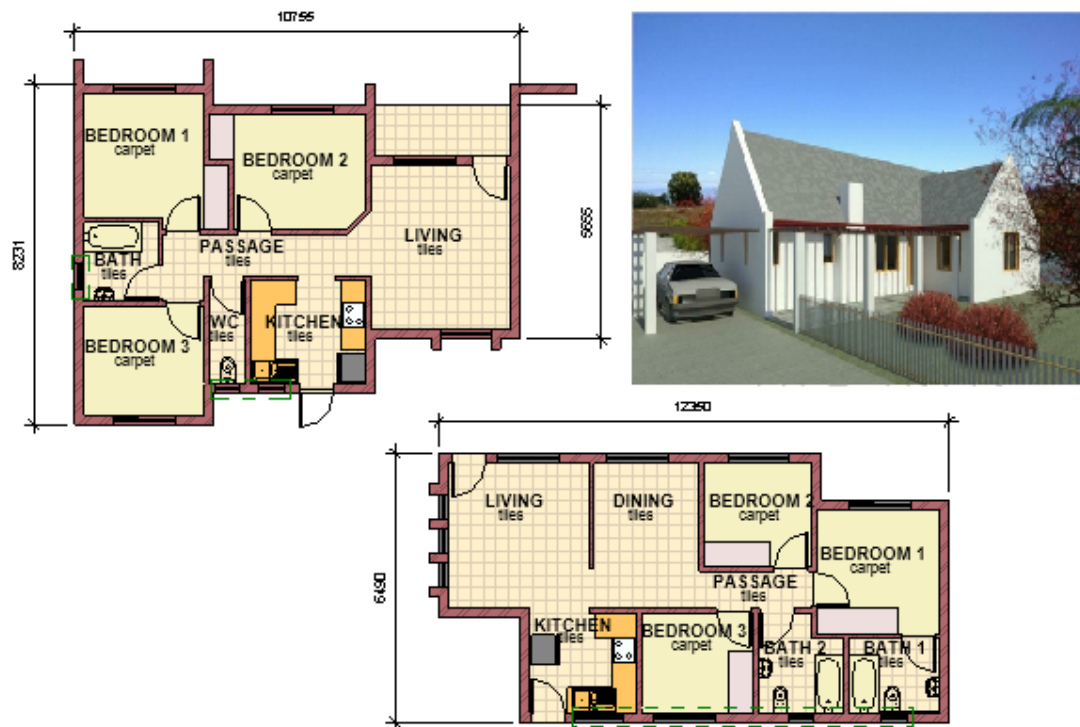


Figure 5 provides an indication of a typical layout of the blocks of units on the site.

Figure 5: Typical layout of housing blocks on the proposed site.





3.2. Recreational Facilities

With the amount of space that is left vacant due to regulation, a recreational area with features i.e. braai area can be considered as part of the proposed concept. Some examples of the play areas based on current precedent in the region are shown here.



The urban living concept will be softened by the introduction of these green play areas inter leading between the high rise.

3.3. Combination Development

The combination of 3 – 4 storey walk-ups and other typologies, including free standing units in the development can therefore create the ideal family environment where recreational activities can form part of the lifestyles.





4. PRELIMINARY COST ESTIMATE

Tables 14 & 15 provide an estimate construction costs for 3 and 4-storey walk-ups with 40% & 60% coverage.

DEVELOPABLE AREA	3.5Ha	= 35 000.00m²	
USAGE BREAKDOWN	coverage 40%	= 14 000.00m²	
ROADS & PAVEMENT		7 000.00m²	
3 STOREY WALKUP			
FOOTPRINT		360m ²	
Units per Floor		8	
Units per Block		24	
AREA PER UNIT (INCL WALKWAY)		45m ²	
4 STOREY WALKUP			
FOOTPRINT		360m ²	
Units per Floor		8	
Units per Block		32	
AREA PER UNIT (INCL WALKWAY)		45m ²	
3 STOREY COMPOSITION			
3 floors PER BLOCK			
BUILDING COSTS	R6 000.00	R 6 480 000.00	BUILDING AREA 1 080m ²
SITE WORKS COSTS	R2 000.00	R 600 000.00	300m ²
BUDGET ESTIMATE		R 7 080 000.00	Per Block
4 STOREY COMPOSITION			
4 floors PER BLOCK			
BUILDING COSTS	R6 000.00	R 8 640 000.00	BUILDING AREA 1 440m ²
SITE COSTS	R2 000.00	R 600 000.00	300m ²
BUDGET ESTIMATE		R 9 240 000.00	Per Block
3 STOREY COSTS	32 Blocks	R 327 297 187.50	Total project cost
Number of units	768 Units	R 426 168.21	Unit cost
4 STOREY COSTS	32 Blocks	R 426 657 187.50	Total project cost
Number of Units	1 024 Units	R 416 657.41	Unit cost

Table 14: Costing for 3 and 4 Storey Walk Ups (40% Coverage)





DEVELOPABLE AREA	3.5Ha	= 35 000.00m²	
USAGE BREAKDOWN	coverage 60%	= 21 000.00m²	
ROADS & PAVEMENT		10 500.00m²	
3 STOREY WALKUP			
FOOTPRINT		360m ²	
Units per Floor		8	
Units per Block		24	
AREA PER UNIT (INCL WALKWAY)		45m ²	
4 STOREY WALKUP			
FOOTPRINT		360m ²	
NUMBER OF UNITS		8	
Units per Floor		32	
AREA PER UNIT (INCL WALKWAY)		45m ²	
3 STOREY COMPOSITION			
3 floors PER BLOCK			
BUILDING COSTS	R 6 000.00	R 6 480 000.00	BUILDING AREA 1 080m ²
SITE COSTS	R 2 000.00	R 600 000.00	300m ²
BUDGET ESTIMATE		R 7 080 000.00	Per Block
4 STOREY COMPOSITION			
4 floors PER BLOCK			
BUILDING COSTS	R 6 000.00	R 8 640 000.00	BUILDING AREA 1 440m ²
SITE COSTS	R 2 000.00	R 600 000.00	300m ²
BUDGET ESTIMATE		R 9 240 000.00	Per Block
3 STOREY COSTS	48 Blocks	R 490 137 187.50	Total project cost
Number of units	1 152 Units	R 425 466.31	Unit cost
4 STOREY COSTS	48 Blocks	R 639 177 187.50	Total project cost
Number of Units	1 536 Units	R 416 130.98	Unit cost

Table 15: Costing for 3 and 4 Storey Walk Ups (60% Coverage)





Important notes regarding the costing tables:

- SITE COSTS are inclusive of all internal municipal services, being water, sanitation, roads and stormwater, as well as electricity.
- The design should consider stormwater discharge into the stream. A budget however has been included in the estimates, which should also cater for erosion protection on the river/ stream bank.
- Typical condition assumptions had been made for the costing where specific information had not been available – specific unforeseen requirements and restrictions forthcoming from the geotechnical investigations, as well as the environmental management plan may have an impact on these cost estimates.

The Tables below provide further information on the site services costs.

E093 STELLENBOSCH COST ESTIMATE - SERVICES (3 Storey Walkup)							
No	Description	Unit	Qty	Rate	Amount	40%/unit	60%/unit
A	EXTERNAL WORKS					768	1152
	Right turning lane at entrance	m ²	1000	R 700,00	R 700 000,00	R911,46	R607,64
	Allowance for other necessary upgrades	m ²	1000	R 700,00	R 700 000,00	R911,46	R607,64
	Bulk Sewer Upgrade	m	500	R 1 000,00	R 500 000,00	R651,04	R434,03
	Bulk Water Upgrade	m	500	R 1 000,00	R 500 000,00	R651,04	R434,03
	SUB TOTAL B				R 2 400 000,00	R3 125,00	R2 083,33
B	INTERNAL SITE WORKS						
	Sewer Reticulation	m	2500	R 600,00	R 1 500 000,00	R1 953,13	R1 302,08
	Water Reticulation	m	3000	R 750,00	R 2 250 000,00	R2 929,69	R1 953,13
	Stormwater Reticulation	m	2000	R 1 500,00	R 3 000 000,00	R3 906,25	R2 604,17
	Attenuation Ponds	No	1	R 500 000,00	R 500 000,00	R651,04	R434,03
	Roadworks including parking areas	m ²	10500	R 600,00	R 6 300 000,00	R8 203,13	R5 468,75
	SUB TOTAL C				R 13 550 000,00	R17 643,23	R11 762,15
	Sub Total (A + B)				R 15 950 000,00	R20 768,23	R13 845,49
	Add P&G 15%				R 2 392 500,00	R3 115,23	R2 076,82
	Sub Total				R 18 342 500,00	R23 883,46	R15 922,31
	Add Contingencies (10%)				R 1 834 250,00	R2 388,35	R1 592,23
	TOTAL (Excluding Professional Fees & VAT)				R 20 176 750,00	R26 271,81	R17 514,54

Table 16: Services Costs (3 Storey Walk-ups)

E093 STELLENBOSCH COST ESTIMATE - SERVICES (4 Storey Walkup)							
No	Description	Unit	Qty	Rate	Amount	40%/unit	60%/unit
A	EXTERNAL WORKS					1024	1536
	Right turning lane at entrance	m ²	1000	R 700,00	R 700 000,00	R683,59	R455,73
	Allowance for other necessary upgrades	m ²	1000	R 700,00	R 700 000,00	R683,59	R455,73
	Bulk Sewer Upgrade	m	500	R 1 000,00	R 500 000,00	R488,28	R325,52
	Bulk Water Upgrade	m	500	R 1 000,00	R 500 000,00	R488,28	R325,52
	SUB TOTAL B				R 2 400 000,00	R2 343,75	R1 562,50
B	INTERNAL SITE WORKS						
	Sewer Reticulation	m	2500	R 600,00	R 1 500 000,00	R1 464,84	R976,56
	Water Reticulation	m	3000	R 750,00	R 2 250 000,00	R2 197,27	R1 464,84
	Stormwater Reticulation	m	2000	R 1 500,00	R 3 000 000,00	R2 929,69	R1 953,13
	Attenuation Ponds	No	1	R 500 000,00	R 500 000,00	R488,28	R325,52
	Roadworks including parking areas	m ²	10500	R 600,00	R 6 300 000,00	R6 152,34	R4 101,56
	SUB TOTAL C				R 13 550 000,00	R13 232,42	R8 821,61
	Sub Total (A + B)				R 15 950 000,00	R15 576,17	R10 384,11
	Add P&G 15%				R 2 392 500,00	R2 336,43	R1 557,62
	Sub Total				R 18 342 500,00	R17 912,60	R11 941,73
	Add Contingencies (10%)				R 1 834 250,00	R1 791,26	R1 194,17
	TOTAL (Excluding Professional Fees & VAT)				R 20 176 750,00	R19 703,86	R13 135,90

Table 17: Services Costs (4 Storey Walk-ups)





The Tables below provide estimate costs for professional services and construction for both 3 and 4 storey walk-ups.

E093 STELLENBOSCH COST ESTIMATE - 3 STOREY WALK-UP			
No	Description	Amount - 40% Coverage	Amount - 60% Coverage
A	TOP STRUCTURES		
	3 Storey	R 226 560 000,00	
	3 Storey		R 339 840 000,00
	SUB TOTAL A	R 226 560 000,00	R 339 840 000,00
B	DETAILED INVESTIGATIONS		
	Topographical Survey	R 100 000,00	R 100 000,00
	Geotechnical Investigation	R 125 000,00	R 125 000,00
	Traffic Impact Assessment	R 150 000,00	R 150 000,00
	Environmental Impact Assessment incl ALL studies	R 350 000,00	R 350 000,00
	Engineering Services Report	R 125 000,00	R 125 000,00
	Flood Line Study	R 75 000,00	R 75 000,00
	Architectural	R 100 000,00	R 100 000,00
	Town Planning	R 100 000,00	R 100 000,00
	SUB TOTAL B	R 1 125 000,00	R 1 125 000,00
	Sub Total (A + B)	R 227 685 000,00	R 340 965 000,00
	Add P&G 15%	R 34 152 750,00	R 51 144 750,00
	Sub Total - Construction Value	R 261 837 750,00	R 392 109 750,00
	Add Professional Fees Multi-disciplinary - 15%	R 39 275 662,50	R 58 816 462,50
	Sub Total	R 301 113 412,50	R 450 926 212,50
	Add Contingencies (10%) on Construction Value	R 26 183 775,00	R 39 210 975,00
	Sub total	R 327 297 187,50	R 490 137 187,50
	Add VAT (15%)	R 49 094 578,13	R 73 520 578,13
	TOTAL PROJECT COST	R 376 391 765,63	R 563 657 765,63

Table 17: Services Costs (3 Storey Walk-ups)

E093 STELLENBOSCH COST ESTIMATE - 4 STOREY WALK-UP			
No	Description	Amount - 40% Coverage	Amount - 60% Coverage
A	TOP STRUCTURES		
	4 Storey	R 295 680 000,00	
	4 Storey		R 443 520 000,00
	SUB TOTAL A	R 295 680 000,00	R 443 520 000,00
B	DETAILED INVESTIGATIONS		
	Topographical Survey	R 100 000,00	R 100 000,00
	Geotechnical Investigation	R 125 000,00	R 125 000,00
	Traffic Impact Assessment	R 150 000,00	R 150 000,00
	Environmental Impact Assessment incl ALL studies	R 350 000,00	R 350 000,00
	Engineering Services Report	R 125 000,00	R 125 000,00
	Flood Line Study	R 75 000,00	R 75 000,00
	Architectural	R 100 000,00	R 100 000,00
	Town Planning	R 100 000,00	R 100 000,00
	SUB TOTAL B	R 1 125 000,00	R 1 125 000,00
	Sub Total (A + B)	R 296 805 000,00	R 444 645 000,00
	Add P&G 15%	R 44 520 750,00	R 66 696 750,00
	Sub Total - Construction Value	R 341 325 750,00	R 511 341 750,00
	Add Professional Fees Multi-disciplinary - 15%	R 51 198 862,50	R 76 701 262,50
	Sub Total	R 392 524 612,50	R 588 043 012,50
	Add Contingencies (10%) on Construction Value	R 34 132 575,00	R 51 134 175,00
	Sub total	R 426 657 187,50	R 639 177 187,50
	Add VAT (15%)	R 63 998 578,13	R 95 876 578,13
	TOTAL PROJECT COST	R 490 655 765,63	R 735 053 765,63

Table 18: Services Costs (4 Storey Walk-ups)





5. RECOMMENDATIONS

The desktop study undertaken shows that the proposed Housing Development is feasible provided that the following Investigations / Studies are urgently undertaken to support the Feasibility Study:

1. Topographical Survey,
2. Geotechnical Investigation,
3. Environmental Impact Assessment including ALL required studies,
4. Town Planning processes – layout plan & township establishment
5. Traffic Impact Assessment,
6. Engineering Services Report relating to existing and proposed Bulk and Internal Services
7. Financial Feasibility.

The estimated yield for the project is 1 536 Units based on 60% coverage and 4-storey walk-ups. The ESTIMATED Project Costs are as follows:

SUMMARY OF COSTS - CONSTRUCTION			
3 STOREY WALK-UP	No of Units	Total Project Estimate	Cost per Unit
40% Coverage	768	R 226 560 000,00	R 295 000,00
60% Coverage	1 152	R 339 840 000,00	R 295 000,00
4 STOREY WALK-UP	No of Units	Total Project Estimate	Cost per Unit
40% Coverage	1 024	R 295 680 000,00	R 288 750,00
60% Coverage	1 536	R 443 520 000,00	R 288 750,00

Table 19: Summary Costs – Construction Only

Table 11 costs refer to estimate construction costs only (Excluding VAT).

SUMMARY OF COSTS - TOTAL PROJECT			
3 STOREY WALK-UP	No of Units	Total Project Estimate	Cost per Unit
40% Coverage	768	R 327 297 187,50	R 426 168,21
60% Coverage	1 152	R 490 137 187,50	R 425 466,31
4 STOREY WALK-UP	No of Units	Total Project Estimate	Cost per Unit
40% Coverage	1 024	R 426 657 187,50	R 416 657,41
60% Coverage	1 536	R 639 177 187,50	R 416 130,98

Table 20: Summary Costs – Total Project

Table 20 costs refer to estimate construction costs as well as Professional fees, P&G costs and Contingency costs but excludes VAT.



**DOCUMENT CONTROL RECORD**

Document Control						
Report Title	Stellenbosch Municipality Feasibility Study - Erf 81/2 and 81/9					
Document ID	E093 Feasibility Report	Project Number			E093	
File Path	Technical Services\Projects\E093 Stellenbosch Feasibility Study\Technical\					
Client	Stellenbosch Municipality			Client Contact		K. Titus
Revision	Date	Revision Details/Status	Prepared By	Author	Verified	Approver
0	09-Dec-19	Draft	ETL	D. Hawksworth	M. Maliba	A. Pillay
1	22-Jan-20	Draft	ETL	D. Hawksworth	M. Maliba	A. Pillay
2	30-Jan-20	Draft	ETL	D. Hawksworth	M. Maliba	A. Pillay
Current Revision						
Approval						
Author Signature				Approver Signature		
Name	D. Hawksworth			Name	A. Pillay	
Title	Project Manager			Title	Director	



11.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
------	---

NONE

11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
------	---

NONE

11.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))
------	---

NONE

11.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
------	--

NONE

11.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
------	---

NONE

11.10	MUNICIPAL MANAGER
-------	--------------------------

NONE

12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
-----	--

12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
------	--

NONE

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	POLICY FOR THE IMPLEMENTATION OF AN AUXILIARY LAW ENFORCEMENT SERVICE FOR STELLENBOSCH MUNICIPALITY

Collaborator No:
IDP KPA Ref No:
Meeting Date:

1. SUBJECT: POLICY FOR THE IMPLEMENTATION OF AN AUXILIARY LAW ENFORCEMENT SERVICE FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To obtain Council's approval for implementation of the policy on an Auxiliary Law Enforcement Service within the Greater Stellenbosch Municipality.

3. DELEGATED AUTHORITY

For decision by the Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality encompasses a vast jurisdiction which includes Franschhoek, Klapmuts, Pniel, Kylemore, Raithby and Jamestown. Enforcing municipal bylaws and preventing criminal activity through active visible policing is putting a big strain on the municipal budget. The continued escalation in crime has further heightened the pressure on local law enforcement and municipal traffic services.

This is borne out by the public outcry for help against rising crime in all communities. In order to extend the fight against crime to the community's themselves, the municipality has crafted a draft policy on the creation of a volunteer auxiliary law enforcement service. It is envisaged that the additional law enforcement contingent will improve the municipality's ability to stem the rise in crime experienced in local communities.

The policy was out for public comment and advertised from the 14th October 2019 till the 25th November 2019. No comments were received.

5. RECOMMENDATION

That Council approves the Policy for an Auxiliary Law Enforcement Service for Stellenbosch Municipality.

6. DISCUSSION / CONTENTS

6.1 Background

The high levels of unemployment has given rise to an increase in street beggars and vagrants throughout the municipal area of Stellenbosch. Criminals, gangs and petty thieves have increased to such an extent that the limited municipal law enforcement capacity finds it extremely difficult to cope with the challenges. Public Safety and crime remains the number one matter raised at IDP meetings and general outcries for help from the public. Given the legal obligation of the municipality to deal with matters of safety within its boundaries, the municipality has to find new ways of increasing its capacity to provide a safe and secure environment for its residents.

6.2 Discussion

The Policy on an auxiliary law enforcement service for Stellenbosch allows the Municipality to recruit qualified individuals as volunteer law enforcement officers under the auspices, command and control of the Protection Services Department.

The objective with the policy is to create an opportunity for qualified community members interested in law enforcement and crime prevention to render their services free of charge to their communities by joining the Protection Services Department of the municipality. When ready, these volunteer law enforcement officers (auxiliary members) can become eligible for the EPWP program and qualify for a stipend. The next step in their progression would be where "EPWP Officers" may apply for vacant positions in the Public Safety Department of the municipality, and if successful, become a permanent member of Municipal Law Enforcement. Auxiliary Law Enforcement Officers must offer a minimum of 32 hours service per month to the department to be eligible.

The Auxiliary member is under the command and control of a permanent appointed Law Enforcement Official of the Municipality and performs operational functions within the Stellenbosch Municipal area only. The operational deployment is controlled by the Chief of Law Enforcement. This will enhance visible Crime Prevention within the Greater Stellenbosch area, as the current limited staff compliment could be bolstered by this means.

6.3 Financial Implications

This report has financial implications to the municipality as funding relating to training, uniform, protective clothing, vehicle costs, vehicle running costs etc. would be required based on the amount of persons performing such functions. The amount of Auxiliary staff may be capped by the Municipality to stay within budget.

6.4 Legal Implications

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

6.5 Staff Implications

This recommendation has staff implications in a positive way for the Municipality based on the number of appointments it approves. The contract agreement with auxiliary force members will state clearly that employment as a volunteer does not constitute a promise of future permanent employment at Stellenbosch Municipality.

6.6 Previous / Relevant Council Resolutions

Public participation from 14th October 2019 till 25th November 2019 with no comment received.

6.7 Risk Implications

This recommendation has additional risk implications for the Municipality in that liability insurance will have to cover the additional volunteer law enforcement officers.

6.8 Comments from Senior Management

Item is supported.

ANNEXURES

Annexure A: Policy: Auxiliary Law Enforcement Officers

FOR FURTHER DETAILS CONTACT:

NAME	Charl Kitching
POSITION	<i>Senior Manager Protection Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	021 808 8815
E-MAIL ADDRESS	Charl.kitching@stellenbosch.gov.za
REPORT DATE	

ANNEXURE A



DRAFT RESERVIST POLICY

**AUXILIARY LAW ENFORCEMENT
SERVICE OF THE STELLENBOSCH
MUNICIPALITY**

2020



TABLE OF CONTENTS

1. Introduction
2. Purpose and Scope
3. Authority
4. Appointment of Auxiliary Law Enforcement Officers
 - 4.1. Criteria
 - 4.2. Recruitment
 - 4.3. Application Process
 - 4.4. Training
5. Duties of Law Enforcement Officers
6. Operational Protocol
 - 6.1. Uniforms
 - 6.2. Membership
 - 6.3. Chain of Command
 - 6.4. Conduct



Reservist Policy: Auxiliary Law Enforcement Service of the Stellenbosch Municipality

1. Introduction

The Law Enforcement Auxiliary Officer Program of the Stellenbosch Municipality is a volunteer-based Initiative.

The program will be implemented under the direction of the Chief of the Law Enforcement Section, will provide a valuable support function to the Law Enforcement section as part of the Protection Services Department.

2. Purpose and Scope

The purpose of the Reservist Policy is to recruit qualified community-based residents who has a passion for law enforcement and who wish to contribute to the safety of their local communities and law and order in general. The policy will allow the municipality to invest in public safety, train members of the community and open career paths for residents who want to serve their respective communities.

3. Authority

The Stellenbosch Municipality's Auxiliary Law Enforcement Service will be established in terms of a Council Resolution which will give the Chief of the Law Enforcement Section the authority to determine who may serve as Auxiliary Officers.

Auxiliary Law Enforcement Officers are regarded as being in the employment of the Municipality whilst on duty and thus have full Peace Officer status in terms of Section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

4. Appointment of Members

4.1. Applicants must meet the following **criteria** to qualify as Auxiliary Law Enforcement Officers:

4.1.1. Be 18 years and older

4.1.2. Must have Matric

4.1.3. Must be in good health and passed the prescribed physical assessment for Auxiliary Officers

4.1.4. Must not have a criminal record or subject to a pending criminal case

4.1.5. Willing (and eager) to serve his/her community in a voluntary capacity

4.1.6. Meet any other relevant requirements contained in the municipality's recruitment and selection policies.

4.1.7. Current members of SAPS, Traffic Services, Metro Police or related law enforcement institutions are not eligible to serve as Auxiliary Law Enforcement Officers.



4.2 Recruitment

- 4.2.1. Recruitment of reservists will be in accordance with the Municipality's stated principles and policies of equity with regard to demographics and gender.
- 4.2.2. Recruitment drives will be focussed on active contributors to registered community-based initiatives.

4.3 Applications

Applications for appointment as members of the Auxiliary Law Enforcement Service is to be made by submission of the following, duly completed forms to the office of the Chief of Law Enforcement:

- 4.3.1. Application for Appointment (Annexure A)
- 4.3.2. Health Questionnaire (Annexure B)
- 4.3.3. Indemnity form (Annexure C).

4.3 Training

- 4.3.1. Members of the Auxiliary Law Enforcement Service will be required to undergo all training courses prescribed for permanent members in terms of Government Notice 1114.
- 4.3.2. Qualified Auxiliary Law Enforcement members will be required to attend additional or refresher training sessions as directed by the Chief of Law Enforcement.
- 4.3.3. All training sessions will as far as possible be scheduled outside of normal working hours and over weekends.
- 4.3.4. Newly appointed auxiliary law enforcement members will be placed on a three-month probation period during which they will be assigned to permanent members of the Municipality's Law Enforcement Department.

5 Duties of Auxiliary Law Enforcement Officers

- 5.1 Auxiliary Law Enforcement Officers will be responsible to perform the same uniform patrol duties as full-time officers.
- 5.2. Auxiliary Officers will be utilized to enhance the law enforcement capacity of the Municipality through:
 - 5.2.1. Daily patrols as part of departmental operations.
 - 5.2.2. Supporting registered neighbourhood watches



- 5.2.3. Supporting specialized law enforcement functions upon the direction of the Chief of Law Enforcement.
- 5.2.4. Performing emergency duties in the event of disasters and other emergency situations, upon the direction of the Chief Law Enforcement.
- 5.2.5. Attend monthly meetings as scheduled by the Chief Law Enforcement.
- 5.3 Each Auxiliary Law Enforcement member shall devote a minimum of 32 hours per month to the functions of the Law Enforcement Department. This 32-hour minimum does not relieve the Auxiliary member from emergency duties.
- 5.4 Each Auxiliary Law Enforcement member shall submit a monthly attendance register listing the number of hours worked and details of assignments completed.
- 5.5 Auxiliary members are subject to dismissal if no hours are worked in a three month period without the permission from the Chief of Law Enforcement.

6 Operational Protocol

6.1. Uniforms

- 6.1.1. Auxiliary members of the Law Enforcement Department will adhere to the applicable standing orders in respect of Dress Code, Equipment and Grooming.
- 6.1.2. Auxiliary members will wear standard Stellenbosch Municipal Law Enforcement Uniforms while on duty and any exceptions are subject to the prior approval of the Chief Law Enforcement.

6.2. Membership

- 6.2.1. An Auxiliary Law Enforcement member is entitled to the same degree of legal indemnity afforded to a permanent member acting in good faith and within the law while on duty.
- 6.2.2. Auxiliary Law Enforcement members will be covered by the Municipality's Group Personal Accident Insurance for purposes of covering expenses relating to injuries on duty.
- 6.2.3. An Auxiliary Law Enforcement member shall carry his or her appointment card (as peace officer) at all times while on duty.
- 6.2.4. Membership does not entitle an Auxiliary Law Enforcement member to carry a firearm when on duty. The carrying of firearms depends on the member's level of competency as established through the completion



of relevant training courses and the issuing of firearms is done at the discretion of the Chief Law Enforcement.

- 6.2.5. The Law Enforcement Auxiliary Officer Programme of the Stellenbosch Municipality is a strictly volunteer initiative with **no financial benefits or promise of future permanent employment** attached to it. Auxiliary Law Enforcement members serve at the discretion of the Chief Law Enforcement.

6.3. Chain of Command

- 6.3.1. An Auxiliary Law Enforcement member shall be considered to be performing service to the Municipality after formally booking on duty according to a formal duty roster or when called to perform such duties by an official appointed to manage his/her activities.
- 6.3.2. An Auxiliary Law Enforcement member, while on active duty, will function through the chain of command of the Law Enforcement Department. Auxiliary Law Enforcement members have peace officer status through the official chain of command while on duty and do not possess such status when off duty.
- 6.3.3. All Auxiliary Law Enforcement members will serve under the supervision and/or direction of permanent members.
- 6.3.4. An Auxiliary Law Enforcement member shall, while officially on duty, submit him/herself to the provisions of the municipality's disciplinary code, but as amended in the Auxiliary Law Enforcement Standing Orders, to recognise the special circumstances of their voluntary status vis-a-vis family responsibility, illness, leave of absence etc.
- 6.3.5. An Auxiliary Law Enforcement member on duty shall be identifiable as such by his/her insignia.

6.4 Conduct

- 6.4.1. Auxiliary Law Enforcement members will adhere to the same standards applicable to permanent members.
- 6.4.2. All Auxiliary Law Enforcement members will be required to subject to the Code of Conduct of the Auxiliary Law Enforcement Service of the Stellenbosch Municipality (Annexure D).

7 Advancement in Rank

- 7.1. Auxiliary members shall be considered for advancement in rank upon attaining the criteria laid down in the applicable standing orders, with the provision that a Volunteer Peace Officer shall not occupy a management role over permanent members.



7.2. Prior learning and experience will be considered after an Auxiliary member has completed the first six month period of active duty. Such advancement in rank will be accommodated in accordance with the established Criteria for Advancement in Rank for Auxiliary Law Enforcement Officers based on Prior Learning and Experience.



Annexure A

Application for Appointment as a Member of the Auxiliary Law Enforcement Service of the Stellenbosch Municipality

PERSONAL DETAILS

Surname _____ First Names _____

Residential Address _____

Telephone No. (Work) _____ (Home) _____

Preferred Contact Telephone Number _____ Cellular No. _____

Identity Number _____

Health/Disability Please provide details of any mental and/or physical disabilities:

EDUCATION

FORMAL QUALIFICATIONS (eg. Degree/Diploma)

Name of Institution	Qualification Obtained	Date Completed (Indicate if incomplete)

If you are studying at present, give full detail

RELEVANT COURSES / TRAINING

EMPLOYMENT DETAILS

Company / Institution _____

Current Position _____

Date started _____

Key roles/achievements

1. _____

2. _____

3. _____



Who do you report to _____

Do you manage staff and if so how many _____

Contact number of employer _____

LANGUAGE PROFICIENCY

Language Proficiency Please indicate with x	Afrikaans			English			Xhosa			Other		
	Good	Fair	Weak	Good	Fair	Weak	Good	Fair	Weak	Good	Fair	Weak
Write												
Read												
Speak												
Understand only												

ADDITIONAL INFORMATION

Do you hold a current driving licence? Yes No

If "Yes", please specify type of licence _____

Have you ever been convicted of a criminal offence?

Yes No

If "Yes", provide details _____

Is your situation at work such that you will have time to perform voluntary duties?

Is your circumstances such that you will be able to attend court proceedings?

What is your motivation to enlist as an Auxiliary Law Enforcement Officer?

I declare that the above-mentioned information is true and correct and that I have not withheld any information. I understand that any false information supplied could lead to my immediate discharge.

Signature _____ Date _____

Initials and Surname: _____



Annexure B

Auxiliary Law Enforcement Service of the Stellenbosch Municipality

Health Questionnaire

A

1. Surname _____ Identity No _____

2. First names _____

3. Age _____

4. Height _____	cm	5. Weight _____
-----------------	----	-----------------

B

Health Questions	Mark with a cross(**x**) in the appropriate column	If an answer "Yes, provide particulars of the nature, severity, date and duration of the illness.
1. Have you ever had asthma, used an inhaler medication or been troubled by shortness of breath?	Yes	_____ _____
	No	_____ _____
2. Do you have diabetes or raised blood levels?	Yes	_____ _____
	No	_____ _____
3. Have you EVER had epilepsy, experienced fits, seizures, convulsions, fainting or blackouts?	Yes	_____ _____
	No	_____ _____
4. Have you EVER had heart disease, heart murmur or irregular heartbeat?	Yes	_____ _____
	No	_____ _____
5. Do you experience chest pain or angina?	Yes	_____ _____
	No	_____ _____



6. Have you EVER been told that you have high blood pressure?	Yes	_____ _____ _____
	No	_____ _____ _____
7. In the past two years, have you suffered from migraines or persistent headaches?	Yes	_____ _____ _____
	No	_____ _____ _____
8. Have you EVER suffered from mental illness, depression, anxiety or stress?	Yes	_____ _____ _____
	No	_____ _____ _____
9. Have you EVER attempted suicide?	Yes	_____ _____ _____
	No	_____ _____ _____
10. Have you EVER committed self-harm?	Yes	_____ _____ _____
	No	_____ _____ _____
11. Have you EVER taken a drug overdose?	Yes	_____ _____ _____
	No	_____ _____ _____
12. Have you EVER suffered from arthritis or any bone or joint problems?	Yes	_____ _____ _____
	No	_____ _____ _____
13. Do you have any allergies, including food and drug allergies?	Yes	_____ _____ _____
	No	_____ _____ _____
14. Are you, should you be, taking any medication?	Yes	_____ _____ _____
	No	_____ _____ _____



15. Are you currently receiving treatment for any health conditions?	Yes	_____ _____
	No	_____ _____
16. Do you know ANY other circumstances regarding your health and fitness that: MIGHT make you unable to carry out the duties of a Law Enforcement officer or: MIGHT make you unable to complete the training program without interruption?	Yes	_____ _____ _____
	No	_____ _____ _____

C

	Yes	No
1. Do you suffer from any defect of hearing speech or sight?		
2. Are you physically disabled and do you use artificial limbs?		
IF SO, PROVIDE DETAILS OF THE NATURE AND DEGREE OF THE DISABILITY: _____ _____ _____		

**D**

	Yes	No
Have you undergone any operation(s)		
IF SO, PROVIDE DETAILS OF THE NATURE AND DEGREE OF THE DISABILITY: <hr/> <hr/> <hr/>		

E

I declare that the above-mentioned information is true and correct and that I have not withheld any information regarding my health. I understand that any false information supplied could lead to my immediate discharge.

Signature _____

Date _____

Initials and Surname: _____



Annexure C

Indemnity: Auxiliary Law Enforcement Service of the Stellenbosch Municipality

I
(Full names)

Undertake hereby to perform my duties as an Auxiliary Law Enforcement Officer on a strictly voluntary basis in accordance with the Municipality's policy in this regard.

Further undertake to claim no expenses that relates to my duties as an Auxiliary Member.

I hereby indemnify and hold harmless any member of the Law Enforcement Department and the Stellenbosch Municipality from any liability or claim regarding a financial loss or loss of personal property that might occur due to my duties as an Auxiliary Law Enforcement officer.

Date.....

Place.....

Signature.....

Witnesses 1:

- 1. Name.....
- 2. Signature.....
- 3. Date.....

Witnesses 2:

- 1. Name.....
- 2. Signature.....
- 3. Date.....



Annexure D

AUXILIARY LAW ENFORCEMENT SERVICE OF THE STELLENBOSCH MUNICIPALITY

Code of Conduct

We commit ourselves to the creation of a safe and caring Municipality for all and value the security of all who live, work and play in it by

- participating in endeavours to address the causes of disorder and crime in the community;
- Preventing action which may threaten the safety or security of the community and bringing the Perpetrators thereof to justice.
- promoting the principles of volunteerism in the communities we serve.

In realization of the aforementioned commitment, we shall at all times

- uphold the constitution of the country, be guided by the needs of the community, and give full Recognition to the needs of the Stellenbosch Municipality and co-operate with the community, Government and all other related role players.

In order to achieve a safe and caring environment for all in the Stellenbosch Municipality, we undertake to secure stability by promoting a culture of civil obedience and enforcing the municipality's regulations and the laws of the country with:

- **Honesty and Integrity:** We will be open and truthful in all our dealings with the public, avoid being Improperly beholden to any person or institution, refrain from engaging in acts of corruption or Bribery and will discharge our duties with diligence. We will not condone such acts in our Colleagues either and feel morally as well as legally obligated to report same.
- **Fairness and Impartiality:** We have a particular responsibility to act with fairness and impartiality In all our dealings with the public and our colleagues. We will avoid favouritism of any individual Or group, all forms of harassment, victimisation or discrimination, to any other person including Our colleagues.

Use of Force and Abuse of Authority

- We will refrain from knowingly using more force than is reasonable, nor will we abuse our authority. Force will be used only with the greatest restraint and only after discussion, negotiation and persuasion has been found to be ineffective.
- We will not inflict unnecessary pain or suffering and will not engage in cruel, degrading or inhuman treatment of any being, whether human or animal.

Performance of Duties

- We will be conscientious and diligent in the performance of our duties, while treating everyone who comes into our sphere of influence equally and with courtesy, consideration and dignity.
- We will not allow our personal feelings, animosities or friendship to influence our official conduct



we will enforce the law appropriately and courteously, while striving to obtain maximum cooperation from the public

- We are also responsible for continuous upgrading of our skills and will take every reasonable Opportunity to enhance and improve our knowledge and competence.

Confidentiality

- Information that comes into our possession will be treated as confidential.
- We will not use such information for personal benefit and will not divulge it to other parties except in the proper course of our law enforcement duty. We will also, similarly, respect as confidential, information about official policy and operations unless authorized to disclose it in the course of our duties.

Sobriety and General Conduct

- While on duty we will be sober.
- We will not consume any intoxicating liquor when on duty or for a sufficient length of time before going on duty in our place of work.
- We will at all times project a professional image as benefits a member of this department.

Lawful Orders

- We will obey all lawful orders and abide by the provisions of our Standing Orders, relevant policies as well as law.
- We will support our colleagues in the execution of their duties and oppose any improper behaviour, reporting it where appropriate.

Appearance

- Unless on duties which dictate otherwise –
- We will be well turned out, clean and tidy whilst in uniform.
- We will maintain an acceptable level of fitness and continuously strive to improve our physical prowess.

Politeness and Tolerance

- We will treat members of the public courteously and with respect, avoiding abusive or deriding attitudes or behaviour.

13.2	POLICY ON EXTERNALLY FUNDED LAW ENFORCEMENT AND TRAFFIC OFFICERS
------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

1. SUBJECT: POLICY ON EXTERNALLY FUNDED LAW ENFORCEMENT AND TRAFFIC OFFICERS

2. PURPOSE

To obtain Council's approval for implementation on the policy on Externally Funded Law Enforcement and Traffic Officers for the Stellenbosch Municipality.

3. DELEGATED AUTHORITY

For decision by the Municipal Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality comprises of a vast area which includes the towns of Stellenbosch and Franschhoek, as well as the smaller settlement nodes of Klapmuts, Pniel, Kylemore, Raithby and Jamestown. This poses significant challenges to the municipality in terms of its mandate to provide a Traffic and Law Enforcement Service to all these communities. Add to this the annual influx of tens of thousands of university students into central Stellenbosch, the resultant congestion and "over-crowding" tends to cause major traffic and law enforcement challenges for the relevant departments.

The current staff component of the Protection Services Department (Law Enforcement, Traffic Services and Fire Services) is not adequate to provide a quality service to all communities through visible policing. This proposed policy provides private business and non-governmental organisations with the opportunity to partner with the municipality to fund the employment of additional law enforcement and traffic officials in designated areas where crime and traffic congestion has become a challenge.

The policy was out for public comment and advertised from the 14th October 2019 till the 25th November 2019. One comment was received from Cllr Mcombring to *include as part of requirements: NC (V) L4 FET Certificate*, and will be considered.

5. RECOMMENDATION

that Council approves the Policy on Externally Funded Law Enforcement and Traffic Officers.

6. DISCUSSION / CONTENTS

6.1 Background

Public Safety is consistently listed as the number one priority of all the communities, neighbourhoods and towns of the Greater Stellenbosch Municipality. The inability of municipal law enforcement and traffic services to respond to all the bylaw, criminal and traffic transgressions timeously has resulted in an outcry for better service delivery. The safety of residents in the CBDs of Stellenbosch and Franschhoek, overcrowded underprivileged neighbourhoods and in smaller enclaves have forced the municipality to employ alternative strategies to secure public spaces in Stellenbosch.

6.2 Discussion

Stellenbosch Municipality comprises of a vast area which includes the towns of Stellenbosch and Franschhoek, as well as the smaller settlement nodes of Klapmuts, Pniel, Kylemore, Raithby and Jamestown. This poses significant challenges to the municipality in terms of its mandate to provide a Traffic and Law Enforcement Service to all these communities. Add to this the annual influx of tens of thousands of university students into central Stellenbosch, the resultant congestion and “over-crowding” tends to cause major traffic and law enforcement challenges for the relevant departments.

The current staff component of the Protection Services Department (Law Enforcement, Traffic Services and Fire Services) is not adequate to provide a quality service to all communities through visible policing. This proposed policy provides private business and non-governmental organisations with the opportunity to partner with the municipality to fund the employment of additional law enforcement and traffic officials in designated areas where crime and traffic congestion has become a challenge.

The uniformed member is under the command and control of the Municipality but performs operational functions within a designated area of the funded enterprise/ stakeholder, or in cases of emergencies, as and where determined by the relevant Chief of that Department. The implementation of this policy will enhance visible Crime Prevention within the Greater Stellenbosch area, as the current limited staff compliment can be deployed to other areas.

6.3 Financial Implications

This report has no financial implication to the municipality as funding relating to the salary, training, vehicle costs, vehicle running costs will borne by the external partner.

6.4 Legal Implications

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

6.5 Staff Implications

The recommendation will result in an increase in the number of Law Enforcement and Traffic Services personnel under the command of the respective sections, but at no cost to the municipality.

6.6 Previous / Relevant Council Resolutions:

Public participation from 14th October 2019 till 25th November 2019 with one comment received to consider the inclusion as part of requirements: *NC(V) L4 FET Certificate*.

6.7 Risk Implications

This recommendation has no additional risk implications for the Municipality.

6.8 Comments from Senior Management

Item is supported.

ANNEXURES

Annexure A: Policy relating to externally funded Law Enforcement and Traffic Officers

FOR FURTHER DETAILS CONTACT:

NAME	Charl Kitching
POSITION	<i>Senior Manager Protection Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	021 808 8815
E-MAIL ADDRESS	Charl.kitching@ Stellenbosch.gov.za
REPORT DATE	09 July 2019

ANNEXURE A



**POLICY RELATING TO
EXTERNALLY FUNDED LAW
ENFORCEMENT AND TRAFFIC
OFFICIALS**

2020

POLICY RELATING TO THE CONTRACTING OF EXTERNALLY FUNDED LAW ENFORCEMENT AND TRAFFIC OFFICIALS BY THE PRIVATE SECTOR AND OTHER ENTITIES

1. Introduction

One of the strategic focus areas of the Municipality is to create a Safe and secure environment for residents.

As the local authority it is incumbent on the municipality to facilitate the cooperation and integration of the local communities, the South African Police Service (SAPS) and private security companies to work together to create a safe environment for all. One way to do this is to forge partnerships with private business for the recruitment of additional law enforcement and traffic personnel.

2. Policy objectives

- 2.1. To enable private business to contribute financially to the recruitment of additional Law Enforcement and Traffic Officers;
- 2.2. To deliver effective and efficient policing services through the optimal deployment of resources in designated areas as and when required;
- 2.3. To create a safe and secure environment for residents and private business within the municipal boundaries;
- 2.4. To grow and improve the Law Enforcement and Traffic Law Enforcement services of the municipality;
- 2.5. To enable the private business and other interested organisations to secure a predetermined level of law enforcement services within defined areas;

3. Definitions

"Partner" - refers to any individual, organisation or association who enters into an agreement with the Municipality in order to contract dedicated members

"Municipality" - refers to Stellenbosch Municipality (WC024)

"Member" - refers to a member of any of the municipality's law enforcement departments

"Service level Agreement" -- refers to the levels of service as agreed to by the contracting partners

"Contract" - refers to the Memorandum of Agreement entered into between the Municipality and the Partners as it relates to the number of members and term of the contract.

4. Legislative Framework

Current legislation prescribes that it is legally permissible for businesses or private individuals to make a financial contribution (over and above the normal rates, taxes and levies) to the municipality and that such funds can be exclusively used for policing functions in a designated area. (Chapter 8 part B, section 80(b) of the Municipal Systems Act).

5. Principles

- 5.1. Any Partner wishing to secure the dedicated services of a member shall apply in writing to the Director Community and Protection Services, at least six months prior to the commencement of the contract.
- 5.2. If the application is approved, the Municipality will undertake to recruit, select and train the members. Training will be provided at an accredited college. The Municipality may require that a minimum of ten (10) members be recruited and trained at a time in order to ensure the financial viability of such a training programme.
- 5.3. Such recruited members will be employed by the Municipality on a contractual basis for a minimum of a 1 year period except where new Traffic Service members need to be trained. In such an event, the minimum period will be 3 years. The maximum period will be 5 years. The length of this contract period will correspond with the period of the agreement entered into between the Municipality and the Partner.
- 5.4. Employment contracts mentioned in 5.3 above will only be renewed after the initial 1, 3 or 5 year period if the performance of the contracted members has been satisfactory for the entire contract period and if the relevant Partner wish to renew its agreement with the Municipality for a further period.
- 5.5. The Partner will be responsible for the monthly salary of the contracted member from the date of commencement of service (this includes any training allowance paid to the trainee whilst undergoing the prescribed training).
- 5.6. The costs associated with the training will be borne by the Partner.
- 5.7. The employment contract to be entered into with trainee members will provide for the Municipality to be reimbursed by the contracted member for all training related expenses should a member decide to leave the Department before one year active service has been completed.
- 5.8. The Partner shall, in addition to paying the salary costs, contribute an additional sum amounting to 100% of the operating costs associated with the employment of the contracted members as stipulated in the Memorandum of Agreement.
- 5.9. The minimum contractual term will be 1 year except where Traffic Service members need to be trained. Where Traffic Service members still need to undergo the prescribed training, the minimum contractual term will be 3 years, including the training period. The maximum contractual term will be 5 years, including training period.
- 5.10. If a 5 year agreement is entered into between the Municipality and the Partner, a comprehensive public participation process will be embarked upon as required by Section 33 of the MFMA.
- 5.11. The Partner shall provide the Municipality with at least 90 days written notice to terminate a contract for 3 years or longer and at least 30 days for a contract of less than 3 years. Such notice must be served at least 90 or 30 days (depending on the

length of the contract period) before the expiry date of the contract. If no notice is received, it shall be presumed that the contract will be renewed automatically for a further period equivalent to the original contractual period.

- 5.12. The relevant Department will maintain full command and control over the contracted members provided that these members are deployed within a specified area duly agreed upon and governed by a service level agreement.
- 5.13. The contracted members shall comply with and be subject to the standing orders and directives issued by the Chief of the relevant department. At no point in time, will any Partner be allowed to issue instructions, directives or alter the daily tasking of the contracted members. Partner requests shall be directed via the office of the Director Community and Protection Services.
- 5.14. For every ten members contracted it will be compulsory to appoint a supervisor (funded by the Partner) to ensure adequate supervision of the officers.
- 5.15. If an emergency situation or substantial threats exists, the contracted members may be withdrawn from the area of deployment as determined in the service level agreement. This will only occur in absolute emergencies and with the express authority of the Chief of the relevant department.

6. Financial aspects

- 6.1. A special operating cost centre will be created within the financial system of the Municipality for deposits of contributions received from Partners;
- 6.2. This cost centre will be administered and managed by the relevant department in terms of current financial management principles as prescribed in the MFMA;
- 6.3. The Partner shall pay the monthly contribution one month in advance in terms of the services rendered by the contracted members, after the presentation of the necessary invoice.
- 6.4. 100% of the expenditure associated with the acquisition of capital assets will be borne by the Partner.
- 6.5. At the termination of the agreement, the capital assets will accrue to the Municipality.
- 6.6. The Agreement will only be entered into if sufficient budgetary provision has been made for the financial implications to be borne by the Municipality.
- 6.7. Deviation is allowed in respect of the Partners financial contribution determined in this policy.

7. Delegated authority

The Chief of the relevant department, in his/her capacity as Head of that department, shall be the Municipality's duly appointed representative responsible for the implementation and oversight of this initiative.

DRAFT

MEMORANDUM OF AGREEMENT

Memorandum of Agreement entered into by and between:

STELLENBOSCH MUNICIPALITY (WC024)

(Community and Protections Services Directorate)

Town House Complex, Plein Street, Stellenbosch, 7600

Duly represented by

THE DIRECTOR: COMMUNITY AND PROTECTION SERVICES

(Mr)

Hereinafter referred to as

"The Community and Protection Service's Directorate"

And

.....
.....

Duly represented by

.....

Hereinafter referred to as

.....

WHEREAS the Partner is desirous to participate in a law enforcement initiative with the municipality through a financial contribution, to facilitate more efficient and effective law enforcement services in a designated area.

NOW THEREFORE the parties hereto agree as follows:

1. OBJECTIVES OF THE MUNICIPALITY

- 1.1. To deliver effective and efficient law enforcement services through the optimal deployment of resources and the application of technology in support thereof.
- 1.2. To deliver law enforcement services in partnership with the community.
- 1.3. To create a safe and secure environment for residents and private business.

2. EFFECTIVE DATE AND DURATION

- 2.1. The minimum duration of this agreement is 1 year (except where new Traffic members need to be trained).
- 2.2. Where new Traffic members need to be trained, the minimum duration of this agreement is 3 years (this period excludes the prescribed training period as well as the in-service training period where applicable).
- 2.3. The maximum duration of this agreement is 5 years (this period includes the prescribed training period as well as the in-service training period where applicable).
- 2.4. The effective starting date of this agreement will be the.....
- 2.5. This agreement will terminate on provided that written notification of termination is given by either party at least 90 days before this date.

3. MEMBERS

- 3.1. The parties hereto acknowledge that the contracted Law Enforcement Officers (or Traffic members) would be fully trained and duly appointed in terms of the enabling legislation. (Government Notice 1114/2018)

4. FINANCIAL CONTRIBUTION

- 4.1. The Partner will contribute to the Municipality an amount of (R.....) for the period (date) to (date), for the services of (No. of officers) for the area of.....
- 4.2. The aforementioned contribution by the Partner will be payable in equal monthly instalments in advance, on or before the 1st day of each consecutive month for the duration of this agreement.

5. CONTROL OVER THE LAW ENFORCEMENT OFFICERS

- 5.1. The Municipality's Law Enforcement Section (or other relevant sections) will have full command and control over the contracted members paid for by the Partner and shall be deployed in terms of an agreed deployment plan provided that such deployment is within the boundaries as determined by the Partner.
- 5.2. Deployment will correspond with the standard 40 hour work week.
- 5.3. The contracted members will be the employees of the Municipality.

- 5.4. The contracted Law Enforcement Officers will comply with and be subject to the standing orders and directives issued by the Chief of that Law Enforcement Section.
- 5.5. Directives and operational instructions will only be channelled through the official command structure of that Law Enforcement Section.
- 5.6. Statistics will be kept by the Municipality and the previous month's statistics will be provided to the Partner on the 15th of every month following that month.

6. CAPITAL EXPENDITURE

- 6.1. All capital expenditure associated with this agreement shall be borne by the Partner, or unless the two parties have agreed otherwise in terms of paragraph 4 of the policy. The Partner shall pay their contribution into the Municipality's account established for this purpose.
- 6.2. At the termination of the agreement, the capital assets will accrue to the Municipality of Stellenbosch.
- 6.3. Capital expenditure shall include the following items but not limited to: Radios; Bullet-proof vests; Firearms; Vehicles; Specialised equipment; etc.

7. OPERATING COSTS

- 7.1. The Partner shall pay the Municipality an amount equivalent to the monthly salary of the law enforcement officer (or members of Traffic) which amounts to (R.....) per month for the duration of the Agreement.
- 7.2. The training costs shall be borne by the Partner.
- 7.3. The Partner shall contribute 100% of all operating costs associated with the operational functioning of the contracted members, which includes the following but not limited to: Vehicles; Repairs and Maintenance; Fuel; Radios and required bandwidth; etc.
- 7.4. In the event of an externally funded Law Enforcement Officer (or Traffic) being absent without leave, the Partner will be credited for the number of days lost due to such unauthorised absence. This will be remedied by means of providing the required service for an additional number of days equal to the credits so accumulated. Such additional service delivery will be provided on dates agreed to by both parties.

8. LIABILITY

The liability that may arise out of any act or omission on the part of the contracted Law Enforcement Officer (or Traffic) would revert to the Municipality of Stellenbosch.

The liability that may arise out of an act which is the direct result of the Partner being in breach of this agreement would revert to the Partner.

9. DOMICILIUM

9.1. The parties to this agreement choose the following addresses as their respective domicilia citandi et executandi addresses for purposes of this agreement.

The Municipal Manager
Stellenbosch Municipality
Town House Complex
Plein Street
Stellenbosch
7600

9.2. Address of Partner:

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

9.2.1. Either party may change its address for purposes of this agreement to any other street address within the boundaries of the Municipality of Stellenbosch by furnishing written notice of such change of address to the other party,

9.3. Notices which may be required in terms of this agreement must be delivered by hand or sent by prepaid registered post to the chosen addresses.

9.4. A notice shall be deemed to have been received, if hand delivered, on the date on which it is delivered, and if sent by prepaid registered post, on the fourth day following the date which appears on the registered slip.

10. TERMINATION

10.1. This agreement will terminate on the date as specified in clause 2.5.

10.2. Unless written notification is received at least 90 days (if the contract period is 3 years or more) or 30 days (where the contract period is less than 3 years) before the date, as specified in clause 2.3, it shall be presumed that the agreement would remain in force for a further period of one year.

11. BREACH

Should either party allege that the other party to be in breach of any of its obligations in terms of this agreement, it shall forthwith notify the other party of such alleged breach. In such notification, it shall afford the other party a maximum period of one week within which to remedy such breach, failing which the matter shall be referred to mediation and, if necessary thereafter, to arbitration.

12. RESOLUTION OF DISPUTES

Without detracting from either party's right to institute action or motion proceedings in the High Court or other Court of competent jurisdiction in respect of any dispute that may arise

out of this agreement, the Parties may, by mutual consent, follow the mediation and arbitration procedure as set out in clauses 12.1 and 12.2.

12.1. Mediation

12.1.1. Subject to the provisions of clause 12, any dispute arising out of this agreement shall be referred by the parties without legal representation to a mediator.

12.1.2. The mediator shall be selected by agreement between the parties.

12.1.3. The mediator shall hear the dispute at a place and time to be determined by him or her in consultation with the parties.

12.1.4. If an agreement cannot be reached upon a particular mediator within three business days after the parties have agreed to refer the matter to mediation, then the Municipality shall nominate the mediator within seven business days after the parties have failed to agree.

12.1.5. The mediator shall at his sole discretion determine whether the presentation to him/her shall be made in the form of written or verbal representations, provided that in making this determination he must consult with the parties and may be guided by their common reasonable desire of the form in which the said representations are to be made.

12.1.6. The parties shall have seven business days within which to finalise their representations. The mediator shall within seven business days of the receipt of the representations express in writing an opinion on the matter and furnish the parties each with a copy thereof by hand or by registered post.

12.1.7. The opinion so expressed by the mediator shall be final and binding upon the parties unless a party is unwilling to accept the opinion expressed by the mediator. In such event, the aggrieved party must deal with the dispute in terms of clause 12.2. The expressed opinion of the mediator shall not prejudice the rights of either party in any manner whatsoever in the event of its proceeding to arbitration.

12.1.8. The Mediator shall determine the cost of mediation.

12.1.9. Liability for such costs may be apportioned by the mediator and shall be due and payable to the mediator on presentation of his/her written account.

12.2. Arbitration

12.2.1. Subject to the provisions of clause 12.1, a party aggrieved by the opinion of the mediator may demand to proceed to arbitration.

12.2.2. Arbitration shall be held in Stellenbosch informally and otherwise in accordance with the provisions of the Arbitration Act 1965 (Act 42 of 1965) it being intended that if possible it shall be held and concluded within ten days after it has been demanded.

12.2.3. Save as otherwise specifically provided herein, the arbitrator shall, if the matter in dispute is.

- 12.2.3.1. Primarily a legal matter, be practising Advocate or Attorney of the Cape Bar or Cape Law Society.
- 12.2.3.2. Any other matter, be an independent and suitably qualified person as may be agreed upon between the parties to the dispute.
- 12.2.4. If agreement cannot be reached on whether the question in dispute falls under 12.2.3.1 or 12.2.3.2 and/or upon a particular arbitrator within three days after arbitration has been demanded, then the President (for the time being) of the Law Society of the Cape of Good Hope shall:
 - 1.2.4.1. Determine whether the question in dispute falls under 12.2.3.1 or 12.2.3.2; and/or nominate the arbitrator within seven days after the parties have failed to agree.
- 12.2.5. The arbitrator shall give his decision within five days after the completion of the arbitration. The arbitrator may determine that the costs of the arbitration are to be paid either by one or the other of the parties.
- 12.2.6. The decision of the arbitrator shall be final and binding and may be made an order of the Cape of Good Hope Provincial Division of the High Court upon the application by any party to the arbitration.

13. Entire agreement

The provisions contained in this agreement constitute the entire agreement between the parties. Any amendments to this agreement shall be of no force or effect unless reduced to writing and signed by both parties.

..... (Signature)

Signed at..... On this day of..... 20.....

IN THE PRESENCE OF THE UNDERSIGNED WITNESSES:

AS WITNESSES STELLENBOSCH MUNICIPALITY (COMMUNITY AND PROTECTION SERVICES)

1.....

2.....

.....
WHO WARRANTS HIS AUTHORITY HERETO

CAPACITY.....

FULL NAMES OF SIGNATORY: -.....

SIGNED BY THE
(NAME OF PARTNER).....

THIS..... DAY OF20.....

AS WITNESSES NAME OF PARTNER.....

1.....

2.....

.....
WHO WARRANTS HIS AUTHORITY HERETO

13.3	SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING
------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

1. SUBJECT: SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING

2. PURPOSE

To report to Council in term of a Section 78(4) report on the Section 78(3) investigation into providing of sufficient parking in the Greater Stellenbosch Municipal Area.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Council has commenced with the upgrading of parking provision. Due to service of parking provision being a Local Government Competence in terms of The Constitution a Section 78 Assessment process needs to be followed. Council has commenced with the Section 78(1) approach and in February of 2018 Council has decided to also look at the provision of parking via an external mechanism due to the high costs involved in provide parking garage type parking.

The Section 78(3) process is now complete and the following deals with the assessments of External Mechanisms of Parking provision.

It is however very important to note that parking is firmly integrated with various other transport related functions to be provide, which includes, Traffic Flow management, Public Transport Creation and Management, Non-Motorised transport such as walking, cycling, wheel chair transport and small wheel methods of transport such as role skates, skateboard, scooters and lastly also creating areas which promotes walking rather than using vehicles such as the Transit Oriented Development areas. The provision and sizing of parking must relies heavily on the speed at which cars can park and leave again and the proximity of parking with, as many as possible, other modes of transport.

In the assessment of providing parking through an external mechanism (Annexure B), the placement and quantity of parking has been seriously considered. In addition, it is important that the speed of absorption of vehicles is of primary importance to negate traffic jams in especially primary routes such as Bird -, Dorp and Piet Retief streets. The cost of parking is very high and the provision of the average parking bay within a parking garage is estimated at R150 000 per vehicle. Parking Garage are chosen due to the smaller footprint of such a parking mechanism.

Assessments have indicated that the provision of Parking Garages through an external mechanism such as a private company through a Build, Own, Operate and Transfer (BOOT) mechanism takes away most of the Risk from the Municipality and also provide parking at a reasonable cost to the public.

It is also true that the cost of providing a total solution is not within the reach of Stellenbosch Municipality and needs to be a synchronised exercise between National Government, Provincial government, SANRAL, PRASA in order to provide proper Public Transport and proper capacity of the major feeder routes into Stellenbosch.

A start with the solution can however commenced with. It is therefore proposed that Parking Garages be provided through an External Mechanism at the Municipal parking next to Eikestad Mall and at Techno Park. This has been chosen due to speed of absorption of vehicles required and close proximity to various public transport facilities

in the case of Van der Stel, and the severe lack of public transport at Techno Park, but still an important parking provision hub in future.

It is further proposed that were open one level of parking is to be provided, extended or formalised, that this be done on an internal mechanism. Existing parking areas at the Hoffman Road (Dennesig Parking), Du Toits Road (Aandklas), parking at Mosque & Church next to Bird Street, north of Pick 'n Pay, back of Municipal Court in Stellenbosch and the Old Tennis Courts at Franschoek be upgraded. It is also proposed the provision of parking spaces at space bounded by Borchard Road, Andringa Street and Banhoek Road as well as the space bounded by Jan Cilliers Road, Ds Botha Road and Muller Road be investigated and implemented.

It is expected that some 600 (upgraded and new) open space parking can be provided.

If Council so decides, then the next step for the services being provided through an external mechanism would be to draw up a Service Deliver Agreement in terms of MSA Section 80. This has to be taken through a public participation process. When formally accepted a bidding process will be conducted to obtain a preferred service provider. Once all detailed of providing such a service, the preferred service provider will then build the parking garage, own this, operate this and transfer this to Council after a proposed period of 20 years.

5. RECOMMENDATIONS

- (a) that this report be noted;
- (b) that Council accepts that all the requirements of Section 78(3) (Annexure A) in terms of investigating the feasibility of the provision of sufficient parking, has been complied with;
- (c) that Council accepts that parking forms an integral part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT);
- (d) that Council notes that in order to alleviate the parking process as a whole, matters such as PT, NMT, TOD must also be addressed in synchronisation, as this will directly affect the quantity and positioning of parking;
- (e) that Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:
 - (i) Provision of open one level parking space needs, be performed on an internal mechanism;
 - (ii) Provision of multi storied parking space needs, be performed on an external mechanism.
- (f) that Council approves the provision of parking as a first phase as mentioned hereunder, which must be in line with future mobility developments, as the final mobility status can by nature not be resolved at this time;
- (g) that Council proceed with the initial provision and upgrade of parking spaces as follows:
 - (i) that the legislative process be commenced with to provide multiple level parking, and management thereof, utilising an External Mechanism of parking in the following areas:

-
- (1) Eikestad Mall Parking area bounded by Andringa -, Victoria, and Ryneveld Streets. Portion of erf 1692, erven, 1969, 1972, 1973, 1974, 1975, 1976, 6402 and 6636; and
 - (2) Techno Park area, considering the area bounded by Tegno Road, Termo Avenue and Proton Road. Portion of erf 13171
- (ii) that the following areas, as a first phase, be upgraded and/or developed as a single layer open space parking area, utilising an internal service delivery mechanism:
- (1) Dennesig Existing Parking Area, entrance in Hoffman Road, Part of Erf 235;
 - (2) Municipal Court Existing Parking Area, entrance from Papegaaï Road, **Erf 528**;
 - (3) Aandklas Existing Parking Area, entrance from Du Toit Road Part of Erf 235;
 - (4) New Parking Area Bounded by Borcherd Road and Andringa Street to be considered as an extension of the public parking on erf 2529;
 - (5) New Parking Area Bounded by Jan Cilliers Road, Ds Botha Road and Muller Road to be considered as new parking area. Part of Erf 175/0; and
 - (6) Parking area to be upgraded at the old tennis courts, Franschhoek, Erf 1538.
- (h) that Council proceeds with the setting up of a Service Delivery Agreements for the provision of Bulk Parking, as required by Section 80(1) & (2), of the MSA and in particular section 80(1)(b) (which prescribes an SDA with a Private Company) for the areas mentioned under 4.7.1;
- (i) that the Service Delivery Agreement be approved by Council as a draft SDA prior to Community Participation takes place; and
- (j) that the matter of providing a synchronised total mobility network be urgently pursued with all the role-players participating in the mobility arena which includes Public Transport, Non-Motorised Transport, Transit Oriented Development, Parking and Universal Access.

6. DISCUSSION / CONTENTS

6.1 Background

Previously Council accepted the investigation into the problem of parking within a study required by the Municipal Systems Act (MSA) section 78 (1) process. The basic requirements of parking was investigated and a Section 78(2) report was submitted to Council on 28 March 2019 and the following outcomes were debated:

(i) Aspects Reviewed

The above report has provided an overview of the extent of the parking service as identified in Chapter 1 of this report, considered the process that the Municipality must follow in terms of section 78(1) of the MSA, and then reviewed each issue listed by section 78(1). These include the costs and benefits of providing the service, the Municipality's capacity to provide the service, and international and local trends with respect to transport service provision.

(ii) Conclusions

The conclusions reached from interviewing key municipal officials and considering each of the aspects required by S78 (1) are that the Municipality does not currently have the financial resources or organisational capacity to internally provide a public transport service. The major factors counting against it are the increased budget required to cover the establishment and recurring costs of the service, the significant increase in staffing that would be required and a national shift in the approach to sustainable transport.

Irrespective of the mechanism selected to deliver a parking service (internal vs. external), the Municipality should consider pursuing an alternative approach to parking service in and around the Stellenbosch and Franschhoek CBD, based on the experience of other cities and towns. The experience of Boulder in the USA can be beneficial as it has become world renowned for its sustainable transport system, that stroke a good balance between non-motorised transport modes and the private vehicle.

At this time Council made the following resolution:

“16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.2

RESOLVED (nem con)

- (a) that this report be noted;
- (b) that Council notes the attached report on the providing of sufficient public parking;
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of the provision of sufficient parking have been complied with;
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to “after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).”;
- (e) that Council formally proceeds to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism; and
- (f) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision.”

The requirements of the Section 78(3) have been followed and the continuation of the report below shows the conclusions reached after the studies required have been conducted.

At this point on very big aspect has to be looked at and that is that parking is a part of an integral set of actions that is termed the Mobility Process. By altering one part the parts change, so if a certain desired outcome is sought, all of the parts of Mobility must be addressed simultaneously. These parts include:

- Traffic Flow
- Public Transport (PT)
- Non-Motorised Transport (NMT)
- Transit Oriented Development (TOD)
- Parking
- Universal Access

It is therefore critical to note that the position, the quantity, the quality of such a subcomponent provided impacts on the other parts of the Mobility Process

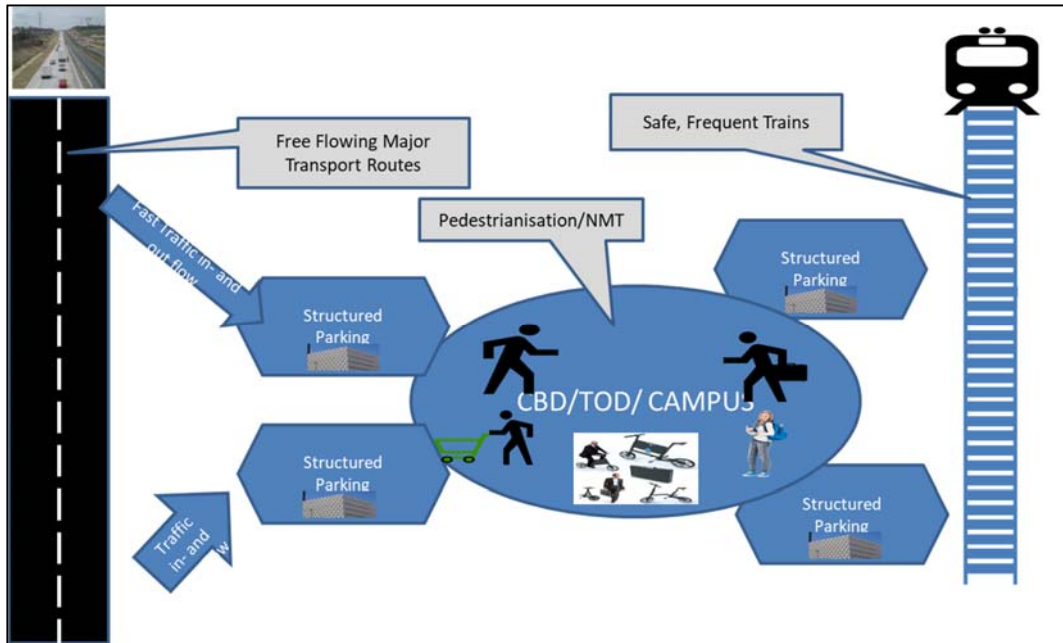


Figure 5.1 Interrelation of Mobility with Stellenbosch

The provision of Bulk Parking has been studied and the impact thereof on other comments has also been looked at.

6.2 Provision of Parking through an External Mechanism

The following figures provides the base of the Section 78(2) report



Figure 5.2 Parking Detail within Stellenbosch Town



Figure 5.3 Parking Detail within Franschhoek



Figure 5.4 Parking Detail within Klapmuts

As mentioned above the positioning of parking, its ability to absorb vehicles at a required rate and also to release vehicles at a required rate is very important in order to assist traffic flow upon the major routes feeding the Greater Stellenbosch Municipal Area.

The inter role-play of the various components are shown below under Figure 5.5:

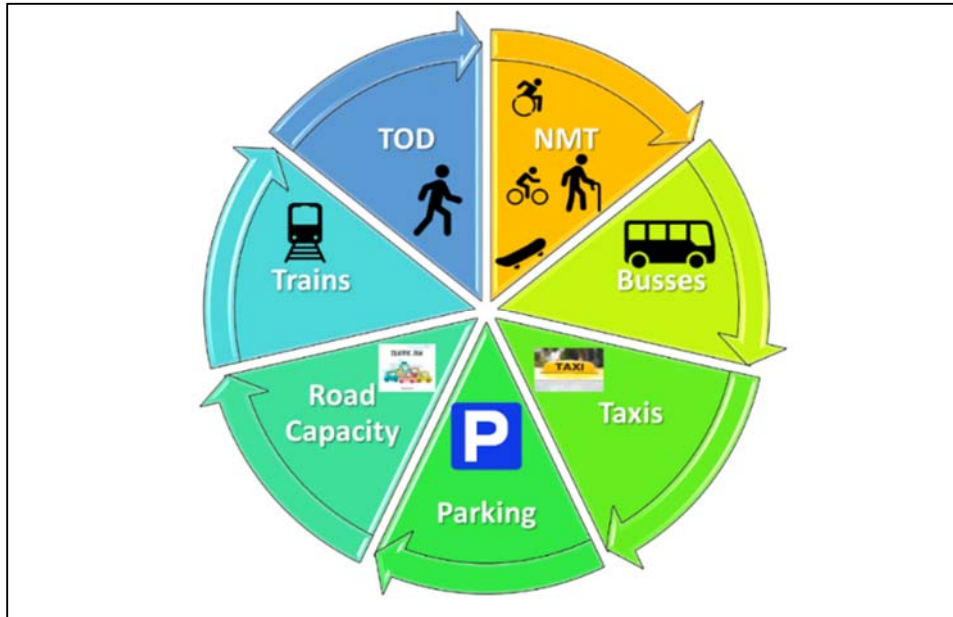


Fig. 5.5 Parking Interrelationship with Modes of Transport

The provision of parking must be in balance with the components listed above. Currently it is found that there are the following shortages:

Table 5.1 Parking Needs

Class	Parking Spaces
Techno Park Informal	1 700
Techno Park Formal	700
Stellenbosch Informal	2 200
Stellenbosch Formal	10 000
University Informal	5 800
University Formal	1 900
Total Global Parking Spaces Needed within Stellenbosch Town at current Vehicle Flow	9 700
Total Existing Parking Spaces	12 600

In addition to parking we also have a heavy traffic congestion, which means we could increase road conditions to accommodate all traffic.

In order to fix this we have two main options:

- a. Provide 9700 more parking spaces
- b. Provide better major route conditions

BUT,

Currently one of the major problems is that incoming traffic cannot find parking fast enough as the capacity of minor routes are not sufficient and the absorption rate of current parking areas is not sufficient.

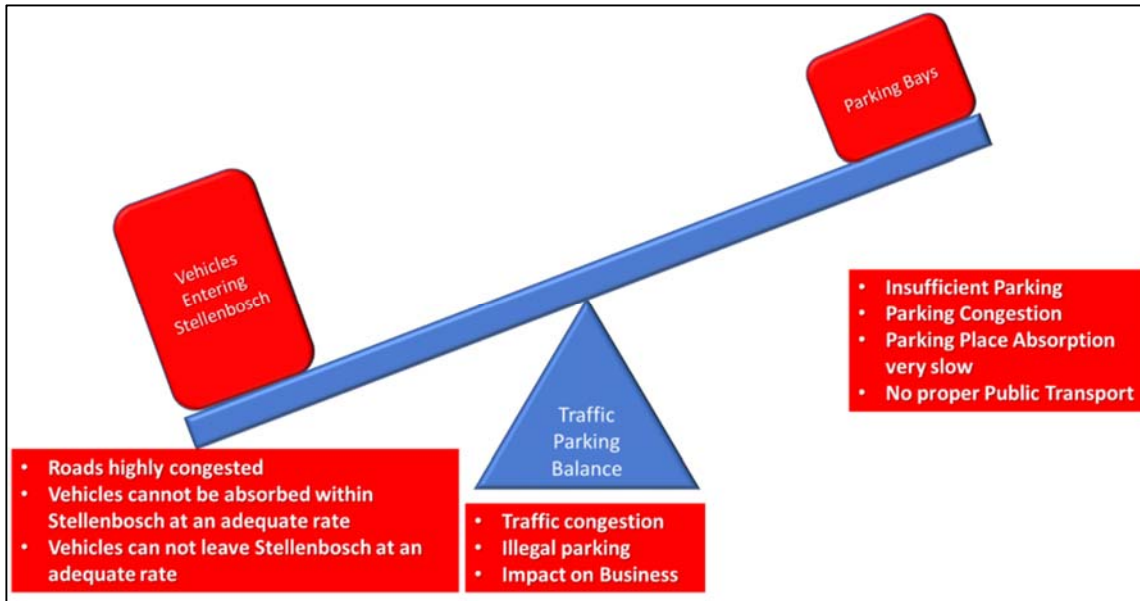


Fig.5.6 Current state of Parking and Traffic Flow within Stellenbosch

We also could look at this problem differently and try to reduce traffic coming to Stellenbosch, thereby reducing the needs for parking. We can do this by ensuring that Public Transport is improved.

Alleviating internal traffic congestion can be done by placing parking facilities close to major routes and force/ allow people to reach their working/study places by using another mode of transport from major parking places to place of work/study. We therefore have to do a double approach by reducing traffic and then by increase parking to the required needs.

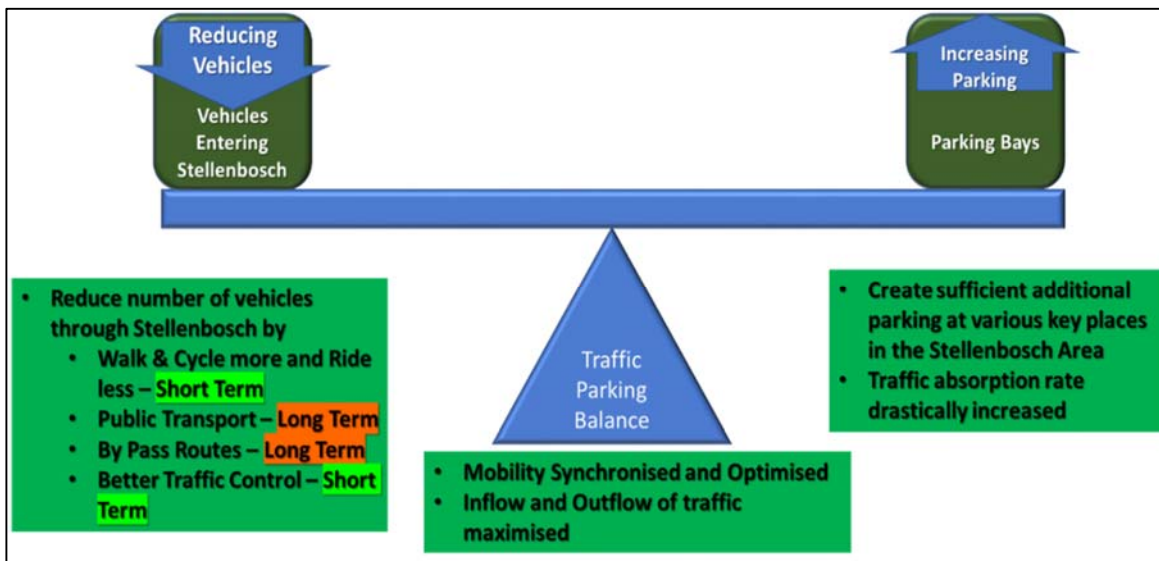


Fig.5.7 Somewhat reducing traffic and somewhat increasing parking

To this end, we have identified other possible parking areas in addition to the historical current parking spaces:

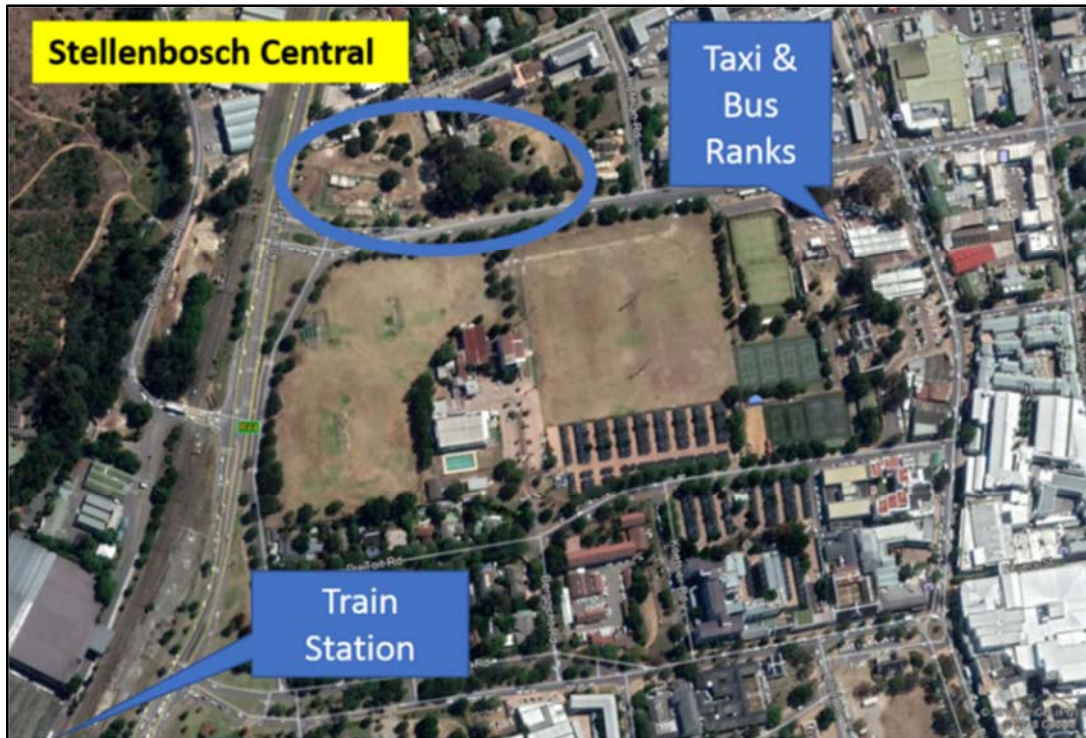


Fig. 5.8 Van der Stel Area Potential Site



Fig. 5.9 R304 / Bottelary/Kromme Rhee Intersection Potential Site

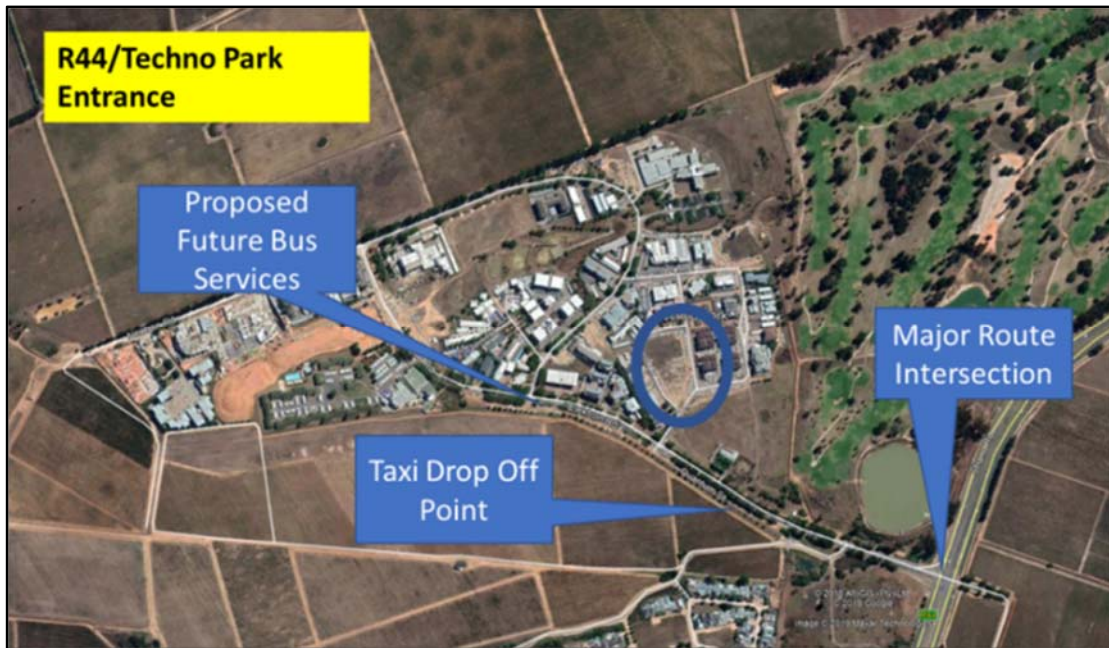


Fig. 5.10 Techno Park R44 Entrance Parking Potential Site

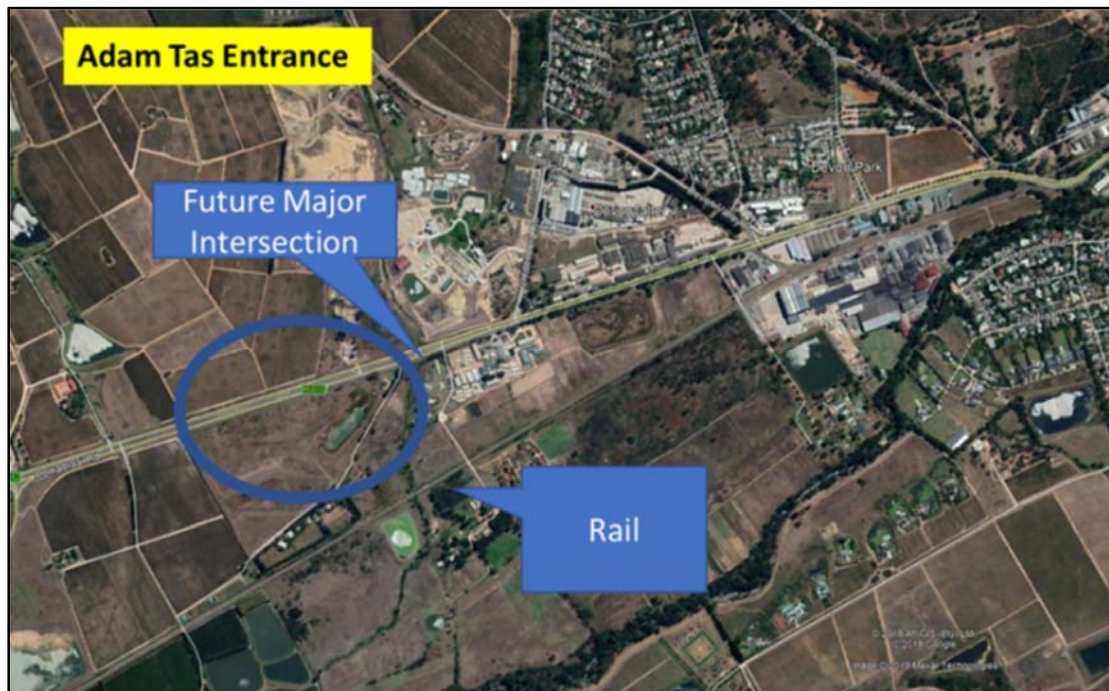


Fig. 5.11 Adam Tas Bulk Parking Potential Site



Fig. 5.12 Klapmuts Bulk Parking Potential Site



Fig. 5.13 Franschhoek Bulk Parking Potential Site

All of these sites have investigated and have been scored along the following criteria:

- Reduction of Traffic on major routes,
- Allowing the CBD to become less congested,
- Contributing to reduction of vehicles.
- Contributing to an increased NMT
- Synchronisation with TOD
- Easy transfer of Mobility Mode:
 - Trains
 - Taxis
 - Busses

Each parking site is evaluated by giving points for the above. The site scoring the most points would therefore indicate a site that would be most useful for reducing traffic on the major routes, allowing changing modes from vehicles to many of the other mobility modes being targeted.

Table 5.2: Assessment of Various Parking Space Positions

Nr	Parking Site	Saving of R44 (R45 within Franschoek) Central Route Trips	Saving of CBD Trips	Alleviating Parking Shortage within CBD	Mode Support					Size Foot Print sq m	Points	Ranking	Property Available
					Vehicles	NMT	Trains	Taxis	Buses				
1	VDS North of Merriman	High	Low	High	High	High	High	High	High	10 000	25	1	Yes
2	Bloemhof	Low	Low	Medium	Medium	High	Low	Medium	Medium	4 000	16	8	Yes
3	Eikestad Mall	Low	Low	Medium	Medium	High	Low	Medium	Medium	10 000	17	7	Yes
4	Stelkor	Low	Medium	Medium	Medium	Medium	Low	High	Medium	4 000	17	7	Yes
5	Die Braak	Low	Low	High	High	High	Medium	High	High	10 000	19	5	Yes
6	Checkers	Low	Low	Medium	High	High	Medium	High	High	2 000	19	5	Yes
7	Pick n Pay	Low	Medium	Medium	Medium	High	Low	High	Medium	7 000	18	6	Yes
8	Techno Park	Medium	Medium	Medium	High	Low	Low	High	High	7 000	19	5	Yes
9	Dennesig Parking	Medium	Medium	High	High	High	Medium	High	High	6400	21	4	Yes
10	R304 Entrance	High	Medium	Medium	High	Low	High	High	High	12 000	23	3	No Munic Properties
11	Adam Tas Entrance	High	Medium	Medium	High	Low	High	High	High	12 000	23	3	Yes
12	Klapmuts	High	Medium	High	High	Low	High	High	High	12 000	25	1	Yes
13	Franschoek R45	High	High	High	High	High	Low	High	High	6 000	24	2	No
14	Franschoek Tennis Courts	Medium	High	High	High	High	Low	High	High	6000	23	3	Yes

From the above a conclusion can be drawn on which parking spaces should be taken on first.

In the wider perspective and looking into the better positioning of garages, the following requirements have been defined:

- First phase of Parking Garages to be placed close to multiple modes of transport
- First phase of Parking Garages must support the reduction of transport flows within the major routes connecting Stellenbosch
- First phase of Parking Garages must have the best possible vehicle absorption and disbursement
- First phase of Parking Garages must have a prospect of maximum viability
- Second or further phases only to be launched if many of the further aspects of mobility and Town Planning has been introduced such as:
 - Working Public Transport
 - TOD culture established
 - NMT areas created

To this end it is proposed to start off with the following as a First Phase approach:

Table 5.3: First Phase of Provision of Parking

Nr	Site	Description	Parking Spaces	Method to be Used	Comments
1	Stellenbosch CBD	Multiple levels (some below grade)	2000	External Mechanism via SDA with Private Sector	Provide only 2000 parking bays, but at same time commence with proper public transport provision, curbing cars used by students
2	Techno Park	Multiple levels (some below grade)	1200	External Mechanism via SDA with Private Sector	Since Techno Park already has a shortage of 1700 parking spaces and currently no prospect of major public transport. Adam Tas Link will allow traffic relief on R55
3	Klapmuts	Only Ground Level – Open parking	100	Internal mechanism	Will address major parking provided when all developments have been launched. Provide parking for Overnight Facilities for trucks
4	Franschoek	Only Ground Level – Open parking	200	Internal mechanism	Prepare old tennis courts for parking provision in order to draw vehicles away from Main Street and to facilitate more parking for tourists
5	TOTAL		3500		

6.3 Environmental implications

It is expected that the impact on the Environment will be lessened by Parking Garages, since less CO and CO₂ will be generated through vehicles finding parking space quicker as well as the NMT scenario being implemented within the core of the University

6.4 Financial implications

The initial Operating Business Plan will give an indication of the direct operating costs at a later stage. The operating income for the Section 78(1) report has been estimated to be R3,650,000 per month for an initial 2200 parking places. There seems to be a viable business case for the provision of these parking facilities from initial assessments.

Table 5.4 below provides possibilities of initial parking facilities to be established and probable economic viability. It assumes bond loans can be obtained at 10% and redeemed over 20 years. The occupancy rate is set at 50%. It estimates each parking bay to contribute R150 000 to the cost of the Parking Garage.

Table 5.4: Costing of four Projects to catered for on First Phase of Parking Provision

Site	Description	Parking Spaces	Total Bond Issue Amount	Annual Operating Costs	Parking Tariff/ hour	Occupancy Rate	Annual Revenue	Net Revenue	Annual Debt Service & Coverage	Net Income Surplus/ (Deficiency)
Van der Stel Area	5 levels (2.5 below grade)	2000	R 300 000 000	R 13 500 000	R 7.74	50%	R 48 297 600	R 34 797 600	R 34 740 768	R 56 832
Eikestad Mall	4 levels (1.5 below grade)	2000	R 300 000 000	R 13 500 000	R 6.45	60%	R 48 297 600	R 34 797 600	R 34 740 768	R 56 832
Techno Park Area	5 levels (2.5 below grade)	1200	R 180 000 000	R 8 100 000	R 7.74	50%	R 28 978 560	R 20 878 560	R 20 844 456	R 34 104
Klapmuts	Only Ground Level – Open parking	100	R 150 000	R 675 000	R 2.22	50%	R 692 640	R 17 640	R 17 364	R 276
Franschoek	Only Ground Level – Open parking	200	R 300 000	R 1 350 000	R 2.22	50%	R 1 385 280	R 35 280	R 34 740	R 540
TOTAL		5500	R 480 000 000	R 21 600 000			R 77 276 160	R 55 676 160	R 55 585 224	R 90 936

6.5 Legal Implications

- a. The Constitutional, Act 108 of 1996, as amended, States under Schedule 5B, inter alia:

Part B

The following local government matters to the extent set out for provinces in section 155(6)(a) and (7):

- Traffic & Parking
- b. The Municipal System Act, Act 32 of 200, has reference and in Particular:
- i. Section 78(3) and (4)
 - ii. Section 76, 77

These sections are discussed under Item 5.1

6.6 Staff Implications

An External Mechanism of the Provision and Operations of Parking Garages to be used as well as an External mechanism of operating open parking space. There would therefore be no impact on Municipal Staff

6.7 Risk Implication

The risk of inadequate parking and unhealthy components thereof, are reduced.

6.8 Previous / Relevant Council Resolutions:**6.8.1 Section 78(1) commencement**

12TH COUNCIL: 2017-09-27: ITEM 7.6.1**RESOLVED** (majority vote with abstentions)

- (a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;
- (b) that parking service delivery increase be based on the towns of:
 - i) Stellenbosch
 - ii) Klipmuts, and
 - iii) Franschhoek; and
- (c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.

<i>Meeting:</i>	12 th Council: 2017-09-27	<i>Submitted by Directorate:</i>	Engineering Services
<i>Ref no:</i>	17/2/3/6	<i>Author</i>	D Louw
<i>Collab:</i>	538693	<i>Referred from:</i>	Mayco: 2017-09-13

6.8.2 Section 78(2) Resolution

"16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.2

RESOLVED (nem con)

- (a) that this report be noted;
- (b) that Council notes the attached report on the providing of sufficient public parking;
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of the provision of sufficient parking have been complied with;
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to "after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).";
- (e) that Council formally proceeds to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism; and
- (f) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision."

6.9 Comments from Executive Management:**6.9.1 Director: Infrastructure Management**

Writer of this report

6.9.2 Director: Planning and Economic Development:

Meeting held with Directors on 1 November 2019

6.9.3 Director: Community & Protection Services:

Meeting held with Directors on 1 November 2019

6.9.4 Director: Corporate services

Meeting held with Directors on 1 November 2019

6.9.5 Chief Financial Officer

Meeting held with Directors on 1 November 2019

6.9.6 Municipal Manager

Meeting held with Directors on 1 November 2019

APPENDICES

ANNEXURE A: Providing bulk parking for Stellenbosch Municipality Section 78 (3) Report

ANNEXURE B: The Provision of Parking Facilities and Parking Management Services in Stellenbosch Municipality: Section 78 (1) Assessment

ANNEXURE C: Notice 21/2018 for Public Participation (Eikestad Nuus 12/7/18)

FOR FURTHER DETAILS CONTACT

<i>NAME</i>	<i>Deon Louw</i>
<i>POSITION</i>	<i>Director: Infrastructure Services</i>
<i>DIRECTORATE</i>	<i>INFRASTRUTURE SERVICES</i>
<i>CONTACT NUMBERS</i>	<i>021 808 4004</i>
<i>E-MAIL ADDRESS</i>	<i>Deon.louw@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>01 February 2020</i>

ANNEXURE A

**PROVIDING BULK PARKING
FOR
STELLENBOSCH MUNICIPALITY
SECTION 78(3) REPORT**



Contents

Chapter 1: Introduction	4
1. Introduction.....	5
Chapter 2: Executive Summary	8
2. Executive Summary.....	9
Chapter 3: Mobility Impact on Parking	11
3. Setting the Scene.....	12
3.1 The Need to Park.....	12
3.2 Parking Needs.....	15
3.3 Congestion of Major Routes.....	16
3.4 Parking vs Traffic Flow.....	19
Chapter 4: Parking Shortage & Congestion	21
4. Improving the Parking Shortage and Mobility.....	22
4.1 Controlling Flow of Traffic and Number of Parking Spaces.....	22
4.2 Controlling the Flow of Traffic with Curbing the Use of Vehicles.....	26
4.2.1 Non-Motorised Transport (NMT) Areas.....	26
4.2.2 Transit Oriented Development (TOD).....	29
Chapter 5: Parking Uses and Mode Switches	33
5. Parking Uses and Mode Switch.....	34
Chapter 6: Possible Parking Garage Positions	36
6. Possible Parking Positions.....	37
6.1 Existing Parking Venues.....	37
6.2 New Parking Possibilities.....	42
6.3 Assessment of Possible Parking Sites.....	45
Chapter 7: Legislative Requirements	49
7. Legislative Assessment.....	50
7.1 The Constitution, Act 108 of 1996, as amended.....	51
7.2 The Municipal Systems Act (MSA), Act 32 OF 2000.....	51
7.2.1 The MSA determines that the Legislative Process Followed to Alleviate Parking Congestion.....	51
7.2.2 Requirements of the Section 78(1) process.....	52
7.2.3 Section 78(1) Investigation.....	53
7.2.4 Section 78(2) Resolution of Council.....	54
7.3 Section 78(3), (4) & (5) of the MSA.....	54

7.3.3 Section 78(3) Investigations.....	56
Chapter 8: Conclusion	75
8. Conclusion	76
Chapter 9: Recommendations	77
9. Recommendations	78
Annexure B.....	83
Municipal Systems Act: Section 78(3)(a) Public Notice	83

Chapter 1: Introduction

PRINCIPLES OF URBANISM

<p>Walkability</p> <ul style="list-style-type: none"> Prohibition-friendly design Front porches Tree-lined streets 10-minute walk radius 	<p>Close Quarters</p> <ul style="list-style-type: none"> Interconnected street grid networks Narrow streets, sidewalks, and alleys 	<p>Mixed Use & Diversity</p> <ul style="list-style-type: none"> Live, work, shop within walkable blocks, and within buildings Diversity of people – of ages, income levels, cultures, and races 	<p>Mixed Housing</p> <ul style="list-style-type: none"> A range of types, sizes, and prices in close proximity
<p>Quality Architecture & Urban Design</p> <ul style="list-style-type: none"> Creating a sense of place Placement of civic uses and sites within community Human-scale architecture 	<h2>PRINCIPLES OF URBANISM</h2>		<p>Trailways/paths between structures</p> <ul style="list-style-type: none"> Public space or corner A range of uses & services within 10-minute walk Formal planning: highest benefits at front corner Choice mix of natural materials & urban settings
<p>Increased Density</p> <ul style="list-style-type: none"> Mixed buildings, residences, shops, and services close together A more efficient use of services and resources To create a more convenient, walkable place to live 	<p>Street Transportation</p> <ul style="list-style-type: none"> A network of high-quality mass transit connecting cities, towns, and neighborhoods Prohibition-friendly design that encourages a greater use of bicycles, roller skates, scoot cars, and walking as daily transportation 	<p>Sustainability</p> <ul style="list-style-type: none"> Minimal environmental impact of development and its operations Low-toxicity technologies & value of natural systems Energy efficiency Low use of fossil fuels More local production 	<p>Quality of Life</p> <ul style="list-style-type: none"> Place in sense of place Healthier spaces that contribute to well-being

1. Introduction

1.1 Mobility

Mobility in Stellenbosch is a challenge and generally not sustainable, given a 3% annual growth in population as well as the addition of 2,000 households per annum. We need to do things differently, recognising the need for an integrated approach across all modes. At the outset, a clear vision needs to be developed and embraced by the Stellenbosch Municipality as well as Stellenbosch University. In order to make meaningful progress and create a more sustainable environment, visionary leadership will also be required.

Cognisance needs to be taken of current challenges, specifically regarding

- Congestion along major arterials
- CBD circulation
- Parking availability
- Lack of public transport options
- Discontinuity in NMT infrastructure
- Universal Access

1.2 Transportation options & considerations

It is an accepted fact that the continuous provision of road infrastructure to primarily suit the private vehicle is not sustainable. However, a paradigm shift is required to change the way we think as both users and implementing authorities.

There are various form giving elements one has to consider – and then ensure that the various transportation elements are put in place in an integrated manner to improve viability of the individual components.

The various elements to consider and integrated in execution of actions, include the following:

Arterial management:

- Principle:
 - o Optimise flow of traffic through real time systems
- Continue to modernise and upgrade Urban traffic control and remote monitoring systems

Parking Management

- Principle:
 - o Provide Parking structures as physical form-giving nodes
 - o Develop a Municipal-wide parking application
- Enclose larger parking areas with self-measurement systems (recall research study showing linkage and first-order costs estimates)
- Parking intelligence – provides information regarding parking availability to enable a reduction in traffic circulation looking for parking. This intelligence should include parking availability for new structured parking areas, such as Eikestad Mall, larger enclosed parking areas, and on-street parking (through integration with current Spatial Plan).

- Consider differentiated parking (e.g. student long term parking, tenants daily parking, short term visitors to university or retail)
- Principle decisions need to be taken e.g. by the University regarding ownership of vehicles by students – which has a direct link to parking demand.

Public Transport options:

- Principle:
 - o Develop public transport options for CBD circulation
- External Public Transport should largely terminate at e.g. structured parking nodes (e.g. from Paarl, Somerset West, Kuilsriver etc)
- CBD circulation options should be provided from these parking nodes
- CBD circulation should also be devised as to linking the main attractors
- Devise a role for the local minibuss taxi operators

Non Motorised Transport(NMT) (Microtransit)

- Principle:
 - o Plan for and embrace the specific role of micro transit and the last mile transport options
- E-scooters – ensure that bylaws are in place. Consider relevant infrastructure e.g. bicycle lanes, storage areas (also at structured parking areas), as well as law enforcement aspects
- E-vehicles – consider role of slightly larger vehicles such as “mellow cabs”.
- Provide micro-transit options as provision of mobility from and between form-giving elements i.e. movement from structure parking into town, as well as circulation in town.

Land use

- Pedestrianisation of areas
- Closing off or limiting access to certain parts (Town or campus). Prohibit student parking – which will result in higher demand at structured parking.

Transportation Data Centre

- Principle:
 - o Consider a data and operations centre for monitoring and managing mobility
- Develop the framework for a future Mobility-as-a-Service (MaaS) operator
- Partnership with the Stellenbosch Smart Mobility Lab(SSML) in monitoring and developing the “living laboratory” environment
- Consider secondment to SSML for general support, and continuous development of Stellenbosch Network model.

There is nothing new about all that is being listed above. However, the success of addressing these components depends on all of these pointing back to the same principles and “big picture”. A depiction of what one is trying to convey, is provided below. Furthermore, phased implementation is most certainly a reality – however, if some of these interventions are not executed in parallel, it cannot be successfully implemented (i.e. the carrot and stick need to be introduced simultaneously – albeit in phases).

The vehicle to attain this, must surely be the Integrated Transport Plan (ITP) as component of the IDP as well as the Spatial Development plan (SDF).

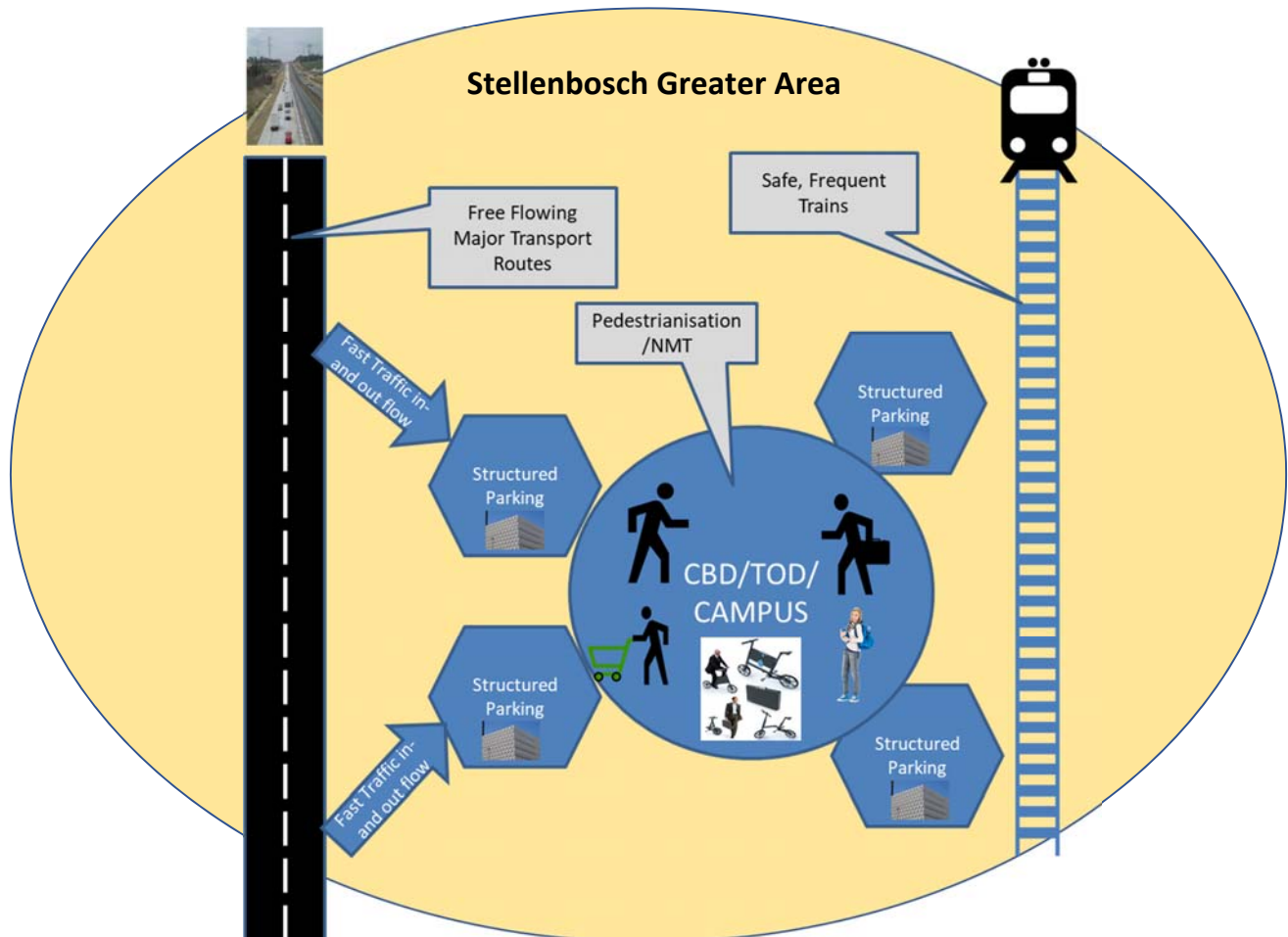


Fig.:1.1 Conceptual depiction of form giving elements

More on parking approach

- Consider overall policy (and future policy/ies) to estimate demand
- Convert to peak hour demand
- Superimpose on network and determine regional impact/distribution. Assumptions need to be made w.r.t. Origin and Destination. Code into existing demand model
- Do assignment for peak periods to determine regional distribution and ability of regional road network to accommodate redistribution of trips
- Consider impact of new parking structure/s on immediate environment
 - Ensure adequate access to mobility route/s
 - Ensure sufficient access points into building to ease traffic circulation in vicinity of structure
- Traffic analysis therefore at two levels:
 - Regional demand model (e.g. exiting Emme/4 model)
 - Local traffic analysis on intersections in immediate vicinity

Chapter 2: Executive Summary



2. Executive Summary

Council has commenced with the upgrading of parking provision. Due to service of parking provision being a Local Government Competence in terms of The Constitution a Section 78 Assessment process needs to be followed. Council has commenced with the Section 78(1) approach and in February of 2018 Council has decided to also look at the provision of parking via an external mechanism due to the high costs involved in provide parking garage type parking.

The Section 78(3) process is now complete and the following deals with the assessments of External Mechanisms of Parking provision.

It is however very important to note that parking is firmly integrated with various other transport related functions to be provide, which includes, Traffic Flow management, Public Transport Creation and Management, Non-Motorised transport such as walking, cycling, wheel chair transport and small wheel methods of transport such as role skates, skateboard, scooters and lastly also creating areas which promotes walking rather than using vehicles such as the Transit Oriented Development areas. The provision and sizing of parking relies heavily on the speed at which cars can park and leave again and the proximity of parking with, as many as possible, other modes of transport.

In the assessment of providing parking through an external mechanism, the placement and quantity of parking has been seriously considered. In addition, it is important that the speed of absorption of vehicles is of primary importance to negate traffic jams in especially primary routes such as Bird -, Dorp and Piet Retief streets. The cost of parking is very high and the provision of the average parking bay within a parking garage is estimated at R150 000 per vehicle. Parking Garage are chosen due to the smaller footprint of such a parking mechanism.

Assessments have indicated that the provision of Parking Garages through an external mechanism such as a private company through a Build, Own, Operate and Transfer (BOOT) mechanism takes away most of the Risk from the Municipality and also provide parking at a reasonable cost to the public.

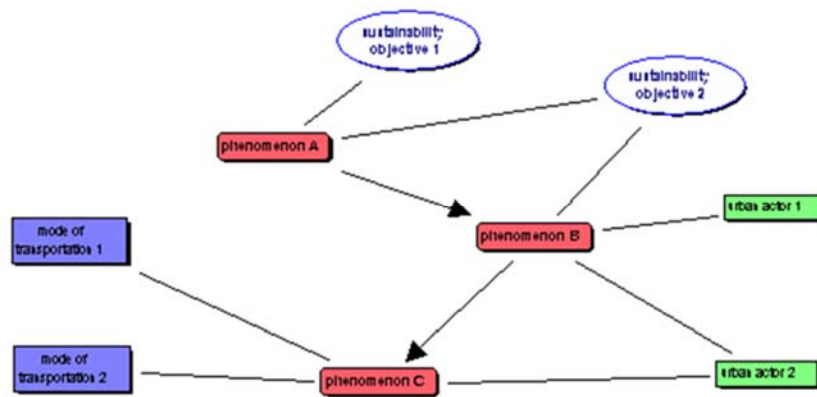
It is therefore proposed that Parking Garages be provided through an External Mechanism at or near Van der Stel and at Techno Park. This has been chosen due to speed of absorption of vehicles required and close proximity to various public transport facilities in the case of Van der Stel, and the severe lack of public transport at Techno Park, but still an important parking provision hub in future.

It is further proposed that were open one level of parking is to be provided, extended or formalised, that this be done on an internal mechanism.

If Council so decides, then the next step for the services being provided through an external mechanism would be to draw up a Service Deliver Agreement in terms of MSA Section 80. This has to be taken through a public participation process. When formally accepted a bidding process will be conducted to obtain a preferred service provider. Once all detailed of providing such a service, the preferred service provider will then build the parking garage, own this, operate this and transfer this to Council after a proposed period of 20 years.

Council further provide more parking at centre points to the CBDs and University, but that it be noted that the number and position should be carefully chosen since the parking spaces needed, will probably reduce if the other forms of mobility is needed. In this sense it is proposed that the Eikestad Mall parking be enlarged and that certain existing single layer parking be upgraded and a few new one supplied. These should however be placed on the periphery of the CBD and the University.

Chapter 3: Mobility Impact on Parking



3. Setting the Scene

3.1 The Need to Park

Parking has become a huge problem due to high shortage of parking within Stellenbosch. Parking is however not a problem on its own as parking forms an integral part of the mobility of people to and from Stellenbosch.

Parking forms the portion of mobility where vehicles are in rest between trips. The vehicle is parked at homes and must travel from time to time. Where it travels to, would again be a place where it is to park.

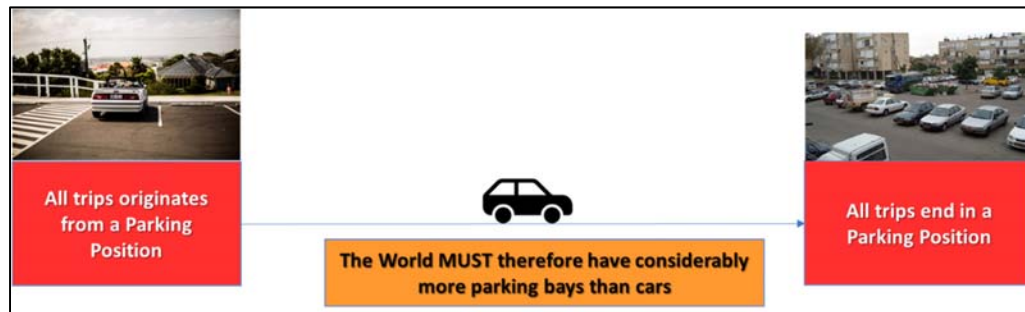


Fig. 3.1 All vehicles need to park at its origin and must park at the end of its trip

Parking is therefore very necessary for the operation of vehicles. Parking places are created in terms of need to travel with cars to certain destinations. The destination parking is however a function that relates with:

- Availability of Public Transport
 - Trains
 - Busses
 - Taxis
- Ability to use Non-Motorised Transport (NMT)
 - Walking
 - Cycling
 - Small wheel transport (Skateboard, role skates, scooters)
- Mode of town layout such Transit Orientated Development (TOD) where living and working is placed as close as possible to make walking the preferred mode of transport.

All of the above modes of transport together with long distance travel are therefore interrelated. If sedan vehicles are primarily used, then large amounts of parking are needed. If Public Transport is available, then less parking will be needed and equally so with TOD and NMT.

Figure 3.2 depicts the interrelationship of parking and modes of transport.

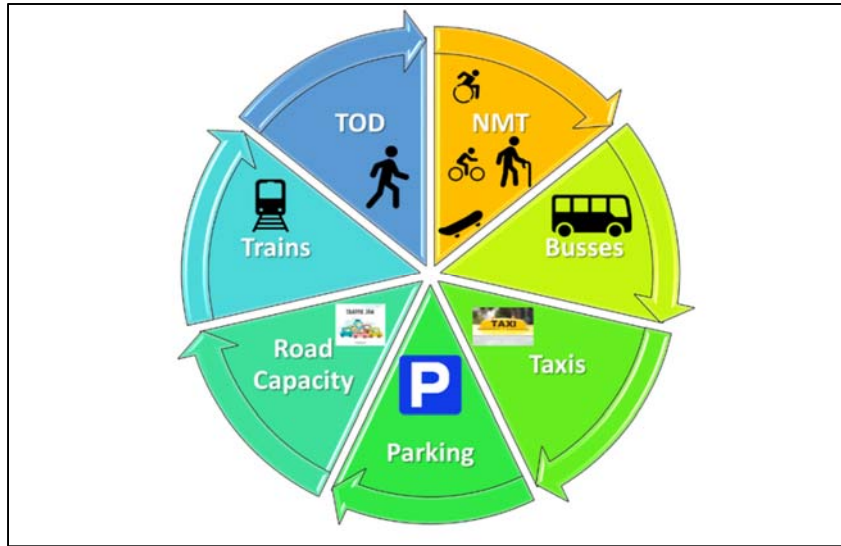


Fig. 3.2 Parking Interrelationship with Modes of Transport

Stellenbosch Municipality therefore suffers with more than one mode of transport problem. There is clearly a huge shortage of parking in relation to the vehicles visiting Stellenbosch, but parking is needed for the number of vehicles visiting Stellenbosch.

Modes of Transport	
Pedestrian	
Motor Vehicle	
Non Motorised Transport (NMT)	
Public Transport	

Fig. 3.3 Various modes of Mobility

Table 3.1: Mobility Mode Changes

Nr	Change Movement from	Change Movement to		
1	Pedestrian	Sedan Vehicle	NMT	Public Transport
2	Sedan Vehicle	NMT	Public Transport	Pedestrian
3	NMT	Public Transport	Pedestrian	Sedan Vehicle
4	Public Transport	Pedestrian	Sedan Vehicle	NMT

There is therefore also more than one way to solve parking problems:

- Provide more parking
- Reduce the incoming vehicles
- A bit of both

The number of parking spaces needed would therefore be related to the number of people using roads to: work -, tourism -, and study opportunities, the effectiveness of public transport, closeness of residences. The resultant vehicles entering Stellenbosch must therefore be in balance with the number and positioning of parking spaces provided.

From the words of Wilber Smith Associates mentioned at their San Diego Office:

“The parking structure itself must also fit in <with the surrounds of Stellenbosch> and must be:

Consumer and landscape friendly.

Parking needs to accommodate patrons in a logical and easy to-understand manner. It needs to be close to primary destinations, easy to get to, and easy for patrons to navigate and park within.

Good neighbour.

A parking facility needs to fit well with the surrounding environment. The facility should complement existing land uses and not detract from other neighbourhood uses. It should be compatible with the existing municipal infrastructure and have a minimal adverse impact on local traffic conditions.

Operationally efficient.

A good site will have dimensions that allow a facility to be built with good parking efficiency, that is, minimal space taken up by aisles and other non-parking areas. Ingress and egress will be logical and efficient. Net gain in parking spaces relative to cost is also important.

Ease of implementation.

A site that has multiple owners, unwilling sellers, etc. is not desirable. Ideally, the site will involve the parking entity or one property owner who is willing to sell will own a site. Good sites have little environmental clean-up and/or other issues that will delay construction.”

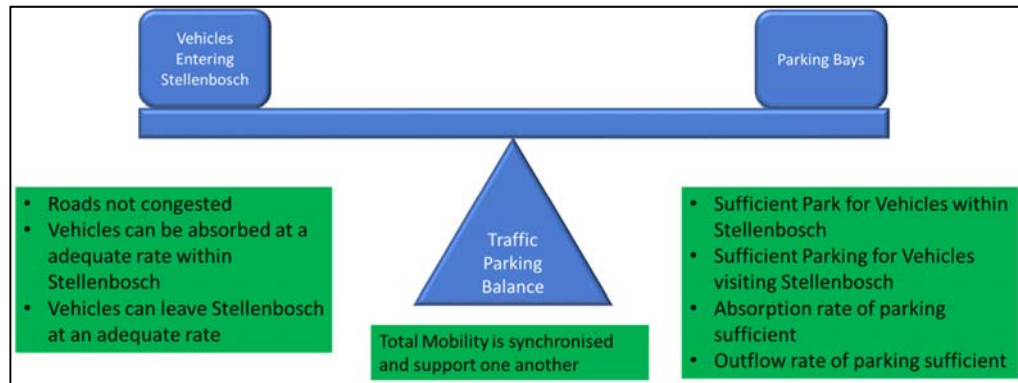


Fig 3.4: Vehicle Flow and Effective Parking must be in balance.

3.2 Parking Needs

The town of Stellenbosch has also grown considerably in the past 45 years and parking, which was already a problem in 1970, has become steadily worse as time has progressed. Various solutions have been put in place, all of which has now reached capacity and all of which are in need of upgrading namely.

The availability of parking within the majority of the Stellenbosch Demarcated Urban Area has become a huge problem and it has become necessary to create additional parking through various methods.

Various factors contributing to the parking shortages are:

- a. The University currently teaches about 28 000 students of which about 33.3% do not stay in Stellenbosch but commute from outside of Stellenbosch. These students would therefore need parking every day that they travel to Stellenbosch. The remaining 66.7% of students would also need parking but can also be accommodated at university residences or at private residences where students are been lodged.
 - 8000 students stay within Stellenbosch University residences
 - 8000 students stay within Stellenbosch Private residences.
 - 8000 students travel to Stellenbosch from home daily
- b. It is estimated that some 80% of staff, working in Stellenbosch, such as Stellenbosch Municipality, Techno Park, Stellenbosch University and many other businesses, live outside of Stellenbosch and commute to Stellenbosch on a daily basis. The number of people travelling to Stellenbosch is estimated to travel in about 5000 vehicles per day.
- c. It is further estimated that some 5000 vehicles, of the permanent resident public, commute within Stellenbosch on a daily basis.

The above vehicle flows would therefore mean that 34 000 parking spaces would be needed, either at residences or at offices or at the university.

The following graph shows the estimated parking needs, from a Municipal and University perspective, in other words the parking spaces for vehicles at work, university, shops or other destinations.

Table 3.2: Parking Space Needs

Class	Parking Spaces
Techno Park Informal	1 700
Techno Park Formal	700
Stellenbosch Municipal Informal	2 200
Stellenbosch Municipal Formal	10 000
University Informal	5 800
University Formal	1 900
Total Global Parking Spaces Needed within the Greater Stellenbosch Area at current Vehicle Flow	9 700
Total Existing Parking Spaces	12 600

3.3 Congestion of Major Routes

The following figures shows the major routes into Stellenbosch Town and indicates the congestion:

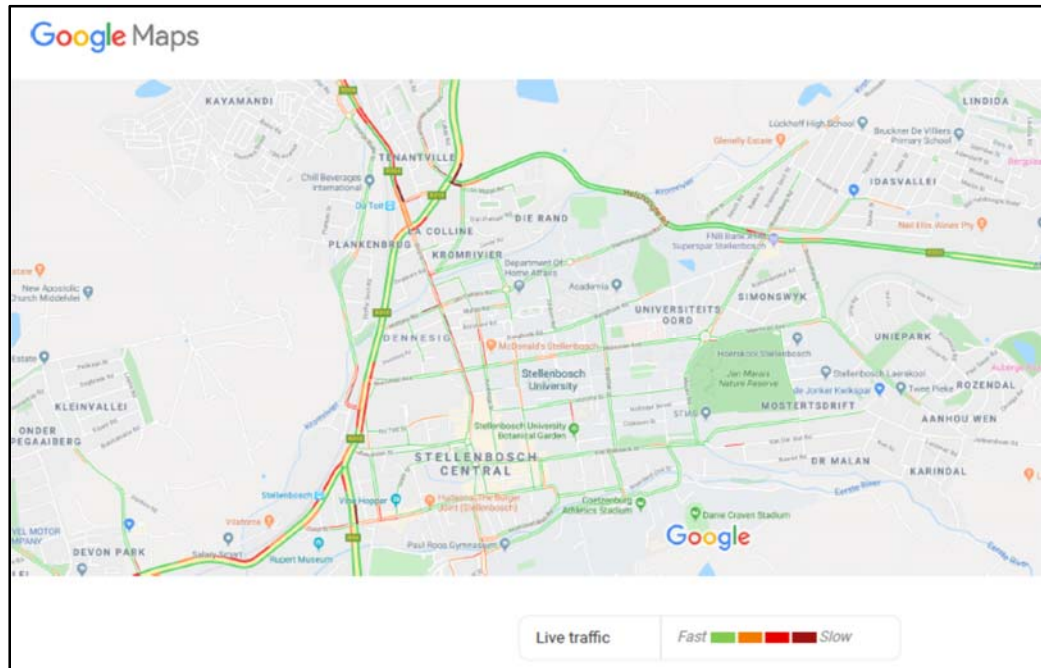


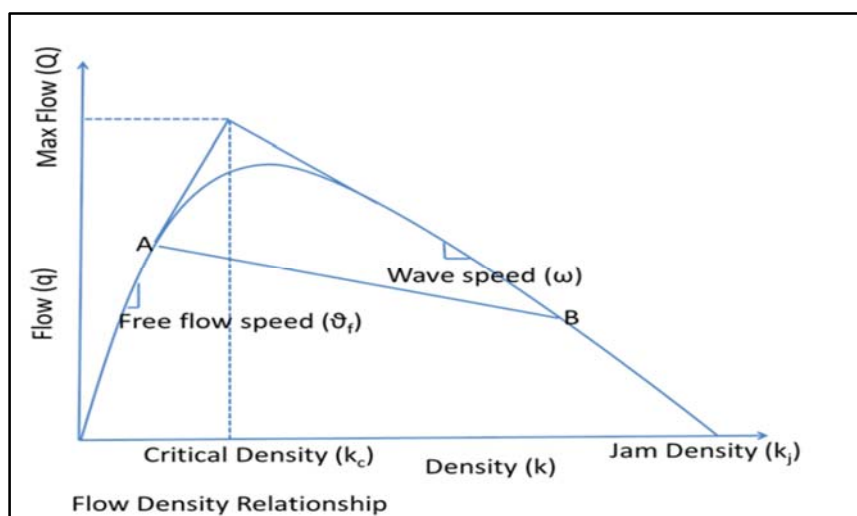
Fig. 3.5 Major Traffic Routes and Problematic Traffic Congestion

As can be seen in figure 3.5, the traffic flow on a typical weekday is largely congested. The figure shows congestion of the major routes as well as minor routes due to absorption speed of current parking facilities and areas

Table 3.3: Trip Generations by Various Population Groups

Nr	Community Section Creating Traffic	Amount	Travelling from	Travelling To	Estimated Number of trips per day on Major Routes	% Impact
1	Students living in University Residences	8 000	University Residence	University/ CBD	1 000	2.2%
2	Students living in Private Residences within Stellenbosch	8 000	Private Residence within Stellenbosch	University/ CBD	4 000	9.0%
3	Students living outside of Stellenbosch	8 000	Outside of Stellenbosch	University	10 000	22.4%
4	Inhabitants of Stellenbosch	21 000	Stellenbosch Surroundings	CBD	10 000	22.4%
5	Company Staff living outside of Stellenbosch	5 000	Outside of Stellenbosch	Stellenbosch	10 000	22.4%
6	Driving through Stellenbosch	4 800	Outside of Stellenbosch	Outside of Stellenbosch	9 600	21.5%
	Total Trips per weekday				44 600	

In understanding the flow of traffic upon a road the following typical graph/curve indicates how the flow of traffic reacts with relation to traffic density.

**Fig. 3.6 Flow of Traffic versus Flow Density**

As can be seen above, when the flow density is at point A, there is a free flow of traffic and traveling speed is not necessarily impacted by other traffic on the road regardless of the speed of other vehicles. Vehicles travelling at speed limit can be easily accommodated.

If the road is congested and point B is reached, then it can be seen that the vehicle now goes slower and has no room to move quicker. If the density further increases, then grid lock situation occur and finally stop at the “Jam” point.

The Stellenbosch Traffic density frequently reaches the B side of the curve during weekday peak hours, 07h30 to 08h30 and 16h00 to 18h00. Extra high density of traffic is reached on Monday mornings as well as Friday afternoons.

Referring to figure above a typical road such as the R44 should have free flowing traffic with vehicles being able to move at comfortable speed. At a certain point of traffic density, a peak of speed is reached, where after the average speed of vehicles starts to reduce and this worsens as the vehicle density increases.

With reference to the R44 this can be clearly seen within school and university holidays when the density of traffic is reduced. It then becomes quite comfortable to drive on the R44 during this period. On the other hand, it is also true that during school and university in-session times, a Monday morning peak as well as a Friday afternoon peak the traffic flow reaches nearly a jammed situation.

3.4 Parking vs Traffic Flow

As mentioned earlier, there are various ways of rectifying parking needs, which could be increasing the parking space, or reducing traffic inflow, or a bit of both.

There are also some other problems related to effective parking. In order to allow the traffic flow on major routes to be at the maximum possible speed, we need to ensure that the roads leading to bulk parking spaces are able to effectively handle the flow of traffic towards parking spaces as well as away from parking spaces. We can have the best and biggest possible parking facilities, but if the facility does not have the road capacity to allow vehicles through at the right pace then we will still sit with traffic congestions.

Equally the parking space itself must be able to absorb traffic at a minimum rate. There should be enough entrances and exits. The parking payment systems should be such that parking places can be rapidly filled and vacated.

The following figure demonstrates this effect:

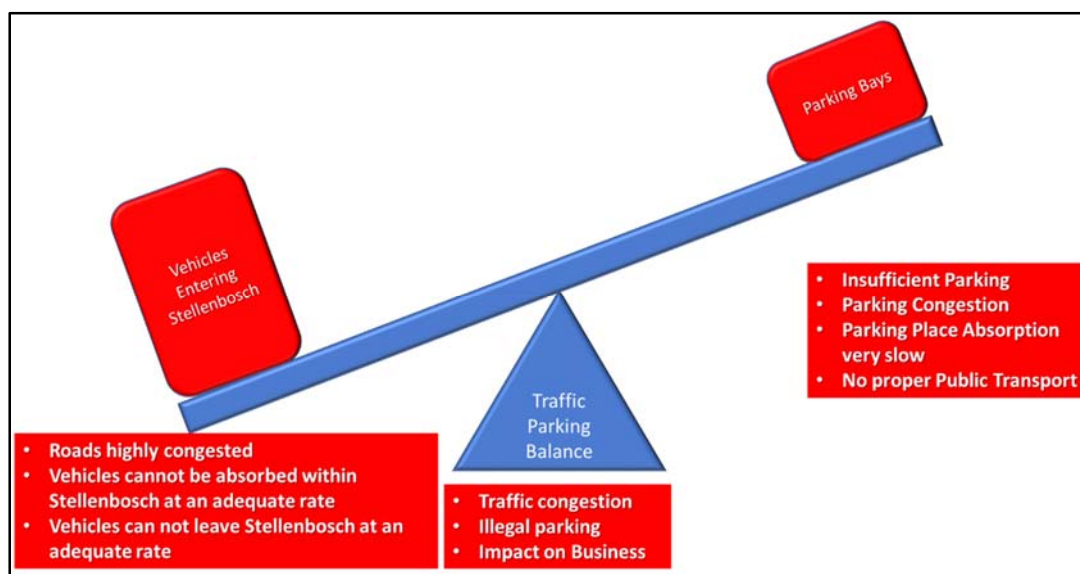


Fig.3.7 Current state of Parking and Traffic Flow within Stellenbosch

It is apparent that:

- Far too many vehicles enter Stellenbosch with too little formal parking spaces available within key areas within Stellenbosch.
- Some vehicles need to search for parking spaces and thereby reducing speeds in minor roads even more.
- Vehicles in minor routes cannot reach parking spaces fast enough to prevent congestion on main routes.
- Vehicles cannot enter parking spaces fast enough to prevent congestion on minor routes

Chapter 4: Parking Shortage & Congestion



4. Improving the Parking Shortage and Mobility

4.1 Controlling Flow of Traffic and Number of Parking Spaces

Various discussions have been held with the University, Provincial Government and other role-players.

Currently there not enough parking to cater for vehicles entering Stellenbosch. There could therefore be a few solutions:

a. Providing sufficient parking for the current number of vehicles entering Stellenbosch

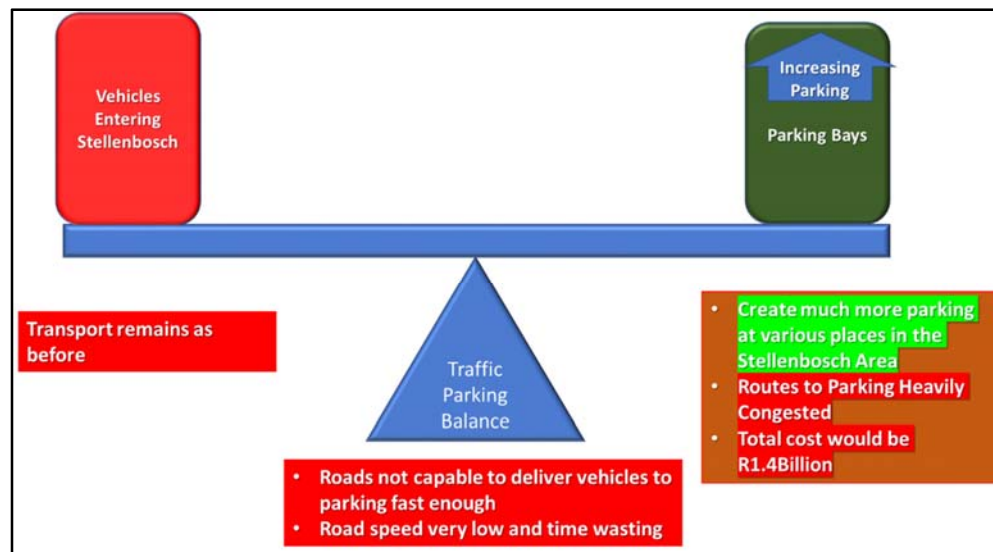


Fig. 4.1 Increasing Parking to match the Traffic entering Stellenbosch

This approach will provide enough parking but will not solve much.

The problems with this approach are:

- The amount of traffic entering Stellenbosch finds it difficult to reach the current parking spaces through the minor roads with specific reference to the current positioning of bulk parking
- Current Roads are not designed to cater for this traffic and most often the historical nature of Stellenbosch makes it very difficult to increase the capacity of minor roads, such as historical side irrigation canals in place. These roads, if changed, will immediately have a negative impact on the public opinion.
- The current estimated number of parking to be provided is 9 700 to cater for all places where vehicles are currently parking illegally. The rectification of this situation is the responsibility of both the Municipality and of the University. Such enormous parking requirements will have to be provided in a parking garage format of multiple layers so as to limit the horizontal space taken up by these garages.

- Vehicle parking space within a Parking Garage format is estimated at R150 000 per parking space. The total cost of 9 700 parking spaces will amount to R 1. 4 billion.

b. Reducing the number of vehicles entering Stellenbosch Municipality

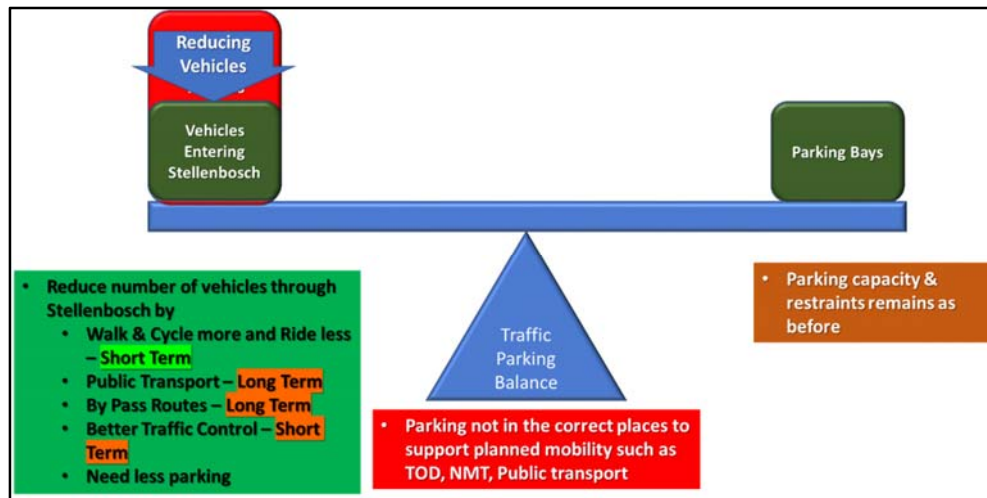


Fig. 4.2 Reducing the Traffic Flow entering Stellenbosch to match the Current Parking

This solution will have a lot more advantageous:

- Much less traffic will enter Stellenbosch if:
 - Public Transport is safe and advantageous to use
 - Travelling in groups
 - Building By-Pass routes

Problems with this solution are:

- Many of the solutions are outside of the control of the municipality, such as providing efficient Public Transport in the form of rail transport or building a by Pass route to allow vehicles not stopping in Stellenbosch to bypass the Stellenbosch Central Business District (CBD).
- Note the whole idea is to get the same amount of people visiting Stellenbosch to share transport such as per public transport, co-sharing.
- Another way to lessen the working staff and students coming to Stellenbosch would be to create housing within Stellenbosch to cater for the needs of this class of person. One such approach would be making use of Transit Oriented Development (TOD)

c. Somewhat reducing traffic and somewhat increasing parking

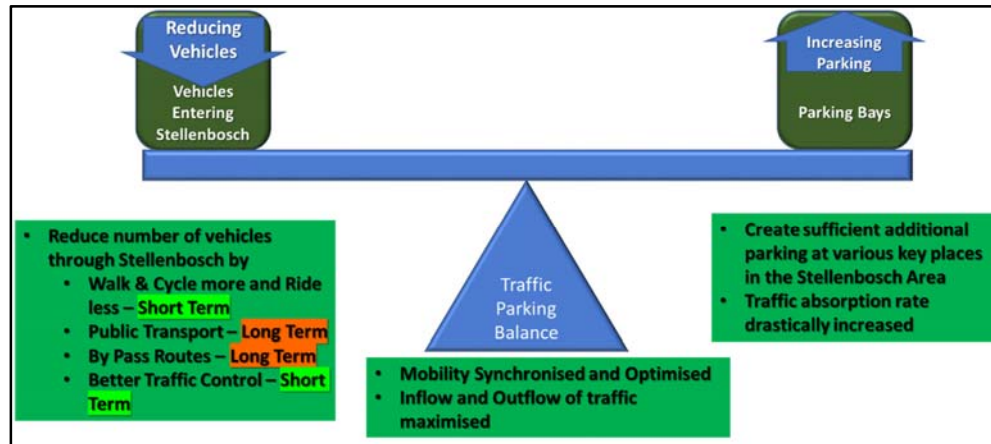


Fig.4.3 Somewhat reducing traffic and somewhat increasing parking

In this scenario the traffic entering Stellenbosch is lowered by utilising controls within the grasp of the Municipality:

- Introducing TOD
- Better Traffic Signalising synchronisation control
- Introducing better localised Public Transport such as Taxis, Bus Service and micro transport
- Promoting NMT by creating Cycle Tracks, Pedestrian Walkways (reducing vehicle flow on minor roads)
- Promoting shared eBikes and eScooter services
- Building a percentage of parking space needed at positions where a number of transport modes are available such as near Train Stations, Taxi Ranks, Bus Stops etc. Also positioning such Parking that vehicles are drawn direct from mayor routes and then also delivering vehicles direct on the major routes.

It has been established that the provisional creation of additional parking cannot be looked at on its own, but that various forms of mobility must be looked at as well.

The general direction of discussions between Stellenbosch Municipality and the University has also indicated a preference to curb vehicular traffic in the University Core and to promote None Motorised Traffic (NMT) in this core.

The same is planned for the CBD of Stellenbosch Town.

d. Methods of Reducing Traffic.

There are various ways of finding a solution of managing the traffic volumes upon our major routes:

- Increasing the size of the Provincial Routes R44/R304/R310 –

This is generally possible on those parts outside of built up areas but is very expensive. These roads also belong to Provincial Government and it generally takes a long time to achieve. Within built up areas space would be a problem

and the speed limit having to be enforced would be problematic. Add to this a historical town such as Stellenbosch and the keeping to the historical nature becomes a big concern.

- Western By Pass –

Another solution is to create a Western By-Pass diverting traffic away from the current R44 at the Andersen Road intersection on the Somerset West side, moving over the R310 on the western side of Stellenbosch and merging with the R304 at the Welgevonden crossing. Tests have shown that about 15% of the current traffic driving upon the R44/R304 can be reduced. Note that the amount of traffic diverted seems too small to warrant a change, but it is noted that all of the solutions offered have similar offered improvement. It must be noted that a combination of solutions will have to be sought.

- Building a Link from Techno Park to the Adam Tas (R310) Road close to the landfill site. –

This solution is already being attended to and involves a road to be built from the current Techno Park to a point on the R310/Adam Tas Road. It is estimated that 80% of staff currently working at Technopark would rather make use of this road and thereby drastically reducing the number of vehicles on R44 from Stellenbosch CBD to Techno Park. 80% of traffic diverted from R44 will equate to approximately 2000 vehicles and about 12% of the total traffic on the R44

- Transit Oriented Development (TOD) –

One huge problem at Stellenbosch is the very high difference/polarisation between the rich and the poor. It is estimated that as much as 70% of all employees working within Stellenbosch reside outside of Stellenbosch.

There are very expensive developments and also very poor sections. There is space for students, but very little housing opportunities for the middle class. The TOD is proposed to create a housing scheme within this category. It also envisaged a methodology of allowing homes to be close to work, such that the use of vehicles will be minimised. It also endeavours to attract the middle class to move to Stellenbosch, thereby drastically reducing the number of vehicles on approach roads.

- Non-Motorised Transport (NMT) –

This solution endeavours to cause public to use other forms of transport such as walking, riding bicycles, and forms of small wheel transport (skate board, scooters. Roller skates etc). It essentially removes the final part of transport to a destination. Through this solution it is attempted to create a vehicle free CBD as well as a vehicle free main university campus.

- Public Transport-

Currently the quality and quantity of transport by trains are very low and untrustworthy. As a result, cars are favoured above trains. By increasing the quality, quantity and reliability of trains, a huge quantity of vehicles can be taken of the Stellenbosch main routes. It is estimated that a working train system will be able to deliver 3000 passengers per hour to Stellenbosch at peak times. If properly used this would have a reasonable reduction of vehicles travelling to and from Stellenbosch.

4.2 Controlling the Flow of Traffic with Curbing the Use of Vehicles

The methods, under the control of the Municipality, of curbing the number of vehicles are

- NMT
- TOD

4.2.1 Non-Motorised Transport (NMT) Areas

Non-motorized Transportation (also known as Active Transportation and Human Powered Transportation) includes Walking and Bicycling, and variants such as Small-Wheeled Transport (skates, skateboards, push scooters and hand carts) and Wheelchair travel. These modes provide both recreation (they are an end in themselves) and transportation (they provide access to goods and activities), although users may consider a particular trip to serve both objectives. For example, some people will choose to walk or bicycle rather than drive because they enjoy the activity, although it takes longer.

There are strong suggestions from the University to create NMT areas within the two campuses. The general part of Campus and the Engineering part of Campus

- a. The following indicates a proposal of creating a Campus 1 NMT area, where no vehicles will be allowed but only NMT:

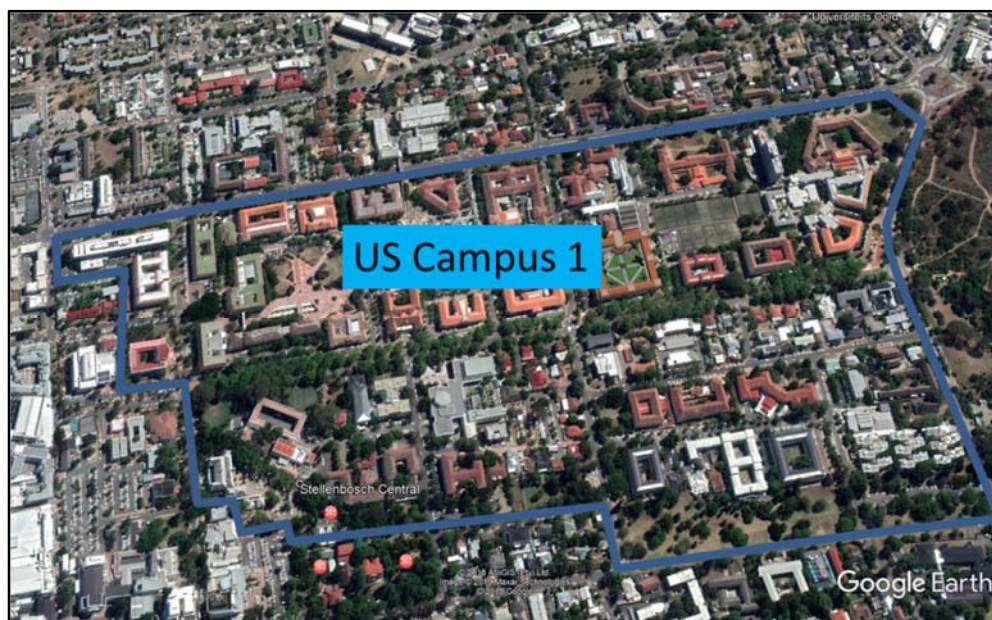


Fig.: 4.4 Campus 1 NMT Area

This area is roughly bounded by the following routes:

- Merriman from Andringa to JS Marais
 - JS Marais from Merriman to Van Riebeeck
 - Van Riebeeck from JS Marais to Bosman
 - Bosman from Van Riebeeck to Murray
 - Murray from Bosman to Southern Boundary of Harmony Residence
 - Boundary line from Southern part of Harmony Residence to Southern Boundary of US Museum
 - Ryneveld from Museum to Victoria
 - Victoria from Ryneveld to Andringa
 - Andringa from Victoria to Merriman
- b. The following indicates a proposal of creating a Campus 2 NMT area, where no vehicles will be allowed but only NMT:



Fig.: 4.5 Campus 2 NMT Area

This area is roughly bounded by the following routes:

- Hammanshand from Joubert to Launchlab entrance
- Launchlab Entrance to Kromme River
- Kromme River from Launch lab to Helshoogte Road.
- Helshoogte Road from Kromme River crossing to Fire Station Boundary.
- Fire station Boundary from Helshoogte to Banghoek
- Banghoek from Fire station boundary to Joubert
- Joubert from Banghoek to Hammanshand

- c. The following indicates a proposal of creating a CBD NMT area, where no vehicles will be allowed but only NMT



Fig.: 4.6 CBD NMT Area

This area is roughly bounded by the following routes:

- Plein from Bird to Drostdy
- Drostdy from Plein/Van Riebeeck to Dorp
- Dorp from Drostdy to Bird
- Bird from Dorp to Plein

4.2.2 Transit Oriented Development (TOD)

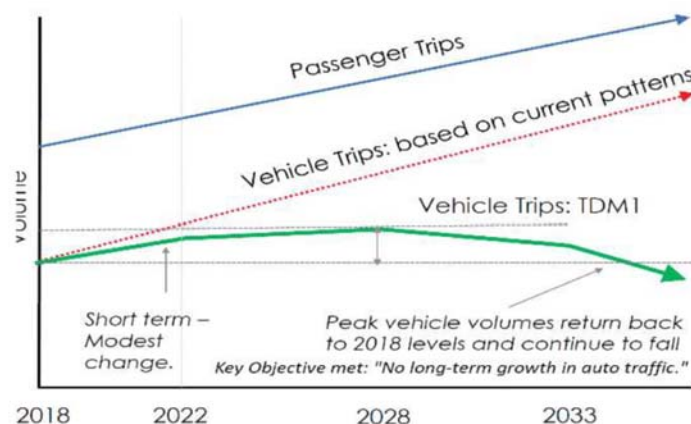
In urban planning, a transit-oriented development (TOD) is a type of urban development that maximizes the amount of residential, business and leisure space within walking distance of public transport. In doing so, TOD aims to increase public transport ridership by reducing the use of private cars and by promoting sustainable urban growth.

A TOD typically includes a central transit stop (such as a train station, or light rail or bus stop) surrounded by a high-density mixed-use area, with lower-density areas spreading out from this centre. A TOD is also typically designed to be more walkable than other built-up areas, through using smaller block sizes and reducing the land area dedicated to automobiles.

There is currently an area earmarked for the so-called Adam Tas Corridor. This area taken up in the SFD is to comprise of the following:

“Conceptually, the Adam Tas Corridor is the focus of new town building, west of the old Stellenbosch town and central business district (CBD). The “seam” between the new and old districts comprises Die Braak and Rhenish complex, which can form the public heart of Stellenbosch town. The CBD or town centre in itself can be improved, focused on public space and increased pedestrianism. A recent focus on the installation of public art could be used as catalyst for further public space improvements. Other infill opportunities also exist in Stellenbosch town, specifically in Cloetesville, Idas Valley, Stellenbosch Central, along the edges of Jamestown. There are also opportunities to change the nature of existing places to become more “balanced” as local districts.”

The whole application of all the solutions mentioned above is to achieve the following as explained in the SDF:



The following is a visual version of the Adam Tas Corridor:

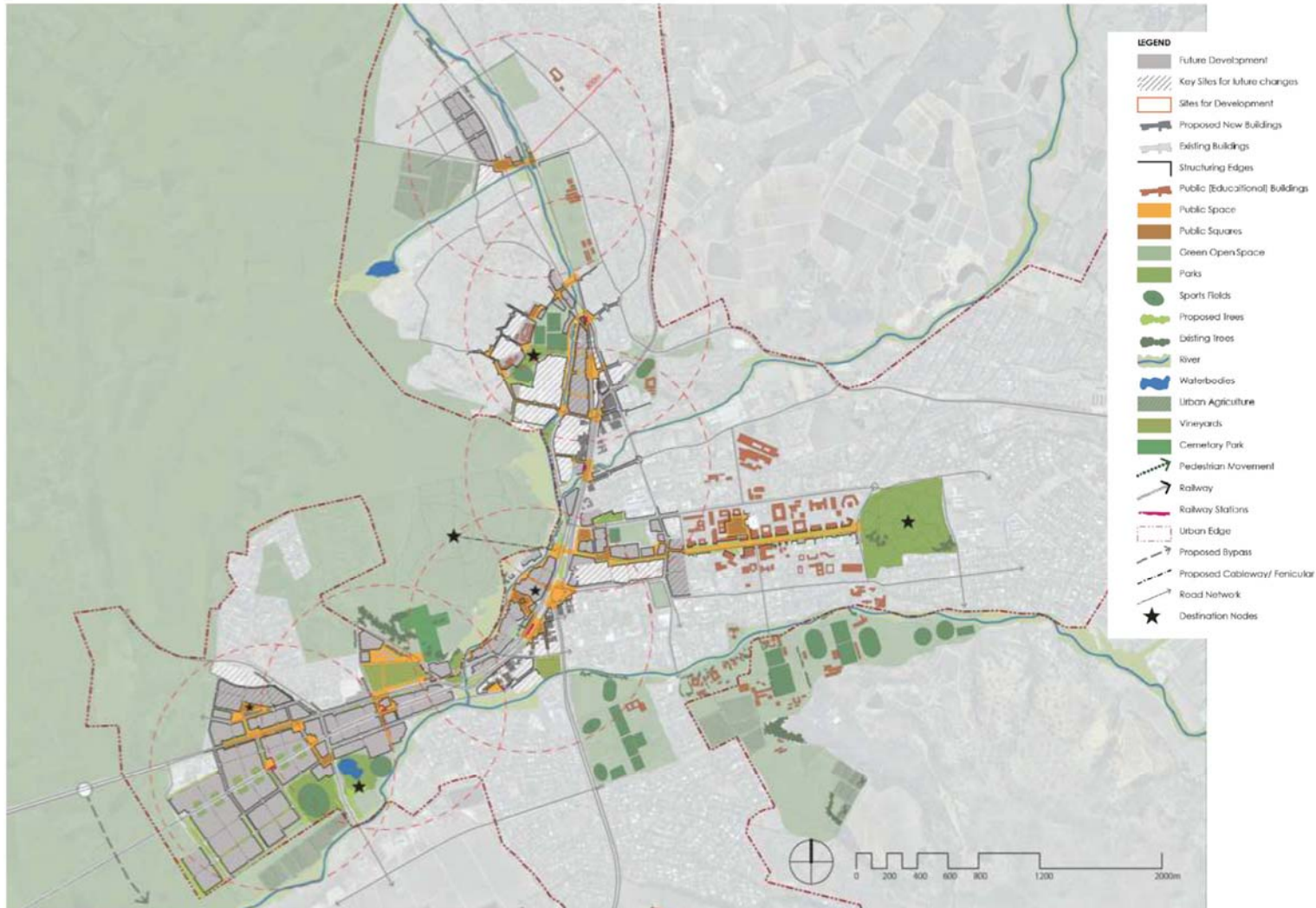


Figure 54. Adam Tas Corridor Concept

a. Stellenbosch Northern Section

The following indicates a proposal of creating an Initial TOD Northern area, where walking will be encouraged, and vehicles discouraged:



- R44/Adam Tas from Merriman to Kromme River Crossing
- Kromme River from R44 Crossing to Boundary between Phyllaria Flats and CSIR
- Phyllaria Flats/CSIR boundary from Kromme River to Hammanshand
- Hammanshand from Phyllaria/CSIR boundary to Ryneveld
- Ryneveld from Hammanshand to Southern Boundary of Department of Internal Affairs and the Traffic Station
- Southern Boundary of Department of Internal Affairs and the Traffic Station from Ryneveld to Joubert
- Joubert from Traffic Station to Merriman
- Merriman from Joubert to R44/Adam Tas

b. Adam Tas Corridor

The success of Stellenbosch as a primary tourism, business and residential destination linked to its heritage and the wine industry, as well as, its university town status and the institution's recent growth, has resulted in significant development pressure being placed on the infrastructure of the town. These conditions, however, also present significant development opportunities for the re-imagining of the role of the town and for the spatial restructuring of the town.

Attached to the above development is also the drive to reduce the use of formal vehicles in favour of Public Transport and NMT

The following indicates a proposal of creating a TOD Adam Tas Corridor, where walking will be encouraged, and vehicles discouraged.



Fig.: 4.8 Adam Tas TOD Corridor

The proposed demarcated specific areas to be included in a TOD area the following:



- the Stellenbosch and Du Toit Rail Stations
- PRASA land holdings along the R44 corridor
- George Blake Road
- the Van Der Stel Sports Complex
- the Bergzicht Taxi Rank and Informal Traders Area
- Open Space parcels around R44/Adam Tas Road

Chapter 5: Parking Uses and Mode Switches



5. Parking Uses and Mode Switch

The following indicates how the utilisations of various modes of transport can reduce the current vehicles travelling on roads to, within and from Stellenbosch. The table also indicates an estimated number of vehicle trips that can be removed from traffic flow problem within major routes

Nr			Estimated Amount cars involved	Estimated Number of trips saved	
1	People using public transport to leave and return to Stellenbosch by parking centrally then using Public Transport		4000	8000	Cars diverted from Major routs outside of Stellenbosch
2	People traveling from within Stellenbosch, parking closer to work/University and thereafter walking to work/university and the opposite when returning		5000	10000	Cars diverted from the CBD and University of Stellenbosch

3	Utilising TOD process and parking within a garage on a long term basis		1000	2000	Cars diverted from all routes
4	People traveling from outside of Stellenbosch, parking closer to work/University and thereafter walking to work/university and the opposite when returning		3000	1000	Some CBD routes saved

Also note how the SDF sees the Mobility issues:

No.	Road	Road Name	Current Provision			Extend Provision for..				Future Corridor Development	
										Transport	Land Use Activity
1-2	R44	Strand Road								Road based formalised public transport priority route.	Limit / prevent new development. Scenic Route
3-7	R310	Baden Powell								Rail and road high capacity primary public transport priority route	Encourage compact, mixed use, redevelopment and contained growth at the specific nodes
8-10	M12	Polkadraai Rd								Road based formalised public transport and P&R priority route.	Mobility Route. Limit / prevent new development.
11	M23	Bottelary Rd								Road based formalised public transport priority route.	Compact, mixed use, redevelopment and contained growth at Koelenhof & Devenvale.
12-14	R304	Malmesbury Rd								Road based formalised public transport and P&R priority route.	Encourage compact, mixed use, redevelopment and contained growth at Koelenhof node & R304-R101 node (Sandringham & Joostenburg)
15-17	R44	Klapmuts Rd								Road based formalised public transport and P&R priority route.	Limit / prevent new development. Scenic route. Focus compact, mixed use development at Klapmuts
18-20	R310	Banhoek Rd								Road based formalised public transport route.	Scenic Route. Consolidate development at specific nodes
21		Kromme Rhee Rd								Rail and road public transport & P&R linking route	Encourage compact, mixed use, redevelopment and contained growth at Koelenhof only.
22		Annandale Rd								Road based linking route	Mobility route. Limit / prevent new development. Scenic Route
23-24	R45	Paarl-Franschoek								Road based public transport priority route.	Mobility route. Limit / prevent new development. Scenic Route
25-27	R301	Wemmeshoek Rd								Road based public transport priority route.	Mobility route. Limit / prevent new development

Chapter 6: Possible Parking Garage Positions



6. Possible Parking Positions

6.1 Existing Parking Venues

The proposed solution is to cater for all incoming traffic in parking facilities at the edges of this core and thereafter travelling working staff and students could use public transport or Non-Motorised Transport (NMT) to travel to and back from place of work or classes as the case may be. Various exercises have been conducted in the past with various solutions and now is the time to coordinate and consolidate all of these proposals into a final proposal upon which the Council can decide and act on an extended public parking provision.

Once Council has decided on the long-term parking provision and the provision of a lighter traffic core, then a decision can be made whether parking at the Eikestad Mall/Town Hall and Bloemhof should merely be rebuilt and same amount of parking provided or whether the parking should be upgraded to a larger amount of parking.

Currently the Municipality owns and manages a number of parking facilities, such as the Eikestad Mall Parking, Bloemhof Parking, Stellmarket Parking, Checkers Parking, Parking bounded by Piet Retief -, Bird -, Louw -, Noordwal Wes Streets as well as some others, within the Town of Stellenbosch.

In order to drastically increase the amount of parking various solutions can be looked at, some of which are internal methods and other could be external such as paid parking garages. Similarly, similar parking problems are being experienced within the Franschhoek & Klapmuts areas where the large tourism industry requires that additional parking be investigated.

Many development opportunities are being sought in the Klapmuts area also and currently a large problem is being experienced with the amount of large trucks stopping overnight. To this extent parking needs to be investigated.

a. Parking Within Stellenbosch Town



Fig. 6.1: Parking Detail within Stellenbosch Town



Fig. 6.2 Current Bloemhof Parking



Fig. 6.3 Current Eikestad Mall Parking



Fig. 6.4 Current Stelkor Parking



Fig. 6.5 Current Checkers Parking



Fig 6.6 Current Pick & Pay Parking



Fig. 6.7 Possible Die Braak Underground Parking

b. Parking within Franschhoek



Figure 6.8: Parking Detail within Franschhoek

c. Parking within Klapmuts



Fig 6.9: Parking Detail within Klapmuts

6.2 New Parking Possibilities

a. Van Der Stel Area

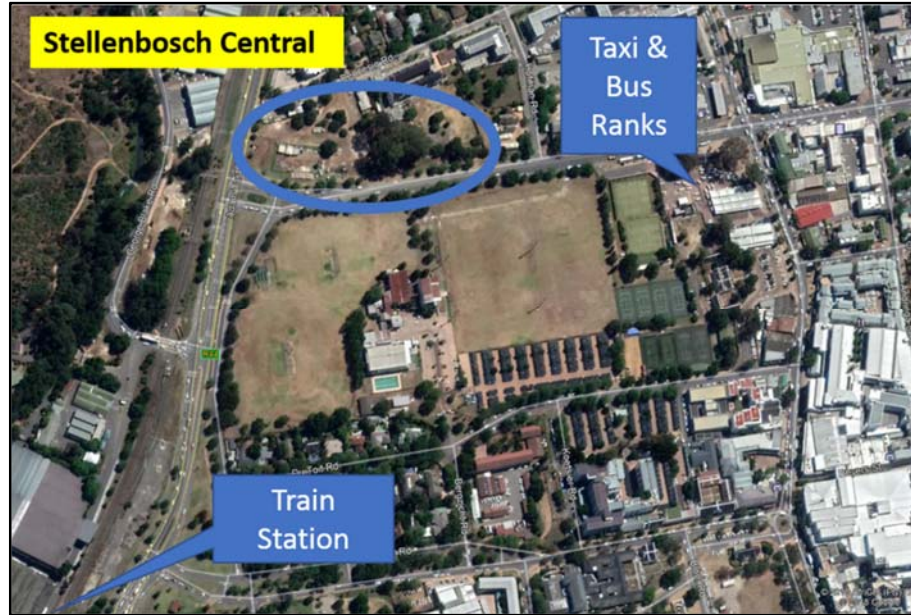


Fig. 6.10 Van Der Stel Area

This area is in close proximity of a train station, direct access to major routes, Taxi Ranks, Bus Terminus and within a future TOD area. The property belongs to the Municipality and is earmarked for parking.

b. R304 Entrance to Stellenbosch



Fig. 6.11 R304/Bottelary/Krommerhee Intersection

This intersection lies on the crossing of R303 with Bottelary Road and Kromme Rhee which is 8.6km from the Stellenbosch CBD. This site is close to a train station. It is next to intended large developments. One possibility of this site is that it could form a stopover of vehicles travelling to Stellenbosch and where Public Transport could be used to travel into and back of Stellenbosch.

c. **Techno Park Parking Site**



Fig. 6.12 Techno Park R44 Entrance Parking Site

This site can be found on the southern R44 leading from Somerset West to Stellenbosch. It can be found 5.4 km from the Stellenbosch CBD. There is an estimated 1700 vehicles park on informal sites at Techno Park. There is currently no public transport, but a bus route and taxi routes can be easily created. This particular property is owned by the Municipality and is earmarked for parking.

d. Adam Tas Entrance Parking Site

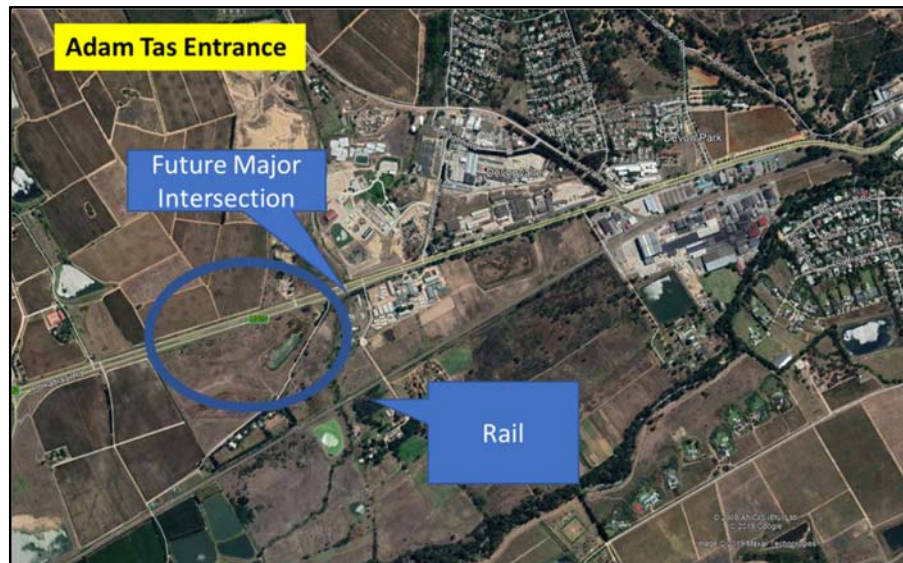


Fig. 6.13 Adam Tas Bulk Parking Potential Site

This site lies on the R310 on the South Western side of Stellenbosch. This position is 5.7km from the Stellenbosch CBD and is close to the railway line. It is also the junction where the future Wester By-Pass and the Techno Park Link Road will join the Adam Tas Road. A station will have to be established as well as Taxi Rank and Bus Terminus to create a mobility changeover mode.

e. Klapmuts Bulk Parking Site



Fig. 6.14 Klapmuts Bulk Parking Site

This site is situated on the R101 at Klapmuts and is close to intersection with the R44 as well as the N1 intersection with the R44. There is a Train Station in close proximity as well as a Taxi Rank. The site to the north of the R101 is currently used as an Overnight Truck Stop. The Klapmuts site is seen as the centre of some big future developments such as a campus of the University of Stellenbosch, Distell Industrial Site. Housing Developments and Commercial Developments. The intention to create a shuttle service from here to Stellenbosch Town has been expressed by the University Of Stellenbosch. The site does not belong to the Municipality

f. Franschhoek Bulk Parking



Fig. 6.15 Franschhoek Bulk Parking

The Franschhoek Bulk Parking site is as a result of a request from Franschhoek to create a site where Franschhoek inhabitants can park, thereby leaving the Main Road parking open to tourists and visitors. This site would be close to a Bus terminus, Tram Terminus and taxis.

6.3 Assessment of Possible Parking Sites

The various mentioned sites have now been assessed in the order of contribution to the various mobility problems experience:

- Reduction of Traffic on major routes,

- Allowing the CBD to become less congested,
- Contributing to reduction of vehicles.
- Contributing to an increased NMT
- Synchronisation with TOD
- Easy transfer of Mobility Mode:
 - Trains
 - Taxis
 - Busses

Each parking site is evaluated by giving points for the above. The site scoring the most points would therefore indicate a site that would be most useful for reducing traffic on the major routes, allowing changing modes from vehicles to many of the other mobility modes being targeted.

Table 6.1 New Proposed Areas in Line with SDF Proposed sites







































































No.	Road	Road Name	Current Provision			Extend Provision for..				Future Corridor Development		
											Transport	Land Use Activity
1-2	R44	Strand Road									Road based formalised public transport priority route.	Limit / prevent new development. Scenic Route
3-7	R310	Baden Powell									Rail and road high capacity primary public transport priority route	Encourage compact, mixed use, redevelopment and contained growth at the specific nodes
8-10	M12	Polkadraai Rd									Road based formalised public transport and P&R priority route.	Mobility Route. Limit / prevent new development.
11	M23	Bottelary Rd									Road based formalised public transport priority route.	Compact, mixed use, redevelopment and contained growth at Koelenhof & Devenvale.
12-14	R304	Malmesbury Rd									Road based formalised public transport and P&R priority route.	Encourage compact, mixed use, redevelopment and contained growth at Koelenhof node & R304-R101 node (Sandringham & Joostenburg)
15-17	R44	Klapmuts Rd									Road based formalised public transport and P&R priority route.	Limit / prevent new development. Scenic route. Focus compact, mixed use development at Klapmuts
18-20	R310	Banhoek Rd									Road based formalised public transport route.	Scenic Route. Consolidate development at specific nodes
21		Kromme Rhee Rd									Rail and road public transport & P&R linking route	Encourage compact, mixed use, redevelopment and contained growth at Koelenhof only.
22		Annandale Rd									Road based linking route	Mobility route. Limit / prevent new development. Scenic Route
23-24	R45	Paarl-Franschoek									Road based public transport priority route.	Mobility route. Limit / prevent new development. Scenic Route
25-27	R301	Wemmeshoek Rd									Road based public transport priority route.	Mobility route. Limit / prevent new development

Table 6.2 Mobility Mode relation of Site Proposed

Nr	Parking Site	Saving of R44 (R45 within Franschhoek) Central Route Trips	Saving of CBD Trips	Alleviating Parking Shortage within CBD	Mode Support					Size Foot Print sq m	Points	Ranking	Property Available
					Vehicles	NMT	Trains	Taxis	Buses				
1	VDS North of Merriman	High	Low	High	High	High	High	High	High	10 000	25	1	Yes
2	Bloemhof	Low	Low	Medium	Medium	High	Low	Medium	Medium	4 000	16	8	Yes
3	Eikestad Mall	Low	Low	Medium	Medium	High	Low	Medium	Medium	10 000	17	7	Yes
4	Stelkor	Low	Medium	Medium	Medium	Medium	Low	High	Medium	4 000	17	7	Yes
5	Die Braak	Low	Low	High	High	High	Medium	High	High	10 000	19	5	Yes
6	Checkers	Low	Low	Medium	High	High	Medium	High	High	2 000	19	5	Yes
7	Pick n Pay	Low	Medium	Medium	Medium	High	Low	High	Medium	7 000	18	6	Yes
8	Techno Park	Medium	Medium	Medium	High	Low	Low	High	High	7 000	19	5	Yes
9	Dennesig Parking	Medium	Medium	High	High	High	Medium	High	High	6400	21	4	Yes
10	R304 Entrance	High	Medium	Medium	High	Low	High	High	High	12 000	23	3	No Munic Properties
11	Adam Tas Entrance	High	Medium	Medium	High	Low	High	High	High	12 000	23	3	Yes
12	Klapmuts	High	Medium	High	High	Low	High	High	High	12 000	25	1	Yes
13	Franschhoek R45	High	High	High	High	High	Low	High	High	6 000	24	2	No
14	Franschhoek Tennis Courts	Medium	High	High	High	High	Low	High	High	6000	23	3	Yes

Chapter 7: Legislative Requirements



7. Legislative Assessment

In order to achieve the required alteration of a provided service, the Municipality has to conduct all of the requirements of the Municipal Systems Act. The Systems Act itself has to be in line with The Constitution which is the basis of all actions to be provided by Sphere of Government (National, Provincial or Local). Furthermore the divisions of functions between a Local Municipality and a District Municipality are governed by the Municipal Structures Act. All of the requirements of these legislations have to be adhered to. The function of the provision of parking is listed with The Constitution and is awarded to Local Government. Parking is also a function of a Local Municipality ito of the Structures Act. The following steers the process of altering the provision of parking through all of the mentioned Acts and in particular follows the following guidelines:

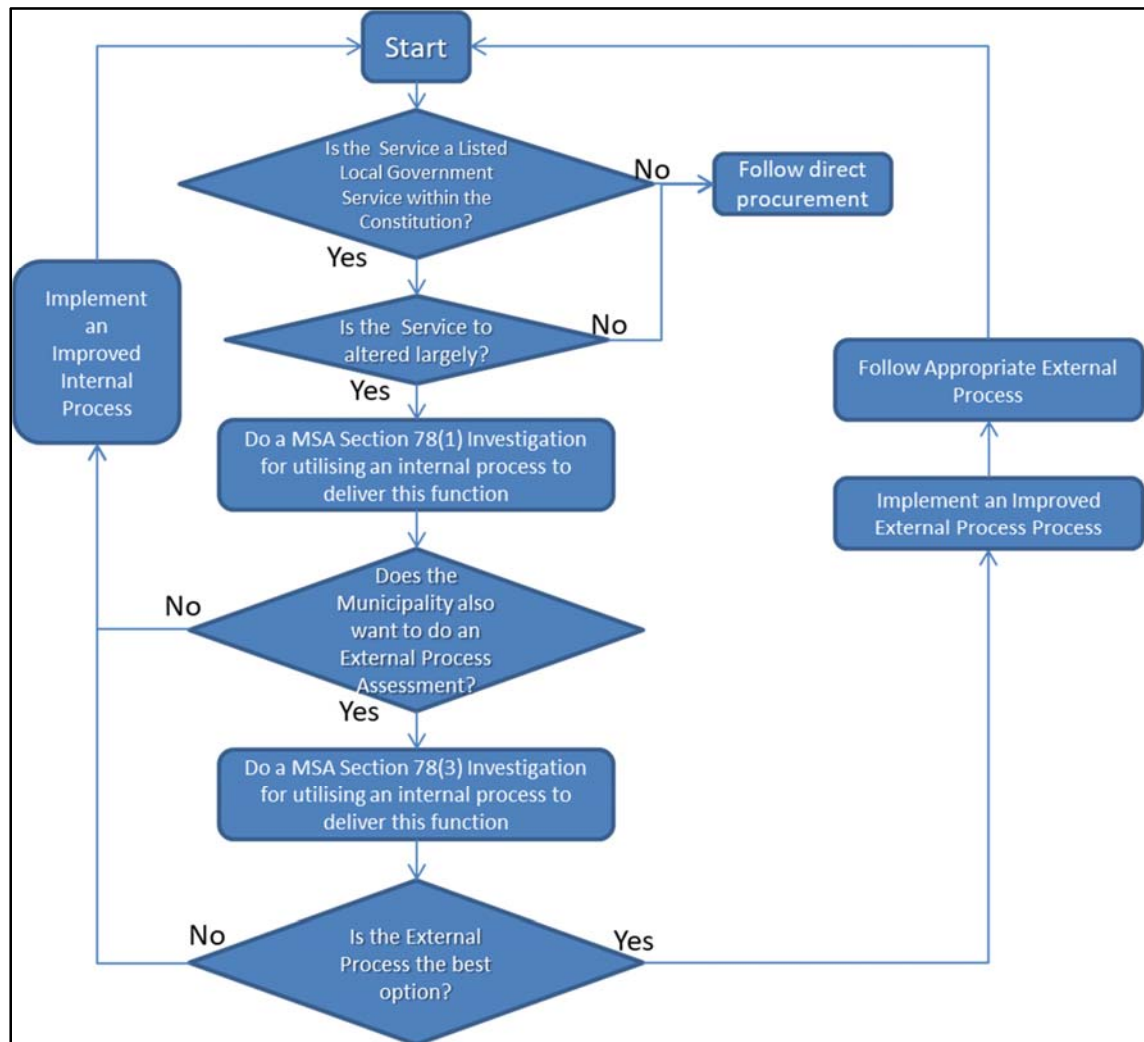


Fig.: 7.1 Section 78 Flow Diagram

7.1 The Constitution, Act 108 of 1996, as amended

Section 156 of the Constitution states:

“Powers and functions of municipalities

156. (1) A municipality has executive authority in respect of, and has the right to administer -

(a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and

(b) any other matter assigned to it by national or provincial legislation.

(2) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.

(3) Subject to section 151(4), a by-law that conflicts with national or provincial legislation is invalid. If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in section 149, the by-law must be regarded as valid for as long as that legislation is inoperative.

(4) The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if -

(a) that matter would most effectively be administered locally; and

(b) the municipality has the capacity to administer it.

(5) A municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.”

Within The Constitution the competence of **Traffic and parking** appear in Schedule 5B. It is therefore a Local Government competence as per Section.

7.2 The Municipal Systems Act (MSA), Act 32 OF 2000

7.2.1 The MSA determines that the Legislative Process Followed to Alleviate Parking Congestion

Section 77 of the MSA determines:

“77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

(a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—

(i) an existing municipal service is to be significantly upgraded, extended or improved;

(ii)

As parking has become a severe problem and, as it is a Municipal Competence, the Act requires that a Section 78 process be performed to officially determine the best way forward.

7.2.2 Requirements of the Section 78(1) process.

The Municipal Systems Act, Act 32 of 2000, as amended, requires the following under Section 78(1):

“Criteria and process for deciding on mechanisms to provide municipal services.—

(1) When a municipality has in terms of section 77 to decide on a mechanism to provide a municipal service in the municipality or a part of the municipality, or to review any existing mechanism—

- (a) it must first assess—*
 - (i) the direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health well-being and safety;*
 - (ii) the municipality’s capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76 (a);*
 - (iii) the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);*
 - (iv) the likely impact on development, job creation and employment patterns in the municipality, and*
 - (v) the views of organised labour; and*
- (b) it may take into account any developing trends in the sustainable provision of municipal services generally.”*

7.2.3 Section 78(1) Investigation

The full report on the Section 78(1) investigation is attached as Annexure B

From the Section 78(1) report the following conclusions were reached

a. Conclusions

i) Aspects Reviewed

The above report has provided an overview of the extent of the parking service as identified in Chapter 1 of this report, considered the process that the Municipality must follow in terms of section 78(1) of the MSA, and then reviewed each issue listed by section 78(1). These include the costs and benefits of providing the service, the Municipality's capacity to provide the service, and international and local trends with respect to transport service provision.

ii) Conclusions

The conclusions reached from interviewing key municipal officials and considering each of the aspects required by s78 (1) are that the Municipality does not currently have the financial resources or organisational capacity to internally provide a public transport service. The major factors counting against it are the increased budget required to cover the establishment and recurring costs of the service, the significant increase in staffing that would be required and a national shift in the approach to sustainable transport.

Irrespective of the mechanism selected to deliver a parking service (internal vs. external), the Municipality should consider pursuing an alternative approach to parking service in and around the Stellenbosch and Franshoek CBD, based on the experience of other cities and towns. The experience of Boulder in the USA can be beneficial as it has become world renowned for its sustainable transport system, that stroke a good balance between non-motorised transport modes and the private vehicle.

b. Recommendations

Based on the conclusions reached above, it is recommended that:

1. The Municipality consider an external mechanism for the provision of parking services in Stellenbosch. This consideration should be conducted in terms of section 78(3) of the Municipal Systems Amendment Act (No 44 of 2003).
2. That the Municipality pursue an alternative approach to parking improvement based on the principles of the Provincial Sustainable Transport Programme.

3. That the Municipality seek a partnership with the Western Cape Government's Department of Transport and Public Works for support in implementing incremental improvements to parking services and the broader transport system, in line with the principles of the Provincial Sustainable Transport Programme.
4. That the municipality develop a relationship with Boulder in the USA who has similar characteristic as Stellenbosch in terms of student population, town size, agricultural activities, etc, and has successfully introduced initiatives that improve mobility and access in a sustainable manner.

7.2.4 Section 78(2) Resolution of Council

"16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.2

RESOLVED (nem con)

- (a) that this report be noted;*
- (b) that Council notes the attached report on the providing of sufficient public parking;*
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of the provision of sufficient parking have been complied with;*
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to "after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).";*
- (e) that Council formally proceeds to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism; and*
- (f) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision."*

7.3 Section 78(3), (4) & (5) of the MSA

- 7.3.1 After the Section 78(2) Council Resolution, at which time Council resolved to also look at the viability of an external service delivery mechanism, the mechanisms of the Section 78(3) requirements have to be followed:

7.3.2 MSA Section 78(3), (4) & (5)

“(3) If a municipality decides in terms of subsection (2) (b) to explore the possibility of providing the municipal service through an external mechanism it must—

- (a) give notice to the local community of its intention to explore the provision of the municipal service through an external mechanism;*
- (b) assess the different service delivery options in terms of section 76 (b), taking into account—*
 - (i) the direct and indirect costs and benefits associated with the project, including the expected effect of any service delivery mechanism on the environment and on human health, well-being and safety;*
 - (ii) the capacity and potential future capacity of prospective service providers to furnish the skills, expertise and resources necessary for the provision of the service;*
 - (iii) the views of the local community;*
 - (iv) the likely impact on development, job creation and employment patterns in the municipality; and*
 - (v) the views of organised labour; and*
- (c) conduct or commission a feasibility study which must be taken into account and which must include—*
 - (i) a clear identification of the municipal service for which the municipality intends to consider an external mechanism;*
 - (ii) an indication of the number of years for which the provision of the municipal service through an external mechanism might be considered;*
 - (iii) the projected outputs which the provision of the municipal service through an external mechanism might be expected to produce;*
 - (iv) an assessment as to the extent to which the provision of the municipal service through an external mechanism will—*
 - (aa) provide value for money;*
 - (bb) address the needs of the poor;*
 - (cc) be affordable for the municipality and residents; and*
 - (dd) transfer appropriate technical, operational and financial risk;*
 - (v) the projected impact on the municipality’s staff, assets and liabilities;*
 - (vi) the projected impact on the municipality’s integrated development plan;*

- (vii) the projected impact on the municipality's budgets for the period for which an external mechanism might be used, including impacts on revenue, expenditure, borrowing, debt and tariffs; and
 - (viii) any other matter that may be prescribed.
- (4) After having applied subsection (3), a municipality must decide on an appropriate internal or external mechanism, taking into account the requirements of section 73 (2) in achieving the best outcome.
- (5) When applying this section a municipality must comply with—
- (a) any applicable legislation relating to the appointment of a service provider other than the municipality; and
 - (b) any additional requirements that may be prescribed by regulation."

7.3.3 Section 78(3) Investigations

7.3.3.1 Notice to Local Community

"(a) give notice to the local community of its intention to explore the provision of the municipal service through an external mechanism;"

The Section 78(3)(a) notice was published on 12 July 2018. Copy of advertisements attached as Annexure B.

7.3.3.2 Service Delivery Options

"(b) assess the different service delivery options in terms of section 76 (b), taking into account—

- (i) the direct and indirect costs and benefits associated with the project, including the expected effect of any service delivery mechanism on the environment and on human health, well-being and safety;*
- (ii) the capacity and potential future capacity of prospective service providers to furnish the skills, expertise and resources necessary for the provision of the service;*
- (iii) the views of the local community;*
- (iv) the likely impact on development, job creation and employment patterns in the municipality; and*
- (v) the views of organised labour; and*

a. Direct and Indirect Costs and Benefits

i) Benefits

The major benefit of a formal parking service is that motorists can directly drive to an available parking bay, without having to unnecessarily driving around looking for parking. The application of the latest technology and a specific cell phone application will make it possible for motorists to identify any available parking area, book it and drive there directly without unnecessarily driving around looking for parking and contributing to traffic congestion.

In order to effectively reach parking, it must also be possible to reach parking directly off the major routes. By forcing vehicles to drive along minor routes, the vehicle flow capacity of roads is exceeded.

A further benefit is that time is saved by finding parking easier and quicker

Table 6.1 Benefits of an improved parking service

Present	Future
Insufficient no of parking bays	An additional 9 000 parking bays in Stellenbosch and 240 bays in Franshoek, or a reduction in traffic which then reduce the needs for parking
90% of motorist drive around looking for parking.	Motorists drive directly to a pre-booked parking area.
Access control outdated, slow and add to congestion.	Access control with modern and higher capacity which reduce traffic impact on adjacent streets.
Insufficient parking layout and configuration.	Improved layout configuration and parking system performance.
Ineffective cost recovery and fee collection.	Almost perfect monitoring and 100% fee recovery through application of technology.
Congested major routes as well as minor routes	Parking at correct position to facilitate mode change will reduce access times and relieve congestion

ii) Direct costs

The planned parking service to be run by the Stellenbosch Municipality is going to be more expensive than the current parking areas operated by a private company. The primary reasons for this are:

- A quality parking service with technologically advanced features will require a high initial capital outlay.
- The parking management and fee collection system will be upgraded, and strict service and maintenance schedules will be followed.
- Employment legislation (Labour Relations Act, Basic Conditions of Employment Act, Health and Safety Act) must be adhered to.
- Public safety will be a priority, with systems implemented to reduce accidents and personal security incidents.
- Fares are to be balanced between discouraging motorists from not using their private vehicles and recovering the costs of providing the parking infrastructure. This is a sensitive balancing act that can hamper the success of the project if not correctly implemented.

The costs of the proposed parking areas have been estimated but need to be refined as more detail designs are being done. It has been determined that a multiple story parking garage will on average be R150 000 per vehicle parked.

The estimated costs for the various parking areas are shown in Table 7.1 below:

Table 7.1 Estimated costs of parking facilities

Nr	Parking Site	Number of parking bays single floor	Cost	Number of parking bays for two floors	Cost	Number of parking bays for three floors	Cost	Number of parking bays for four floors	Cost
1	VDS North of Merriman	500	R 75 000 000	900	R 150 000 000	1350	R 225 000 000	1800	R 300 000 000
2	Bloemhof	200	R 30 000 000	350	R 60 000 000	500	R 90 000 000	650	R 120 000 000
3	Eikestad Mall	500	R 75 000 000	900	R 150 000 000	1350	R 225 000 000	1800	R 300 000 000
4	Stelkor	200	R 30 000 000	350	R 60 000 000	500	R 90 000 000	650	R 120 000 000
5	Die Braak	500	R 75 000 000	900	R 150 000 000	1350	R 225 000 000	1800	R 300 000 000
6	Checkers	100	R 15 000 000	150	R 30 000 000	200	R 45 000 000	250	R 60 000 000
7	Pick n Pay	350	R 52 500 000	650	R 105 000 000	950	R 157 500 000	1100	R 210 000 000
8	Techno Park	350	R 52 500 000	650	R 105 000 000	950	R 157 500 000	1100	R 210 000 000
9	R304 Entrance	600	R 90 000 000	1 100	R 180 000 000	1550	R 270 000 000	2000	R 360 000 000
10	Adam Tas Entrance	600	R 90 000 000	960	R 142 560 000	1440	R 267 300 000	2400	R 445 500 000
11	Klapmuts	600	R 90 000 000	960	R 142 560 000	1440	R 267 300 000	2400	R 445 500 000
12	Franschhoek	300	R 45 000 000	550	R 90 000 000	800	R 135 000 000	1050	R 180 000 000
13	Franschhoek Tennis Courts	300	R 45 000 000	550	R 90 000 000	800	R 135 000 000	1050	R 180 000 000

At current interest rates, the loans to provide these infrastructures can be serviced over a twenty-year period not taking into consideration price escalation. This calculation also assumes a parking occupancy of 75% for 25 days a month at proposed parking tariffs.

Detail business Plans need to be prepared to make a more accurate assessment of the business viability of providing the parking service.

Apart from the above costs, the operational costs to provide for include:

- Security costs
- Ticketing
- Maintenance
- Management
- Utility services

The initial Operating Business Plan will give an indication of the direct operating costs at a later stage. The operating income for the Section 78(1) report has been estimated to be R3,650,000 per month for an initial 2200 parking places. There seems to be a viable business case for the provision of these parking facilities from initial assessments.

In the wider perspective and looking into the better positioning of garages, the following requirements have been defined:

- First phase of Parking Garages to be placed close to multiple modes of transport
- First phase of Parking Garages must support the reduction of transport flows within the major routes connecting Stellenbosch
- First phase of Parking Garages must have the best possible vehicle absorption and disbursement
- First phase of Parking Garages must have a prospect of maximum viability
- Second or further phases only to be launched if many of the further aspects of Mobility and Town Planning has been introduced such as:
 - Working Public Transport
 - TOD culture established
 - NMT areas created
 - Universal Access

Table 7.2 below provides possibilities of initial parking facilities to be established and probable economic viability. It assumes bond loans can be obtained at 10% and redeemed over 20 years. The occupancy rate is set at 50%

Table 7.2: Probable Financial Information over a 20 Year Period

	Closed Garage equivalent in US, 5 levels at avg 400 vehicles per level	Proposed size of Garage	R150 000 per parking bay for Multi Story Parking; R1500 per bay for single level open parking	R6750 operating cost per parking bay	Avg parking tariff per hour	% of time that a vehicle is parked on a park space over 24 hours	Parking Income over 260 work days per annum at the chosen occupancy rate based on 24 hours	Annual Revenue minus Annual operating Cost	Bond repayments over 20 years at 10% interest rate	Net Revenue minus Annual Debt Coverage (parkin rate has been raised to the nearest cent to make this value positive)
Site	Description	Parking Spaces	Total Bond Issue Amount	Annual Operating Costs	Parking Tariff/ hour	Occupancy Rate	Annual Revenue	Net Revenue	Annual Debt Service & Coverage	Net Income Surplus/ (Deficiency)
Van der Stel Area	5 levels (2.5 below grade)	2000	R 300 000 000	R 13 500 000	R 7.74	50%	R 48 297 600	R 34 797 600	R 34 740 768	R 56 832
Eikestad Mall	4 levels (1.5 below grade)	2000	R 300 000 000	R 13 500 000	R 6.45	60%	R 48 297 600	R 34 797 600	R 34 740 768	R 56 832
Techno Park Area	5 levels (2.5 below grade)	1200	R 180 000 000	R 8 100 000	R 7.74	50%	R 28 978 560	R 20 878 560	R 20 844 456	R 34 104
Klapmuts	Only Ground Level – Open parking	100	R 150 000	R 675 000	R 2.22	50%	R 692 640	R 17 640	R 17 364	R 276
Franschoek	Only Ground Level – Open parking	200	R 300 000	R 1 350 000	R 2.22	50%	R 1 385 280	R 35 280	R 34 740	R 540
TOTAL		5500	R 480 000 000	R 21 600 000			R 77 276 160	R 55 676 160	R 55 585 224	R 90 936

iii) Table of Direct and Indirect Costs and Benefits

Table 7.3 Comparison of Section 76(b) Entities and the Likelihood of Acceptability

Sect 76(b)	Service Delivery Option	Direct & Indirect Costs and Benefits	Capacity of current and Future Service Providers	Views of Local Community	Impact on Development, Job Creation and Employment Patterns	the views of organised labour
(b)(i)	Municipal Entity	The cost involved in this will be very similar to costs incurred by a private body utilising the MSA section 81 and will therefore be addressed under the "any other Institution" below	There is no capacity within Stellenbosch Local Municipality nor the Cape Winelands District Municipality to be a Bulk Parking Service of Bulk Parking Garages.	See item (b)(v)	See item (b)(v)	Since current on-street and off-street parking is done by an External Mechanism, this additional parking will be acceptable
(b)(ii)	Another Municipality	The parking is performed by or on behalf of the Municipality itself. This Scenario is therefore not seen as a solution in this case	The parking is performed by or on behalf of the Municipality itself. This Scenario is therefore not seen as a solution in this case	See item (b)(v)	See item (b)(v)	Since current on-street and off-street parking is done by an External Mechanism, this additional parking will be acceptable
(b)(iii)	an organ of state	There no [arts of any organ of state that provides and manages parking on behalf of municipalities.	There no [arts of any organ of state that provides and manages parking on behalf of municipalities.	See item (b)(v)	See item (b)(v)	Since current on-street and off-street parking is done by an External Mechanism, this additional parking will be acceptable
(b)(iv)	community	Due to the very	Current Community	See item (b)(v)	See item (b)(v)	Since current on-street

	based organisation	large capital needed to build a parking garage, there are no community organisation within Stellenbosch that would be able to build parking and perform parking and management	based organisations do not have the capacity to own and operate this kind of project			and off-street parking is done by an External Mechanism, this additional parking will be acceptable
(b)(v)	any other institution	Should Council decide to rather use an external mechanism for service delivery then the Private Sector would have to be asked to Build Own Operate & Transfer after a time such as 20 years (BOOT)then this would possibly be the only entity that would be capable to build and operate a service worth a few hundreds of millions in Rand.	There are Private Entities that would have the capacity currently to BOOT this project and also their private entities that would in future have the capabilities to BOOT such a project	This matter has been addressed at several Fora a such as: <ol style="list-style-type: none"> 1. Mobility Forum 2. NMT Working Group 3. IDP 4. University Rector/ Mayor Forum 5. University Department of Engineering Forum 6. Ratepayers Associations <p>No objections were received when a proposal was made that an external Service Proved be approached to Build, Own, Operate and Transfer (BOOT) such a business</p>	The impact on Development, Job Creation and Employment patterns will be similar for each option. There would be assistance for future development. There would be the creation of new employment in the view of jobs such as Managers, Clerks, Technical Staff and Law Enforcement	Since current on-street and off-street parking is done by an External Mechanism, this additional parking will be acceptable

The following term is used within the table:

A BOOT(Build, Own, Operate and Transfer) structure of a private entity owns the works. During the concession period the private company owns and operates the facility with the prime goal to recover the costs of investment and maintenance while trying to achieve higher margin on project. The specific characteristics of BOOT make it suitable for infrastructure projects like highways, roads mass transit, railway transport and power generation and as such they have political importance for the social welfare but are not attractive for other types of private investments. BOOT is a method which find very extensive application in countries which desire ownership transfer and operations including. Some advantages of BOOT projects are:

- Encourage private investment
- Inject new foreign capital to the country
- Transfer of technology and know-how
- Completing project within time frame and planned budget
- Providing additional financial source for other priority projects
- Releasing the burden on public budget for infrastructure development.

The following type of company mechanisms are available for this type of process:

- Leases and concessions:

A further approach to service delivery is the conclusion of either lease or concession agreements. Such agreements are forms of public-private partnerships that are most common for services where large-scale capital investment is required. The agreements are characterised by an often long contractual period extending over many years, a contractor that is required to take charge of the assets and infrastructure associated with the service for the duration of the contract, which requires substantial investment from the contractor's side. Because the contractor is taking on more risk, it normally demands the transfer of the responsibility for revenue collection in order to minimise financial losses. The long contract period is usually long enough to allow the contractor to recover its initial investment through the revenue that is generated from the provision of the services. In almost all instances the contractor will require ownership of the assets for the duration of the contract period. When the contract lapses, ownership and infrastructure is then transferred to the municipality.

Lease and concession agreements can be concluded in various formats. There are so-called build-operate-transfer (BOT) agreements, where a contractor builds an asset, operates it for a period of time and then transfers it to a municipality. Then there is the build-own-operate-transfer (BOOT) agreement, which further gives ownership of the assets or infrastructure to the contractor for the length of the contract period. Lastly, there is also a build-operate-transfer (BOTT) variation which specifically provides for training for municipal employees during the contract period, which will then operate and manage the facilities and services, after the contract period has come to an end.

Apart from the obvious benefits of such partnerships, there are high financial risks if such partnerships are managed or structured poorly. To avoid such negative possibilities, national government has put forward certain regulatory requirements to ensure public accountability and consumer protection.

From the above it is clear that the Bulk Parking Garage concept is most likely to be most effective when operated by an external Service Provider on a bases of Build, Own, Operate and Transfer basis or similar.

The following possibilities of Service Delivery vehicles are available in general:

1. External Service Deliverer (ESD) via a Service Delivery Agreement (SDA)

Utilising Section 81 to 84 of the Municipal Systems Act.

2. ESD via Municipal Entity

Utilising Chapter 8A of the Municipal Systems Act Section 86B

(1)(a) Private Company

Municipal entities are independent organisations that perform municipal services on behalf of a municipality and the municipality controls the majority shareholding.

Board members of Municipal Owned Entities / Utilities are required to ensure that they meet a complex set of demands including the strategic aims of the Entity / Utility, the mandate of Municipal Leaders and the requirements of the Municipal Systems Act, Municipal Finance Management Act, Companies Act and The King Code of Governance Principles for South Africa and the King Report on Governance (King III). Municipal entities operate in a highly regulated environment which could prohibit performance (conformance against performance). Like all other businesses they have to perform in order to, among others, grow the business whilst managing risks, create and retain jobs.

3. ESD via Municipal Entity

Utilising Chapter 8A of the Municipal Systems Act Section 86B

(1)(b) Service utility

4. Utilising Chapter 8A of the Municipal Systems Act Section 86B

(1)(c) Service utility

Multi-Jurisdictional Service Utility

The Multi-Jurisdictional Service Utility is provided that two or more municipalities, by written agreement, may establish a multi-jurisdictional service utility to perform any function or power envisaged by section 8 of the Systems Act, in their municipal areas or in any designated parts of their municipal areas. The Minister may, in the national interest and in consultation with the Cabinet member responsible for the functional area in question, request two or more municipalities to establish a multi-jurisdictional service utility to conform to the

requirements of national legislation applicable to the provision of a specific municipal service.

5. Public Private Partnership as per the Municipal Finance Management Act

Section 120 of the MFMA applies

The PPP process refers to the transfer of ownership from municipalities to private or community-based entities. The transfer of ownership in this respect particularly refers to the sale of municipal assets, together with the transfer of responsibilities for the management of such services. Such a process is more generally referred to as privatisation. Although privatisation should not easily be considered with reference to primary/core municipal services such as water, electricity and solid waste disposal, it certainly could have positive outcomes in respect of secondary services such as municipal.

a. Advantages and Disadvantages of Various Entities

Table 7.4: Advantages and Disadvantageous of Various Entities

Legal Section	Entity Description	Advantages for Stellenbosch Municipality	Disadvantages for Stellenbosch Municipality
Section 81 MSA	External Service Deliverer(ESD) via a Service Delivery Agreement (SDA)	All desired service will be addressed in the SDA. All risks arising from this, is to be carried by the Service Provider	No additional income from parking, but then also no expenses
Section 86B(1)(a)	Municipal Entity – Private Company	None	All risks to provide capital to build operate and maintain a garage will have to be carried by the Municipality
Section 86B(1)(b)	Municipal Entity – Service Utility		Municipality has to carry most of the Risk
Section 86B(1)(c)	Municipal Entity – Multi-jurisdictional Service Utility		Municipality has to carry most of the Risk

b. Capacity and Future Capacity of Service Providers

Some of the current known role-players in the field of Parking Management are:

- AfriPark
- Katanga
- AcePark
- Federal Parking Management

- Interpark (PTY) Ltd
- City Car Park

It is note that most of the above manages parking facilities an do not necessarily build or own such facilities. In order to make this work one might want to attract a consortium of financiers, builders and operators

c. The Views of the Local Community

Various meetings where held with the Community at the following fora:

- (i) Mobility Forum
- (ii) IDP Meetings
- (iii) TOD Project Meetings
- (iv) Mayor/Rector Forum
- (v) Meetings with University of Stellenbosch: Department of Engineering

No objections were received from the community upon the concept of Bulk Parking, however, it is envisaged that the actual positioning of the parking garage may have to be workshopped since parking must be coordinated with the total Mobility expectations of Stellenbosch. It has also been mentioned, that in order for the whole Mobility synchronism to work, it is necessary to alter or start with many parts at the same time, eg. If parking is to be increased and positioned correctly, then public transport must also be altered. The same with TOD, NMT processes.

d. The likely impact on development, job creation and employment patterns in the municipality;

The parking garage system when managed by an external mechanism does not create jobs on a large scale. The systems are largely automatic, and the staff needed on site would be minimal. The impact on Job Creation would therefore negligible. However as mentioned before, parking is part of a larger Mobility System and it has a primary function of reducing traffic by uplifting public transport. The impact of enlarging the public transport would however have a medium impact on the creation of jobs.

The direct likely impact on development, job creation and employment patters in the Municipality would be minimal. The indirect impact through the Mobility System would hover be relevant.

e. The views of organised labour

The current on-street parking and off-street parking systems have been outsourced to a private company and have been so for the past number of years. There has been no objection from Labour on this outsourcing project. The provision of parking assessed by this report will bring no negative change to the current project but may increase the provision of labour slightly. The providing of permanent operational labour will have a minimal impact on the current internal labour market.

7.3.3.3 Feasibility Study

“Section 78(3)(c) Feasibility Study

- (c) conduct or commission a feasibility study which must be taken into account and which must include—
- (i) a clear identification of the municipal service for which the municipality intends to consider an external mechanism;
 - (ii) an indication of the number of years for which the provision of the municipal service through an external mechanism might be considered;
 - (iii) the projected outputs which the provision of the municipal service through an external mechanism might be expected to produce;
 - (iv) an assessment as to the extent to which the provision of the municipal service through an external mechanism will—
 - (aa) provide value for money;
 - (bb) address the needs of the poor;
 - (cc) be affordable for the municipality and residents; and
 - (dd) transfer appropriate technical, operational and financial risk;
 - (v) the projected impact on the municipality’s staff, assets and liabilities;
 - (vi) the projected impact on the municipality’s integrated development plan;
 - (vii) the projected impact on the municipality’s budgets for the period for which an external mechanism might be used, including impacts on revenue, expenditure, borrowing, debt and tariffs; and
 - (viii) any other matter that may be prescribed.”

- a. a clear identification of the municipal service for which the municipality intends to consider an external mechanism;

The service to be rendered is:

- The Designing, Planning and Constructing a multi-story parking garage capable of housing an amount of 2000 parked cars at peak
- Funding of all costs related to this parking garage.
- Owning and managing this facility for a period of 20 years
- Applying tariffs which has been consulted with the Municipality and which tariffs have been annually approved by the Council of the Municipality

- b. an indication of the number of years for which the provision of the municipal service through an external mechanism might be considered

- The operation must be built, owned, operated for 20 years and thereafter transferred to the Municipality. The Municipality may extend the period of operation
- c. the projected outputs which the provision of the municipal service through an external mechanism might be expected to produce;
- The project has to provide a 24-hour operation of providing a parking facility for 2000 vehicles.
 - The parking facility must be maintained as national maintenance prescripts and if these are not available then to international recognised maintenance codes
 - Safety and Security will be provided.
 - Adequate fire prevention and extinguishing equipment and systems will be provided and maintained.
 - Protection against build-up of CO and CO₂ gasses will be provided and levels maintained below standard health requirements.
 - It shall be possible to park cars at a rate of 2000 cars per hour and to release cars at a rate of 2000 cars per hour at which time entrance and exit control and payment equipment shall enable this speed to be achieved.
 - Elevators and stairs shall also allow the people from cars to enter and exit at a rate commensurate to the maximum required tempo of arriving and exiting cars
 - Provision shall be made to accommodate electrically powered vehicles and it shall provide facilities for the charging of such vehicles.
 - Provision shall also be made to extract gasses that may emanate from the charging of battery-operated vehicles.
- d. an assessment as to the extent to which the provision of the municipal service through an external mechanism will—
- (aa) provide value for money;
 - (bb) address the needs of the poor;
 - (cc) be affordable for the municipality and residents; and
 - (dd) transfer appropriate technical, operational and financial risk;
- Refer to Table 7.X below
 - The table indicates that a sufficient profit will be realised
 - The needs of the poor are not directly addressed, but the parking is part of the bigger picture to provide more housing. More housing will create at least one additional job per house opportunity for the poor. The parking garage will provide further job opportunities for staff operating the garage.
 - The parking fee was calculated at R2/30 minutes or R4.00 per hour which is below the average parking fee within the greater Cape Town. At this rate residents will benefit. The municipality has not received any income from these cars currently and will not get any income from the cars to be parked. It will however receive a bigger income from the sales of all services to the parking garages.
 - All associated financial risk of the garage and all operational and maintenance risk will have been transferred to the Service Provider

Table 7.5 Selected Parking Proposed to be Created and Managed through an External Mechanism

Site	Description	Parking Spaces	Total Bond Issue Amount	Annual Operating Costs	Parking Tariff/ hour	Occupancy Rate	Annual Revenue	Net Revenue	Annual Debt Service & Coverage	Net Income Surplus/ (Deficiency)
Van der Stel /Dennesig Area	5 levels (2.5 below grade)	2000	R 300 000 000	R 13 500 000	R 7.74	50%	R 48 297 600	R 34 797 600	R 34 740 768	R 56 832
Eikestad Mall	4 Levels (1.5 below grade)	2000	R300 000 000	R13 500 000	R6.45	60%	R 48 297 600	R 34 797 600	R 34 740 768	R 56 832
Techno Park Area	5 levels (2.5 below grade)	1200	R 180 000 000	R 8 100 000	R 7.74	50%	R 28 978 560	R 20 878 560	R 20 844 456	R 34 104
TOTAL		3500	R 480 000 000	R 21 600 000			R 77 276 160	R 55 676 160	R 55 585 224	R 90 936

Loan taken at 10% interest

Redemption period 20 years

Capital cost per vehicle R150 000

It is noted that in the example above a tariff of R7.74 per hour would be needed to make the operation feasible.

- e. the projected impact on the municipality's staff, assets and liabilities;
 - No impact from operational and maintenance of the Garage will impact the staff.
 - Law enforcement may be needed from time to time to enforce the By Laws but is expected to be less than the current disorganised state.
 - The garage will become the liability of the Municipality after 20 years, but it would be possible to put the operations and maintenance out on contract for a further number of years

- f. the projected impact on the municipality's integrated development plan;
 - Since the Garage is to provide a part of the future Mobility Plan already taken up in the IDP and SDF, no additional matters will have to be taken up in the IDP, in fact this service makes the IDP requirements come true.

- g. the projected impact on the municipality's budgets for the period for which an external mechanism might be used, including impacts on revenue, expenditure, borrowing, debt and tariffs;
 - Since the project is to be run as a BOOT project, no impact will be realised on budgets, revenues, expenditure, borrowing debt and tariffs. None of the current unorganised service has an impact on these issues and will not have an impact when organised. This will be transferred to the Service Provider.

- h. any other matter that may be prescribed.
 - No further matters are prescribed and as such no matter is expected to more detrimental or more profitable to the Municipality as is currently the case.

7.3.3.4 Section 78(4)

(4) After having applied subsection (3), a municipality must decide on an appropriate internal or external mechanism, taking into account the requirements of section 73 (2) in achieving the best outcome.

Section 78(4) refers to Section 73(2):

(2) Municipal services must—

- (a) be equitable and accessible;
- (b) be provided in a manner that is conducive to—
 - (i) the prudent, economic, efficient and effective use of available resources; and
 - (ii) the improvement of standards of quality over time;
- (c) be financially sustainable;
- (d) be environmentally sustainable; and
- (e) be regularly reviewed with a view to upgrading, extension and improvement.

Table 7.6: Assessment of Internal vs External Initiative

Section	Parking Initiative must conform to	Internal	External	Scoring	
				Internal	External
73(2)(a)	Equitable and accessible	Equitable: One of the reasons for bulk parking is to provide space for cars to be parked overnight such that TOR developments can take place. Can park during the day to use public transport which would be less costly. Accessible: Parking will be much more accessible than currently	Equitable: One of the reasons for bulk parking is to provide space for cars to be parked overnight such that TOR developments can take place. Can park during the day to use public transport which would be less costly. Accessible: Parking will be much more accessible than currently	1	1
73(2)(b)	conductive to— (i) the prudent, economic, efficient and effective use of available resources; and (ii) the improvement of standards of quality over time;	No. The imposition of this Risk would be too much for an internal mechanism at cost of a parking garage in the vicinity of R500million per unit	Risk much more favourable for an external mechanism, since it would concentrate on a single service and effectively last economically for a period of 20 years	0	1
73(2)(c)	be financially sustainable	No. As above	Yes. As above	0	1
73(2)(d)	be environmentally sustainable;	Yes. By nature, the Bulk Parking facility will concentrate vehicles and allow the continuation of a much more acceptable environmental method of transport such as rains, NMT	Yes. By nature, the Bulk Parking facility will concentrate vehicles and allow the continuation of a much more acceptable environmental method of transport such as rains, NMT	1	1
73(2)(e)	be regularly reviewed with a view to upgrading, extension and improvement	Will be done on a 5-year basis to fit in with masterplan updating	Will be done on a 5-year basis to fit in with masterplan updating	1	1
Scoring				3	5

From the above it is clear that the External Mechanism, in this case, should be the preferred option.

Chapter 8: Conclusion



8. Conclusion

It is imperative to realise that the provision of parking cannot be considered in isolation. Parking is the beginning or end of a trip and the trip is a method of being transported from one end to another. This transport motion can be done via various methods, each of them having an impact on road congestion.

These transport movements are choice we make but choosing the wrong option from a transport engineering perspective will lead to an unwanted result. It is just not possible to provide sufficient road widths and parking to allow each and every one of us to reach a destination via a private vehicle. We will overcrowd high ways and create tremendous congestion up to a point where the roads go into jam situation or gridlock.

Options are available to co-share vehicles thereby reducing the number and cost of vehicles going to a destination. The use of public transport becomes vitally important to reduce traffic on Roads.

Stellenbosch Municipality has a few unique situations where private vehicles are used by students traveling to university every day. A large number of people working in the towns of Stellenbosch also drive from homes that are outside of Stellenbosch. This creates a number of vehicles travelling to and from Stellenbosch which are largely overcrowding the major and minor routes. In order to solve this problem, we need to simultaneously do the following:

1. Reduce the travelling of single passenger vehicles to and from Stellenbosch by providing more comfortable and practical public transport. Various discussions are held with PRASA, Taxi Associations and Bus companies to provide transport
2. Since Stellenbosch does not actively cater for the working middleclass to stay and work in Stellenbosch, the Transit Oriented Development concept has to be initiated to TOD is currently being launched to allow working public and students to operate from Stellenbosch as a base.
3. Major routes are being adjusted to allow vehicles to more directly to major venues such as Techno Park
4. Old rules of preventing First and Second year students to drive cars in Stellenbosch are being brought back.
5. With the above being done to reduce cars, the municipality can now concentrate on providing the correct number of parking spaces, but at venues that will have an effect of reducing long trips.

Since the cost of Parking garages is very high and too high a risk for the municipality, it is proposed that Private Sector be invited to build, own, operate and transfer the function of parking provision. We are positive that there would be sufficient business motivation to provide such a service and also to keep parking tariffs to a level that the public in general can afford

Chapter 9: Recommendations



9. Recommendations

It is recommended:

- 9.1 That this report be noted.
- 9.2 That Council accepts that all the requirements of Section 78(3) in terms of investigating the feasibility of the provision of sufficient parking, has been complied with.
- 9.3 That Council accepts that parking forms an integral part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT).
- 9.4 That Council notes that in order to alleviate the parking process as a whole, matters such as PT, NMT, TOD must also be addressed in synchronisation, as this will directly affect the quantity and positioning of parking,
- 9.5 That Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:
 - a. Provision of open one level parking space needs, be performed on an internal mechanism
 - b. Provision of multi storied parking space needs, be performed on an external mechanism.
- 9.6 That Council approves the provision of parking as a first phase as mentioned hereunder, which must be in line with future mobility developments, as the final mobility status can by nature not be resolved at this time.
- 9.7 That Council proceed with the initial provision and upgrade of parking spaces as follows:
 - 9.7.1 That the legislative process be commenced with to provide multiple level parking, and management thereof, utilising an External Mechanism of parking in the following areas:
 - a. Eikestad Mall Parking area bounded by Andringa -, Victoria, and Ryneveld Streets. Portion of erf 1692, erven, 1969, 1972, 1973, 1974, 1975, 1976, 6402 and 6636.
 - b. Techno Park area, considering the area bounded by Tegno Road, Termo Avenue and Proton Road. Portion of erf 13171
 - 9.7.2 That the following areas, as a first phase, be upgraded and/or developed as a single layer open space parking area, utilising an internal service delivery mechanism:
 - a. Dennisig Existing Parking Area, entrance in Hoffman Road, Part of Erf 235
 - b. Municipal Court Existing Parking Area, entrance from Pappesgaai Road, Erf 528
 - c. Aandklas Existing Parking Area, entrance from Du Toit Road Part of Erf 235
 - d. New Parking Area Bounded by Borcherd Road and Andringa Street to be considered as an extension of the public parking on erf 2529
 - e. New Parking Area Bounded by Jan Cilliers Road, Ds Botha Road and Muller Road to be considered as new parking area. Part of erf 175/0
 - f. Parking area to be upgraded at the old tennis courts, Franschoek, Erf 1538.

- 9.8 That Council proceeds with the setting up of a Service Delivery Agreements for the provision of Bulk Parking, as required by Section 80(1) & (2), of the MSA and in particular section 80(1)(b) (which prescribes an SDA with a Private Company) for the areas mentioned under 9.7.1
- 9.9 That the Service Delivery Agreement be approved by Council as a draft SDA prior to Community Participation takes place.
- 9.10 That the matter of providing a synchronised total mobility network be urgently pursued with all the role-players participating in the mobility arena which includes Public Transport, Non-Motorised Transport, Transit Oriented Development, Parking and Universal Access

Chapter 10: Acknowledgements

9.1 Writer and Compiler of this report:

J G Louw Pr.Eng.

Director: Infrastructure Services: Municipality of Stellenbosch

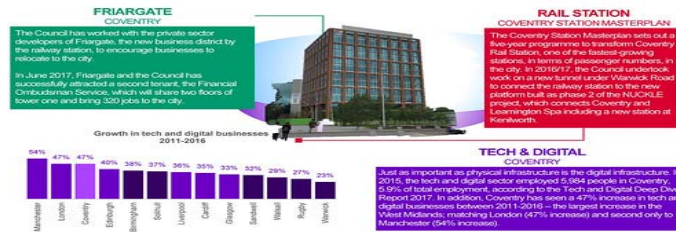
9.2 Contributions:

1. Prof. Dr. Johann Andersen: Stellenbosch Smart Mobility Launch Lab
2. Megan Bruwer: Stellenbosch Smart Mobility Launch Lab
3. Johan Fullard – Senior Manager: Roads, Transport, Traffic and Stormwater: Municipality of Stellenbosch
4. SMEC Consulting Engineers

9.3 References:

1. John Muller: Municipality Stellenbosch Parking Section 78(1) Assessment Report
2. Wilber Smith Associates of the San Diego Office: Tidelands Parking Guidelines San Diego Unified Port District
3. Todd Litman: Parking Pricing Implementation Guidelines: Victoria Transport Policy Institute
4. Royal HaskoningDHV Consulting Engineers: Transit Orientated Development: A Concept for The Town of Stellenbosch (Final Draft)
5. Royal HaskoningDHV Consulting Engineers: Comprehensive Integrated Transport Plan (CITP) for Stellenbosch Municipality 2016 – 2020 (Final)
6. Traffic Flow Theory; Oregon State University, Portland State University, University of Idaho
7. Fred L. Hall: Traffic Stream Characteristics
8. University of Pretoria etd, Bekink B: Municipal services and service delivery and the basic functional activities of municipal governments.
9. Stellenbosch Municipality Spatial Development Framework Final draft for submission to Council July 2019
10. Western Cape Government: Provincial Sustainable Transport Programme
11. Stellenbosch Municipality Non-Motorised Transport Policy
12. Stellenbosch Municipality Universal Access Policy Framework

The End



ANNEXURE B

November 2017

Bulk Parking Section 78(1) Assessment

TABLE OF CONTENTS

1.	Introduction	1
1.1	Background	1
1.2	Methodology and Report Layout	2
2.	Provision of Municipal Public Parking	1
2.1	Endorsement by the CITP and the IDP	1
2.2	The extent of the parking service envisaged.	1
3.	Requirements of the Municipal Systems Act	4
3.1	The responsibility	4
3.2	Definitions	4
3.3	The Methodology for Assessment	5
3.4	Criteria for Assessment	5
4.	Assessment of Service Delivery	6
4.1	Direct and indirect costs and benefits including the effect on the environment, human health, wellbeing and safety	6
4.2	Stellenbosch Municipality's capacity and potential future capacity to furnish the necessary skills, expertise and resources	9
4.3	Extent that re-organisation could be utilised	11
4.4	Likely impact on development, job creation and employment patterns in the municipality 12	
4.5	Views of organized labour	12
4.6	Trends in the sustainable provision of municipal services	12
5.	Conclusions	14
5.1	Aspects Reviewed	14
5.2	Conclusions	14
6.	Recommendations	15

LIST OF TABLES

Table 4-1 Benefits of an improved parking service	7
Table 4-21 Estimated costs of parking bays	8

1. Introduction

1.1 Background

Stellenbosch is experiencing severe traffic congestion due to various reasons including the undersupply of parking facilities. In an attempt to relieve the traffic congestion in Stellenbosch, the municipality embarked on a number of projects which include:

- The improvement of NMT facilities
- The development of rideshare and public transport through the Large Employer Trip Reduction Program (LETRP) project
- The investigation of into an Integrated Public Transport Network
- Possible TOD development

All of these alternative solutions are aimed at reducing the demand for travelling by private vehicle. The provision of parking is not a demand side management strategy, but rather a supply side solution to addressing the congestion problem.

The town of Stellenbosch and Franshoek has developed over more than 250 years. The development started before the advent of the private motor vehicle. Most road reserves are therefore not responding to the need for a hierarchical road network and are further limited by the heritage features such as water channels and historical perimeter walls. Most of the centre of town was zoned for residential purposes many years ago. They have been rezoned to business over decades and densification took place to such an extent that adequate parking could not be provided on-site.

Off-street parking has become inadequate and visitors to the centre of Stellenbosch do not get parking the first time they arrive at their desired destination. A study undertaken earlier this year found that 90% of vehicles entering Andringa-, Church- and Ryneveldt Streets did not get parking the first time they entered these streets. They will therefore have to drive around a number of times before they could find a parking and contribute to the congestion being experienced.

The Comprehensive integrated Transport Plan (CITP), which is a statutory strategy document, also identified the shortage of parking a challenge that need to be addressed.

Council approved at its 12th Council meeting held on 27 September 2017 that:

- a) A Section 78 process be launched and that an internal parking service delivery mechanism be investigated through the Section 78(1) of the Systems Act (Act No 32 of 2000).
- b) That parking service delivery increase be based on the towns of Stellenbosch, Franshoek and Klappmuts

- c) That a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking or recommendations to a possible external method of rendering parking services.

1.2 Methodology and Report Layout

Section 78(1) of the MSA sets out the criteria and process that must be followed when deciding on the mechanism to be used for service provision. This report, therefore, adopts the structure set out in Section 78(1). The following sources of information have been used:

- Council approved documents: the IDP and the CITP (and related budget information).
- The original decision to do a Section 78(1) assessment.
- Interviews with key officials within the Municipality.
- Consultation with the relevant labour unions.

The document is structured as follows:

- **Chapter 2** outlines the nature and extent of the service envisaged.
- **Chapter 3** describes the requirements of the Municipal Systems Act.
- **Chapter 4** follows the MSA process and evaluates the suitability of an internal mechanism to deliver the service.
- **Chapter 5** summarises the conclusions.
- **Chapter 6** sets out the recommendations of the review.

2. Provision of Municipal Public Parking

This chapter outlines the nature and extent of the public parking service provision envisaged by the Municipality. It gives an indication of the resources that would be required to operate and manage the service.

2.1 Endorsement by the CITP and the IDP

The Municipality has an approved Integrated Development Plan (IDP) for the period 2012 to 2017. A component plan to the IDP is the Comprehensive Integrated Transport Plan (CITP) for the period 2015 – 2020, which has also been approved by the Municipal Council. The CITP includes proposals for the development of more parking areas. The following principles guide the provision of public parking:

- Compliance with the Department of Transport guidelines for parking requirements in terms of the Technical Recommendation for Highways TMH16 and 17.
- Compliance with the geometric and configurative requirements as prescribed in the Department of Transport TMH 17
- Compliance to the municipal zoning scheme
- Improve parking services and quality of life of residents.
- Provision of parking on the periphery of the town centre to be still within walking distance from the centre of town or in association with a shuttle service if parking is provided outside of town
- Financial sustainability

2.2 The extent of the parking service envisaged.

The portions of land identified for the provision of parking in Stellenbosch has been identified and are as follows:

- The Braak along Bird and Alexander streets
- Existing municipal parking behind the Council Hall
- Bloemhof parking area in Van Riebeeck Street.

The location of these sites are shown in Figure 2.1

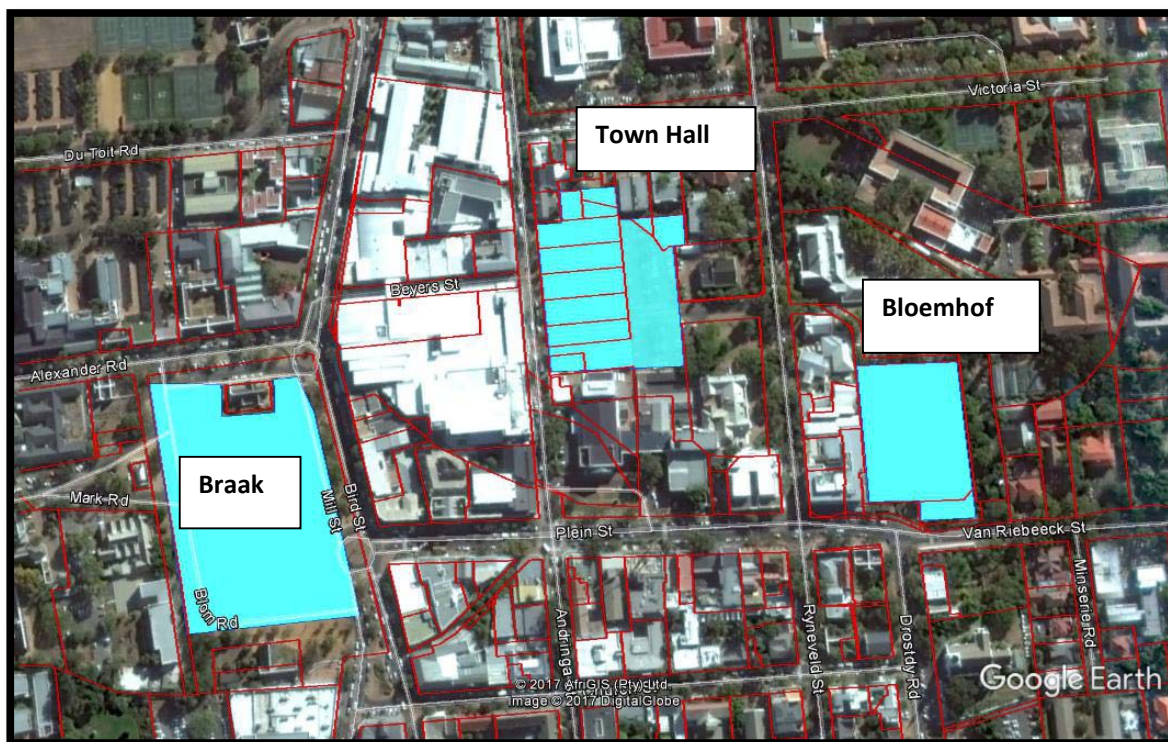


Figure 2.1: Location of proposed public parking areas.

The provision of the public parking service will be as follows:

- **The Braak**

The parking will be provided underground to keep the open space that has heritage status. It could be considered to provide double storey underground parking if feasible. The area is approximately 15000m² in extent and will be able to accommodate 1000 parking bays.

- **Bloemhof Parking Area**

This 7017m² area is currently being used as a parking area. Most people parking here work in the Ecclesia Building that house the municipal Engineering- and Corporate Services Departments. Day visitors also use the parking at a daily rate of R45 per vehicle. The area has a gravel surface and has capacity of accommodating 250 vehicles. A three level parking area will be provided here, with one level being underground and two above ground. A total of 720 vehicles will eventually be accommodated here.

- **Behind Town Hall**

The parking behind the Town Hall will be provided by the redevelopment of the existing parking area to a three storey parking facility, with one level being underground. The area is 10,600m² in extent and will be able to accommodate 1100 parking bays.

The land indentified for the provision of public parking in Franshoek is the old tennis court located behind the Franshoek town hall as shown in Figure 2.2.

|

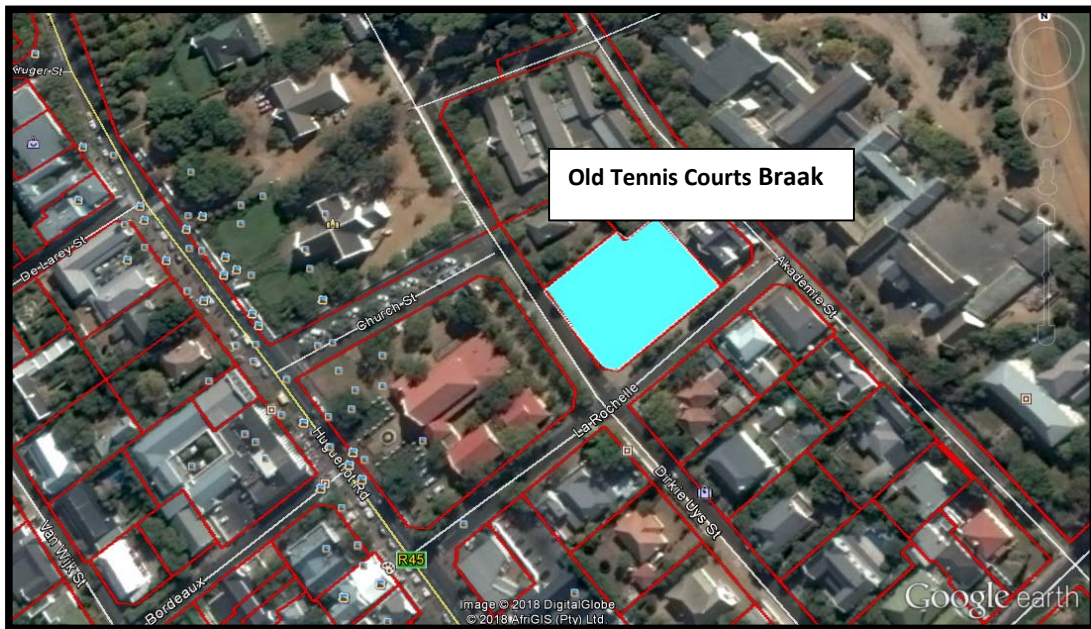


Figure 2.2: Location of Parking Area in Franshoek

3. Requirements of the Municipal Systems Act

3.1 The responsibility

Section 78 (1) of the Municipal Systems Acts states that:

“When a municipality has in terms of Section 77 to decide on a mechanism to provide a municipal service in the municipality, or to review an existing mechanism”

Accordingly, a Municipality:

- a) Must first assess –
 - i. The direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health, well-being and safety;
 - ii. The municipality’s capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76(a);
 - iii. The extent to which the re-organisation of its administration and the development of the human resource capacity within that administration, as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);
 - iv. The likely impact on development, job creation and employment patterns in the municipality, and
 - v. The views of organised labour; and
- b) It may take into account any developing trends in the sustainable provision of municipal services generally.

Section 78(2) of the MSA then states that, after having applied subsection (1), a municipality may -

- a) Decide on an appropriate internal mechanism to provide the service; or
- b) Before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76(b).

What the above means is that when a municipality wants to deliver a new service, it must first decide whether it is broadly feasible to do so internally or whether it should consider outsourcing the service provision.

3.2 Definitions

Key considerations in the interpretation of the MSA relate to the definitions of the term “service”, and “mechanism”.

A "Municipal service" is defined as "a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether –

- a) such service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 or by engaging an external mechanism contemplated in section 76; and
- b) fees, charges or tariffs are levied in respect of such a service or not”.

For the purposes of this review the parking service includes not only the provision of the parking area, but related services such as fee collection, security, ticketing systems, intelligent transport systems and facilities.

It is also useful to draw a distinction between the provision of a municipal service, on the one hand, and the actions taken and decisions made by a municipality in relation to a municipal service, on the other. The terms "service provider" and "service authority" are sometimes used to describe those two roles. Municipalities can, and often do, outsource the provision of municipal services, in terms of a service delivery agreement. A private (or public) company is then the service provider and the municipality remains the service authority.

The term “mechanism” is deemed to refer to either an internal mechanism (defined by section 76(a) as a department, business unit or any other component of the Municipality’s administration) or an external mechanism (a municipal entity, another municipality, an organ of state, a community based organisation or other NGO, or any other institutions, entity or person legally competent to operate a business activity).

3.3 The Methodology for Assessment

Section 78 (1) sets out the method by which the delivery of the service via an internal mechanism is to be assessed. This report adopts the s78 (1) methodology.

3.4 Criteria for Assessment

In terms of Section 73(2), the municipality has the duty to ensure that the delivery of its services adheres to the following guidelines:

Municipal services must be

- a) equitable and accessible;
- b) provided in a manner that is conducive to:
 - i. The prudent, economic, efficient and effective use of available resources; and
 - ii. The improvement of standards of quality over time;
- c) financially sustainable;
- d) environmentally sustainable; and
- e) regularly reviewed with a view to upgrading, extension and improvement.

Thus, the Section 78(1) investigation must consider the internal mechanisms for compliance with the above requirements.

4. Assessment of Service Delivery

This section sets out the assessment for internal service delivery, using the structure provided by section 78(1) of the MSA.

4.1 Direct and indirect costs and benefits including the effect on the environment, human health, wellbeing and safety

The assessment undertaken here is at a high level, in order to give an indication of the resources required by the Municipality and the economic, environmental and social impact of providing the service internally.

Transport is widely recognised as a key driver of socio-economic growth and development, particularly in developing and emerging economies where many citizens are unemployed. The need for an efficient, effective, affordable and safe transport system to support economic growth and development is particularly relevant in South Africa. Indeed, recognition of the central role to be played by transport in South Africa's growth and transformation agenda is repeatedly highlighted in the National Development Plan 2030.

Parking areas use valuable land to accommodate vehicles, which could alternatively be used for higher intensity economic activity. By not providing parking on the other hand can contribute to higher frustration for all road users as a result of increased traffic congestion. An earlier study in the tourism centre of Stellenbosch revealed that 90% of vehicles entering this area do not find parking the first time they enter, but drive around looking for parking, adding to the already congested traffic situation. There is also the belief that providing more parking bays will attract more traffic to the already congested CBD of Stellenbosch. Although this seem to be a logical consequence, the bulk of the parking will be provided at the Braak site, which will be accessed from Alexander Street, which will intercept traffic from the busy R44 before they enter the CBD. Also as previously mentioned, vehicles will be able to drive immediately and direct to available parking areas, preventing congestion from driving around looking for parking.

Movement into and around the Municipality is hampered by a lack of good quality public parking areas and good quality parking services. The development of such services will help to facilitate safe, reliable and efficient access to business activities in the CBD.

4.1.1 Direct and Indirect Costs and Benefits

Benefits

The major benefit of a formal parking service is that motorists can directly drive to an available parking bay, without having to unnecessarily driving around looking for parking. The application of the latest technology and a specific cell phone application will make it possible for motorists to identify an available parking area, book it and drive there directly without unnecessarily driving around looking for parking and contributing to traffic congestion.

Table 4-1 Benefits of an improved parking service

Present	Future
Insufficient no of parking bays	An additional 2200 parking bays in Stellenbosch and 240 bays in Franshoek.
90% of motorist drive around looking for parking.	Motorists drive directly to a pre-booked parking area.
Access control outdated, slow and add to congestion.	Access control with modern and higher capacity which reduce traffic impact on adjacent streets.
Insufficient parking layout and configuration.	Improved layout configuration and parking system performance.
Very poor cost recovery and fee collection (below 30%).	Almost perfect monitoring and 100% fee recovery through application of technology.

Direct costs

The planned parking service to be run by the Stellenbosch Municipality is going to be more expensive than the current parking areas operated by a private company. The primary reasons for this are:

1. A quality parking service with technologically advanced features will require a high initial capital outlay.
2. The parking management and fee collection system will be upgraded and strict service and maintenance schedules will be followed.
3. Employment legislation (Labour Relations Act, Basic Conditions of Employment Act, Health and Safety Act) must be adhered to.
4. Public safety will be a priority, with systems implemented to reduce accidents and personal security incidents.
5. Fares are to be balanced between discouraging motorists from not using their private vehicles and recovering the costs of providing the parking infrastructure. This is a sensitive balancing act that can hamper the success of the project if not correctly implemented.

The costs of the proposed parking areas have been estimated, but need to be refined as more detail designs are being done. The estimated costs for the four parking areas are shown in Table 4.1 below:

Table 4-22 Estimated costs of parking bays

Parking Area	Estimated Costs
Franshoek Tennis Courts	R21,600,000
The Braak	R92,086,856
Bloemhof.	R63,000,000
Behind City Hall	R94,000,000

At current interest rates, the loans to provide these infrastructure can be serviced over a ten year period not taking into consideration price escalation. This calculation also assumes a parking occupancy of 75% for 25 days a month at current parking tariffs.

Detail business Plans need to be prepared to make a more accurate assessment of the business viability of providing the parking service.

Apart from the above costs, the operational costs to provide for include:

- Security costs
- Ticketing
- Maintenance
- Management
- Utility services

The service is expected to commence operations in Year 5 (2023/24).

The initial Operating Business Plan will give an indication of the direct operating costs at a later stage. The operating income has been estimated to be R3,650,000 per month. Their seem to be a viable business case for the provision of these parking facilities from initial assessments.

4.1.2 Environment

Parking Garages will accommodate the high number of private vehicles visiting the CBD. The current shortfall of parking result in cars idling around and driving around looking for parking, causing

excessive CO² emissions and congestion which negatively impact the environment. The provision of the shortfall in parking will reduce the unnecessary driving and idling and subsequently the CO² emissions. Traffic congestion will also be reduced. It must be stated that this is only true as long as the parking provision aims to address the shortfall in parking in the CBD and not wanting to provide unnecessary more parking bays. In light of the above, the overall impact on the environment is expected to be positive – other than the short-term impact of noise pollution etc. caused by construction.

4.1.3 Human Health, Wellbeing and Safety

The impact on human health, wellbeing and safety is expected to be positive, since the intended project places a particular emphasis on the improvement of safety and security. Reduced levels of frustration associated with looking for parking and idling will improve human wellbeing. The conditions of the existing parking areas are also bad and the quality of the facility and the service to be provided will be conducive for a more healthy and safe environment and will also improve overall wellbeing.

4.2 Stellenbosch Municipality's capacity and potential future capacity to furnish the necessary skills, expertise and resources

In order to run the envisaged parking service internally, the Stellenbosch Municipality would need to develop sufficient organisational capacity to perform the necessary functions.

4.2.1 Understanding the functions required

There are a range of strategic and operational functions that need to be fulfilled in order for a parking system to run effectively and efficiently. These functions are described below.

- **Operational planning:** this includes the technical design of the service (demand assessment, access to the facility, vehicle maneuverability and pricing strategy) and ongoing service refinement.
- **Operations:** The provision of the actual parking service on a set layout and configuration with the location of the paypoints at points convenient for motorists and the minimum delay at the access points. Delays can rather be experienced at the pay points to reduce traffic congestion. This function includes operations management, service monitoring, driver vehicle operations and incident response (e.g. ticketpayment machines bear down).
- **Facility Management:** The specialised management of the facility required to provide the parking service, including procurement, maintenance and servicing, cleaning, insurance, accident administration, licensing and financial asset management.

- **Marketing and Communications:** is focused on publicising the parking service to the community to encourage service patronage, communicate service changes or updates and to distribute motorist information in a usable format. An additional aspect of the communication is the ability to identify available parking bays through a downloadable application. The operation of the application must be managed and maintained to ensure effective communication that ensures optimum operation of the parking area.
- **Contract management:** All functions that are outsourced to external service providers will be contracted and these contracts need to be managed. Service providers need to be paid timeously as well as monitored in order to ensure that they are meeting their contractual obligations.
- **Fare management:** Is the sale of tickets and the collection of fares from the motorists. This function also ensures that motorists have paid the correct fare for the duration they have used the facility. The fare structure must be low enough to ensure that motorist use the facility and at the same time be sufficient to ensure cost recovery of all capital outlay and operational expenditure. The fare management system must allow for all forms of payment to be possible.
- **Financial management:** Managing the various financial elements of the system including revenues (fare revenue, any grants or subsidy contributions from national or provincial government, municipal contribution, other system revenue) and costs (operating and capital costs).
- **Intelligent Parking Systems (IPS):** This function relates to the monitoring of the parking system to ensure services are operating optimally. Information of the average duration motorists park, what time of the day the parking bay is full. The origin of the vehicles etc will be available and can be used in the optimum management of the facility. This function requires a comprehensive information technology framework that connects parking activity to a central server. The information from the parking bay is obtained through a device that will be installed in the parking bay which provided the necessary management data.

The primary responsibility of the IPS system is to monitor whether or not a specific parking bay is occupied, and divert this information to the motorist who are connected to the server via a cellphone application.

The system should automatically generate reports that can provide strategic management information.

- **Safety and security co-ordination:** ensures the safety of the motorist using the parking facility. This function includes the co-ordination of the SAPS and other private security service providers.

4.2.2 Capacity Requirements

It is estimated that the Municipality would need to employ between 35 and 40 people to run the parking facilities. Main job categories include service managers, parking attendants, facility manager, bus drivers, maintenance staff, ticket sellers/cashiers, security personnel, inspectors, cleaners, financial staff, infrastructure specialists, administrative staff and IT staff (primarily to maintain the Intelligent Parking Systems and the Fare Management Systems).

The Municipality currently has 1,174 budgeted posts (of which only 1,054 are filled). The Transport, Roads and Stormwater division has 100 staff across three divisions:

- The Roads and Stormwater division has 86 staff, mostly road workers
- Traffic Engineering division has 14 staff
- Transport Planning and Public Transport division has a single approved position, which has recently been filled.

Establishing and running the proposed parking service, will therefore, increase the Stellenbosch Municipal Transport, Roads and Stormwater staffing structure by between 30% and 40% (based on filled posts).

The Municipality does not have the capacity to increase its staff complement by the extent required in the short term. It may, in the long term, be able to develop the capacity by recruiting from the existing industry and instituting training programmes to develop the required skills over time. However this would also require an increase in the overall management capacity of the Municipality – not just for the Engineering Services Department, but also other Departments, since there would be additional burdens placed on Departments such as Financial Services, Community Safety, Corporate Services and the Municipal Manager's Office.

4.3 Extent that re-organisation could be utilised

Section 78(1)(a)(iii) states that a municipality “must first assess the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76(a)”

Section 51(g)(i) states that “a municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to perform its functions through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units.”

Section 68(1) states that “a municipality must develop its human resource capacity to a level that enables it to perform its functions and exercise its powers in an economical, effective, efficient and accountable way...”

The analysis under section 4.2 above indicates the extent of the organisational resources required to run a parking service. It is clear that, in the near term, Stellenbosch Municipality does not have the capacity to take on these functions through a re-organisation of its existing staff and structures. The Directors of Departments that may potentially be responsible for such a service, Engineering Services and Community Safety, have also both indicated that they do not have the capacity to initiate such a service.

4.4 Likely impact on development, job creation and employment patterns in the municipality

The initiation of the parking service will create at least 40 jobs within the Municipality during the operation phase and up to 300 new jobs during the construction phase of the project.

The overall impact of a parking service is expected to have significant benefits for the broader development, as discussed in the cost benefit analysis above, by facilitating continued economic growth and job creation through the establishment of an efficient transport system.

4.5 Views of organized labour

On 20 April 2018 a letter was sent to the following unions:

- Independent Municipal and Allied Trade Union (IMATU)
- South African Municipal Workers Union (SAMWU)

The Unions have not yet had the opportunity to respond. However it is unlikely that their views will alter the current findings of this report, although their views will be important should a S78 (3) report be required.

Copies of the correspondence are contained in Appendix A.

4.6 Trends in the sustainable provision of municipal services

Section 78(1)(b) states that a municipality “may take into account any developing trends in the sustainable provision of municipal services generally.”

The provision of services by the municipality must be provided in a sustainable manner, where the costs is not going to grow faster than the benefit the service or facility is bringing. Our experience from the public transport sector where public transport systems have been rolled out through external mechanisms in Cape Town, Johannesburg and Tshwane is that the income has not realised as anticipated, resulting in the public transport service sustainability being questioned.

We need to learn from the experience of the above Cities and make the necessary adjustments to the income stream to ensure that at a low case scenario, the parking system will still operate in a sustainable manner.

With regards to the specific focus of this assessment, Cape Town, Johannesburg, George, Pretoria, Polokwane and eThekweni have all considered external options for the provision of services. The typical approach has been to allow bus operations to be run by the private sector (usually a company or companies representing consortia of existing bus and minibus taxi owners and operators). The contracts governing the bus operations are usually managed by the Municipality via a transport department. The relevant department is also expected to manage contracts governing fare management, infrastructure design and development, inspection and monitoring(intelligent parking systems) and marketing and communications rather than providing these services internally.

5. Conclusions

5.1 Aspects Reviewed

The above report has provided an overview of the extent of the parking service as identified in Chapter 1 of this report, considered the process that the Municipality must follow in terms of section 78(1) of the MSA, and then reviewed each issue listed by section 78(1). These include the costs and benefits of providing the service, the Municipality's capacity to provide the service, and international and local trends with respect to transport service provision.

5.2 Conclusions

The conclusions reached from interviewing key municipal officials and considering each of the aspects required by s78 (1) are that the Municipality does not currently have the financial resources or organisational capacity to internally provide a public transport service. The major factors counting against it are the increased budget required to cover the establishment and recurring costs of the service, the significant increase in staffing that would be required and a national shift in the approach to sustainable transport.

Irrespective of the mechanism selected to deliver a parking service (internal vs. external), the Municipality should consider pursuing an alternative approach to parking service in and around the Stellenbosch and Franshoek CBD, based on the experience of other cities and towns. The experience of Boulder in the USA can be beneficial as it has become world renowned for its sustainable transport system, that stroke a good balance between non-motorised transport modes and the private vehicle.

6. Recommendations


Based on the conclusions reached above, it is recommended that:

1. The Municipality consider an external mechanism for the provision of parking services in Stellenbosch. This consideration should be conducted in terms of section 78(3) of the Municipal Systems Amendment Act (No 44 of 2003).
2. That the Municipality pursue an alternative approach to parking improvement based on the principles of the Provincial Sustainable Transport Programme.
3. That the Municipality seek a partnership with the Western Cape Government's Department of Transport and Public Works for support in implementing incremental improvements to parking services and the broader transport system, in line with the principles of the Provincial Sustainable Transport Programme.
4. That the municipality develop a relationship with Boulder in the USA who has similar characteristic as Stellenbosch in terms of student population, town size, agricultural activities, etc, and has successfully introduced initiatives that improve mobility and access in a sustainable manner.

ANNEXURE C

Annexure B

Municipal Systems Act: Section 78(3)(a) Public Notice

 <p>STELLENBOSCH STELLENBOSCH • PNIEL • FRANSCHHOEK MUNISIPALITEIT • UMASIPALA • MUNICIPALITY</p>
<p>MUNICIPAL NOTICE / MUNISIPALE KENNISGEWING 21/2018</p>
<p>NOTICE TO THE PUBLIC OF STELLENBOSCH MUNICIPALITY'S INTENTION TO INVESTIGATE THE PROVISION OF BULK VEHICLE PARKING, THROUGH AN EXTERNAL MECHANISM, IN TERMS OF THE MUNICIPAL SYSTEMS ACT: SECTION 78(3)(a)</p>
<p>This notice serves to inform the local community of the intention of the Stellenbosch Municipality to investigate the provision of bulk parking through an external mechanism within various parts of the Stellenbosch Municipal Area. The provision of such an intended process is prescribed by the Municipal Systems Act, Act 32 of 2000, as amended, in terms of Section 78(3)(a) of this Act:</p>
<p>"(3) If a municipality decides in terms of subsection (2) (b) to explore the possibility of providing the service through an external mechanism it must-</p> <p>(a) give notice to the local community of its intention to explore the provision of the service through an external mechanism; and</p> <p>(b)"</p>
<p>KENNISGEWING AAN DIE PUBLIEK VAN STELLENBOSCH MUNISIPALITEIT SE VOORNEME OM DIE VERSKAFFING VAN GROOTMAAT PARKERING, DEUR MIDDEL VAN 'N EKSTERNE MEGANISME TE ONDERSOEK, SOOS BEPAAL DEUR DIE WET OP MUNISIPALE DIENSTE: ARTIKEL 78(3)(A)</p>
<p>Hierdie kennisgewing het ten doel om die plaaslike gemeenskap in te lig van Stellenbosch Munisipaliteit se voorneme om die verskaffing van grootmaat parkering, deur middel van 'n eksterne meganisme, binne verskeie gebiede van Stellenbosch Munisipaliteit te ondersoek, soos vereis deur die Wet op Munisipale Dienste, Wet 32 van 2000, soos gewysig, met verwysing na Seksie 78(3)(a) van hierdie Wet:</p>
<p>Deon Louw Pr Eng/ Pr Ing Director: Infrastructure Services / Direkteur: Infrastruktuurdienste</p>

12/11/18 - Eikestad Nuus

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
------------	---

14.1	MOTION BY COUNCILLOR DA HENDRICKSE: RETURN OF OWNERSHIP: HOSTELS IN KAYAMANDI
-------------	--

A Notice of a Motion, dated 2020-02-11, was received from Councillor DA Hendrickse regarding the return of ownership of the Hostels in Kayamandi.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	2020-02-26

APPENDIX 1



11 February 2020
 The Speaker
 Stellenbosch Municipal Council
 Plein Street
 STELLENBOSCH
 7600
 Attention : Clr N Jindela



Dear Speaker

RE NOTICE OF MOTION TO SERVE AT THE 26 FEBRUARY 2020 COUNCIL MEETING

MOTION

That Council resolve that:

- a. To return ownership of the Hostels in Kayamandi which were concluded On 14 January 1983 in the Memorandum of Agreement concluded between the erstwhile Administration Board Western Cape (ABWC) and the erstwhile Stellenbosch Farmers Winery Ltd (SFW) in terms whereof erven 475; 479; 480; 482 and 492 were made available to SFW to erect accommodation for its Black Employees and as such o return it to Distell (Legal successor of SFW)
- b. That Council resolve to instruct the Municipal manager to do the legal process of transferring the above mentioned properties back to Distell.

MOTIVATION

Since SFW dumped their Apartheid legacy Hostels in Kayamandi onto the Stellenbosch Municipality in 1983 the people staying in those apartheid Hostels are still living in the Apartheid established appealing living conditions.

The Council has done nothing to better the lives of the people living conditions and even the current Council in October 2016 voted down my motion to address the plight of the people of Kayamandi living in these Distell Hostels .

Distell has failed in their responsibility to take responsibility for these apartheid hostels they constructed and to better the living conditions of those living in thr hostels Distell constructed under Apartheid era.

Clr DA Hendrickse (Mover)

Clr L Horsband (Secondar)

14.2	MOTION BY COUNCILLOR F ADAMS: FREE PARKING IN THE CBD
-------------	--

A Notice of a Motion, dated 2020-02-11, was received from Councillor F Adams regarding free parking in the CBD.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i><u>Municipal.Manager@stellenbosch.gov.za</u></i>
REPORT DATE	<i>2020-02-26</i>

APPENDIX 1

MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH
11 FEB 2020
OFFICE OF THE SPEAKER



CONTACT: qackcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

10 February 2020

Without Prejudice:

RE: Motion

I hereby submit the following Motion in terms of the Rules of Order to serve at the February 2020 Council Meeting.

Motion: That Council resolve to provide free parking in the CBD in certain instances.

Background/ Motivation:

I refer to the recent decision by the administration to put our public parking out for tender and to appoint a private service provider.

It is a common fact that the current parking arrangements is nor fair nor reasonable.

There was also a reasonable expectation created for many years of free parking for the churches around the Braak and the current changes to allow the congregation to pay for weddings a funeral amounts to criminality.

The fact that the card system is also the only payment methods can't be fair and in the interest of the clients and rate payers.

Why should people pay for parking that attend any event in the town hall, hence most clients of restaurants doesn't pay.

Recommendation:

I hereby recommend that Council agrees to resolve that the following parking be free of charges. These include all funerals and weddings and other events at churches, as well as events in the town hall. There also must be an option for a cash payment system.


Clr. Franklin Adams

Seconder : -----

Aluta Continua

14.3	QUESTION BY COUNCILLOR DA HENDRICKSE: RETIREMENT DATE OF MR D LOUW: DIRECTOR: INFRASTRUCTURE
------	---

A Notice of a Question, dated 2020-02-11, was received from Councillor DA Hendrickse regarding the retirement date of Mr D Louw, Director: Infrastructure.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	2020-02-26

APPENDIX 1

Nonie

11 February 2020
 The Speaker
 Stellenbosch Municipal Council
 Plein Street
 STELLENBOSCH
 7600
 Attention : Clr N Jindela

Dear Speaker

RE NOTICE OF QUESTIONS TO SERVE AT THE 26 FEBRUARY 2020 COUNCIL MEETING

QUESTION NO 1

Until what date has the National Minister approved the Mr D Louw can be appointed beyond his retirement age?

MOTIVATION

I could find no record of any approval given by the National Minister, that served before Council on this matter as stated by the Municipal manager and my previous emails on this matter was ignored. The Council resolved to apply for a waiver to the National Minister for an extension on Mr D Louw employment contract beyond his retirement age and as such Council has the right to know what the National Minister approved.

In this regard attached find copies of the Council meeting minutes for 12 December 2016 and 22 February 2017. In this regard Council resolved to make a waiver application to the National minister and not to any other entity or persons .

Clr DA Hendrickse



Response →

APPENDIX 2



MEMORANDUM

*Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder*

TO : SPEAKER
FROM : ACTING MUNICIPAL MANAGER
DATE : 17 FEBRUARY 2020
**RE REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE
STANDING RULES AND ORDER FOR THE MEETINGS OF
COUNCIL: APPOINTMENT OF MR D LOUW BEYOND RETIREMENT
AGE**

Dear Speaker

With reference to the question received from the EFF Councillor D Hendrickse, submitted in terms of Section 35 of the Standing Rules and Order for the meetings of council, received by my office.

QUESTION 1:

“Until what dates has the National Minister approved the Mr D Louw can be appointed beyond his retirement age?”

RESPONSE

It is confirmed in the letter from the Department of Cooperative Governance dated 22/12/2017 (in which the waiver was granted) was attached to item 14.4 that served before council on 2018-01-24.

Kind regards

A.M.C. de Beer

Ms AMC de Beer
Acting Municipal Manager

14.4	QUESTION BY COUNCILLOR F ADAMS: UPPER LIMITS AND REMUNERATION OF THE MUNICIPAL MANAGER
------	---

A Notice of a Question, dated 2020-02-10, was received from Councillor F Adams regarding the upper limits and remuneration of the Municipal Manager

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	2020-01-29

APPENDIX 1



CONTACT: packcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

10 February 2020

Without Prejudice:

RE: Question

I hereby submit the following Question in terms of the Rules of Order to serve at the February 2020 Council Meeting.

Background/ Motivation:

I refer council to the upper limits and remuneration for Senior Management.

I particular want to bring the annual remuneration of the Municipal Manager under spot light.

It is known fact that the current MM received and weaver for an increase in salary way beyond the prescribed guidelines.

This taking also in account her lack of sufficient experiences and qualification w.r.t. the minimum competency.

We know that the Minister used the creep principle to increase her salary because his argument were she can't own less than the previous CFO, Mr. Marius Wust.

Question :

When the salary of the MM will be relook at in line with the upper limits and remuneration for Senior Management and is her current salary package in order ?

I would like the portfolio chairperson to answer me this question.



Franklin Adams

ALUTA CONTINUA



APPENDIX 2



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

TO : SPEAKER
 FROM : CLLR P CRAWLEY
 DATE : 17 FEBRUARY 2020
 RE : REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE STANDING RULES AND ORDER FOR THE MEETINGS OF COUNCIL: UPPER LIMITS AND REMUNERATION FOR SENIOR MANAGEMENT

Dear Speaker

With reference to the question received from the DNCA, submitted in terms of Section 35 of the Standing Rules and Order for the meetings of Council, received by my office.

QUESTION 1:

“When the salary of the MM will be relook at in line with the upper limits and remuneration for Senior Management and is her current salary package in order?”

RESPONSE

The remuneration of Section 56 Managers and the Municipal Manager is subject to the Regulations on the appointment of Senior Managers with exemptions that may be granted by the Minister of Local Government and Traditional Affairs (COGTA). When an exemption is granted that exemption applies for the duration of the contract. In the case of the Municipal Manager, it applies to her contract and she receives the increment applicable as indicated in the regulations.

Kind regards

P R Crawley

CLLR P CRAWLEY
CHAIRPERSON: FINANCE PORTFOLIO

14.5	QUESTION BY COUNCILLOR LK HORSBAND (MS): AMOUNT PAID TO ASLA: IDA'S VALLEY HOUSING PROJECT
------	---

A Notice of a Question, dated 2020-01-14, was received from Councillor LK Horsband (Ms) regarding the amount paid to ASLA in connection with the Ida's Valley Housing Project.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	2020-01-29

APPENDIX 1



**MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH**

11 FEB 2020

OFFICE OF THE SPEAKER

11 February 2020
The Speaker
Stellenbosch Municipal Council
Plein Street
STELLENBOSCH
7600
Attention : Cnr N Jindela
Dear Speaker

RE NOTICE OF QUESTIONS TO SERVE AT THE NEXT COUNCIL MEETING SCHEDULED FOR 26 FEBRUARY 2020

QUESTION NO 1

What is the total amount paid by the Stellenbosch Municipality ,to ASLA or the work ASLA doing on the Idasvalley housing project. Excluding the construction of the Social houses, which will be given for free to beneficiaries.

MOTIVATION

The MM has previously indicated that ASLA in terms of the contract entered into with ASLA , must apply and secure the funding for all the works ASLA doing on the Idasvalley housing project within the site . The municipality supply the funding to the works to upgrade the works outside the site.

QUESTION NO 2

To how many members of the Idasvalley community did ASLA sell the houses that ASLA marketed in 2019? total.

MOTIVATION

ASLA only act as the implementing agenda for the Stellenbosch municipality in the Idasvalley housing project. This is not a private development of ASLA . Council resolved in 2019 (See attached Council minutes)that preference must be given to the community of Idasvalley when ASLA sell the houses. Council also resolve to give big subsidy in the costs associated to the erf prices and services of the erwen . This subsidy Council resolved on so as to benefit the community of Idasvalley, so as to make the houses affordable. Thus Council has the right to know how ASLA as the implementation agent has implemented the Council resolutions.

NB This question do not relate to the Social house that be given to the beneficiaries from Idasvalley for FREE.

Cnr L Horsband

APPENDIX 2



MEMORANDUM

*Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder*

TO : SPEAKER
FROM : ACTING MUNICIPAL MANAGER
DATE : 17 FEBRUARY 2020
**RE REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE
STANDING RULES AND ORDER FOR THE MEETINGS OF COUNCIL:
ASLA – IDASVALLEY HOUSING PROJECT**

Dear Speaker

With reference to the question received from the EFF Councillor L Horsband, submitted in terms of Section 35 of the Standing Rules and Order for the meetings of Council, received by my office.

QUESTION 1:

“What is the total amount paid by the Stellenbosch Municipality, to ASLA or the work ASLA doing on the Idasvalley housing project. Excluding the construction of the Social houses, which will be given for free to beneficiaries?”

RESPONSE

The answer was contained in the information provided to the Councillor as it served on the Agenda of 2019-01-30 item 10.3 under the heading “cost estimates” in the response.

Kind regards

A.M.C. de Beer

**Ms AMC De Beer
Acting Municipal Manager**

14.6	QUESTION BY COUNCILLOR LK HORSBAND (MS): THE NUMBER OF MEMBERS IN THE IDA'S VALLEY COMMUNITY THAT ASLA SOLD HOUSES TO
-------------	--

A Notice of a Question, dated 2020-02-11, was received from Councillor LK Horsband (Ms) regarding the number of members in the Ida's Valley Community that ASLA sold houses to that they marketed in 2019.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	<i>2020-01-29</i>

APPENDIX 1



**MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH**

11 FEB 2020

OFFICE OF THE SPEAKER

11 February 2020
The Speaker
Stellenbosch Municipal Council
Plein Street
STELLENBOSCH
7600
Attention : Cnr N Jindela
Dear Speaker

RE NOTICE OF QUESTIONS TO SERVE AT THE NEXT COUNCIL MEETING SCHEDULED FOR 26 FEBRUARY 2020

QUESTION NO 1

What is the total amount paid by the Stellenbosch Municipality ,to ASLA or the work ASLA doing on the Idasvalley housing project. Excluding the construction of the Social houses, which will be given for free to beneficiaries.

MOTIVATION

The MM has previously indicated that ASLA in terms of the contract entered into with ASLA , must apply and secure the funding for all the works ASLA doing on the Idasvalley housing project within the site . The municipality supply the funding to the works to upgrade the works outside the site.

QUESTION NO 2

To how many members of the Idasvalley community did ASLA sell the houses that ASLA marketed in 2019? total.

MOTIVATION

ASLA only act as the implementing agenda for the Stellenbosch municipality in the Idasvalley housing project. This is not a private development of ASLA . Council resolved in 2019 (See attached Council minutes)that preference must be given to the community of Idasvalley when ASLA sell the houses. Council also resolve to give big subsidy in the costs associated to the erf prices and services of the erwen . This subsidy Council resolved on so as to benefit the community of Idasvalley, so as to make the houses affordable. Thus Council has the right to know how ASLA as the implementation agent has implemented the Council resolutions.

NB This question do not relate to the Social house that be given to the beneficiaries from Idasvalley for FREE.

Cnr L Horsband

APPENDIX 2



MEMORANDUM

Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder

TO : SPEAKER
FROM : ACTING MUNICIPAL MANAGER
DATE : 17 FEBRUARY 2020
**RE : REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE
STANDING RULES AND ORDER FOR THE MEETINGS OF COUNCIL:
ASLA – IDASVALLEY COMMUNITY**

Dear Speaker

With reference to the question received from the EFF Councillor L Horsband, submitted in terms of Section 35 of the Standing Rules and Order for the meetings of Council, received by my office.

QUESTION 2:

“To how many members of the Idasvalley community did ASLA sell the houses that ASLA marketed in 2019?”

RESPONSE

Currently 111 beneficiaries have been successfully approved for a bond or a cash buyer of which 57 erven were sold to beneficiaries from Idas Valley and the rest reside in the WC 024, in accordance with the Council decision of 2019-03-27 item 8.2.2.

Kind regards

A.M.C. de Beer

Ms AMC de Beer
Acting Municipal Manager

15.	CONSIDERATION OF URGENT MOTIONS
-----	---------------------------------

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
-----	---

17.	REPORTS SUBMITTED BY THE SPEAKER
-----	----------------------------------

NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
-----	--

NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
-----	---------------------------------------

(Pink documentation will be distributed in due course).

THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER, CLLR N JINDELA, AND HE AGREES WITH THE CONTENT.
