



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2021-09-10

MAYORAL COMMITTEE MEETING
WEDNESDAY, 2021-09-15 AT 10:00

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

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

Notice is hereby given that a Mayoral Committee Meeting will be held via **MS Teams** on **Wednesday, 2021-09-15 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

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2021-09-15
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APPENDIX 1

**Confirmation of
Minutes: Mayoral
Committee:
2021-08-18**



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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2021-08-18

MINUTES

MAYORAL COMMITTEE MEETING:

2021-08-18 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2021-08-18
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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)

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

Also Present: Councillor WF Pietersen (MPAC Chairperson)
Alderman P Biscombe

Officials: Acting Municipal Manager (A Barnes)
Director: Corporate Services (A de Beer (Ms))
Director: Community & Protection Services (G Boshoff)
Director: Infrastructure Services (D Louw)
Chief Financial Officer (K Carolus)
Manager: Property Management (P Smit)
Senior Administration Officer (B Mgcushe (Ms))
Manager: Secretariat (EJ Potts)

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

2.	COMMUNICATION BY THE CHAIRPERSON
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The Executive Mayor was delighted to remark on the fact that a young girl (Toni Mould) from WCO24 is part of the Paralympic team going to Japan, and wished her all the best with the achievement of participating in the Olympics.

3.	DISCLOSURE OF INTERESTS
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NONE

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

Deputy Executive Mayor, Cllr N Jindela – 18 August 2021

Municipal Manager (G Mettler (Ms)) – 18 August 2021

5.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meeting held on 2021-07-21 were **confirmed as correct.**

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

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

2. PURPOSE

To table to Council for consideration:

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

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-08-18: ITEM 6.1

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

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

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 August 2021

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

EXECUTIVE SUMMARY

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

Supports the recommendations

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-08-18: ITEM 6.2

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

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	<i>Senior Manager: Financial Management Services</i>
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	<i>Monique.Steyl@stellenbosch.gov.za</i>
REPORT DATE	12 August 2021

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

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

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

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-08-18: ITEM 6.3

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

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	

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
7.1	COMMUNITY AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)
7.1.1	INTERNAL PARKING MANAGEMENT MODEL FOR STELLENBOSCH MUNICIPALITY

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 August 2021

1. PURPOSE

To consider a proposal to manage on- and off-street parking in Stellenbosch CBD internally on an interim basis.

2. DELEGATED AUTHORITY

Council

3. EXECUTIVE SUMMARY

The Stellenbosch Municipality is responsible for the supply, maintenance, and management of public parking within its area of jurisdiction.

Parking is currently being managed by an external service provider through a tender. The contract lapses on 30 September 2021. A decision must be made as to how to deal with parking management on a long term basis. Whilst the administration is investigating the possibilities and options a shorter term solution must be approved.

It is proposed that the parking in the CBD be managed internally, on a trial basis, for a period of 3 months with a possibility to extend the period for up to a maximum of 12 months from 01 October 2021. This will allow the municipality sufficient time to conclude its parking development programme and to determine the best parking management model for Stellenbosch.

4. RECOMMENDATIONS

- (a) that Council considers the proposal to manage parking internally, on a trial basis for a period of 3 months with a possibility to extend the period for up to a maximum of 12 months from 01 October 2021; taking public comment received in the interim into account;
- (b) Mandate the Municipal Manager to appoint the necessary staff on a project basis, with an equitable representation from the entire Stellenbosch Municipal Area where practical;
- (c) To mandate the Municipal Manager to start the process required to outsource any or all of the current off street parking areas;
- (d) That the Municipal Manager, after consultation with the Executive Mayor, be mandated to make changes to the interim parking execution as and when

necessary taking into account the present economic circumstances and COVID regulations;

- (e) To Increase the peace officer ratio to parking bay from 1:15 to 1:20;
- (f) To change the parking management hours (on-street and off-street): Weekdays 07h30-16h00 (Parking Operational Hours from 08h00-15h30). No Saturday deployment. Parking Management hours to be assessed in order to consider increased timings and staff based on efficacy and affordability;
- (g) To operate off street parking on Enter and Receive Time slip, Pay on Exit;
- (h) To use bank approved POS card machines by renting 122 machines (61 in use while 61 is on charge);
- (i) To start off with card transactions only whilst other methods of payments are investigated; and
- (j) To use the R440 000 district funding for CBD safety to kickstart the project

5. DISCUSSION / CONTENT

5.1 Background

The Stellenbosch Municipality is responsible for the supply, maintenance, and management of public parking within its area of jurisdiction.

Due to the increases in demand for parking in the central business district area (CBD) of Stellenbosch, the municipality had implemented parking management (parking fee collection and associated tasks), to manage this demand. The best way to ensure that parking bays are used for a shorter time period and allow a turnover by cars, is by managing and enforcing parking fees. Parking is currently being managed by an external service provider which was appointed through a tender process.

5.2 Discussion

Parking management in Stellenbosch has been a challenge, with the local community frequently expressing their dissatisfaction with the municipality's current parking management model.

The current service provider was awarded the tender to manage the municipality's parking on the 1st April 2019. The contract term was due to end on 30 June 2021 but was extended until 30 September 2021.

The municipality therefore proposes to implement, an internal parking management model, on a trial basis for a period of 3 months with the possibility to extend the period for up to a maximum of 12 months from 01 October 2021, for the following reason:

- To allow for the conclusion of the municipality's parking development programme and incorporate relevant outcomes from this programme into a parking management model that is best suited for Stellenbosch.
- To offer a local job creation opportunity, on a temporary basis, to jobseekers from the Stellenbosch Municipal area as far as practicably possible

Towards the end of the period, the municipality will assess the internal parking management model and table proposals for future parking management models.

The proposal is to make use of sixty-one (61) temporary Law Enforcement Peace Officers with fixed term contracts. These officers will be in uniform with radio contact with the Protection Services control room. They will manage parking within the CBD (on and off-street parking), issue traffic fines for vehicles not paying parking fees and perform crime prevention duties.

Two (2) Supervisors and two (2) Clerks will also be appointed on 3 month fixed-term contracts for the duration of the project. The supervisors on contract will be appointed to manage the staff which directly resorts under Traffic Services. The clerks will also be appointed during this period on contract to assist with daily administration and reconciliations to ensure correct procedures are followed and that all income are accounted for.

The Finance department will draw reports daily to corroborate the feedback from parking attendants and ensure financial correctness. Traffic Wardens (in the employ of the Municipality) will assist in this project as and when required.

The parking management hours (on-street and off-street) will be on weekdays 07h30-16h00 (Parking Operational Hours from 08h00-15h30). No Saturday deployment. The parking management hours will be assessed to consider increased time periods and staff based on efficacy and affordability.

Parking will be paid for by the users through bank-approved POS card machines. No cash payments will be allowed for safety reasons. Officers will use pocketbooks to corroborate parking times and payments received. Alternative methods of payments are being investigated and will be implemented as it becomes available and feasible.

The parking tariffs remain the same and only payment option will be by bank card (debit/credit or foreign).

An Allocation of R440 000 received from Cape Winelands will be used to cover the costs at the start of the project where-after the project will be funded by the municipality and offset against the income. The focus on employment will be for suitably qualified locals with an envisaged appointment date of 15 September 2021.

5.3 Financial Implications

The municipality would receive all income generated from parking fees. The revenue generated with parking fees can then be used to offset expenses associated with staffing and other resource requirements.

Breakdown of financial costing:

Once-off Cost

Description	Cost	Comment
Uniforms	126 000	63 Officers @ R2 000 per officer
Radios	220 500	63 Officers @ R3 500 per officer
	346 500	

Monthly costs

Description	Cost	Comment
Salaries – Parking Marshals	457500	61 Officers @ R7 500 per officer
Salaries - Supervisors	20 000	2 Supervisors @ R10 000 per supervisor
Salaries - Clerk	17 000	2 Clerks @ R8 500 per clerk
EPWP Staff	242 000	50 EPWP employees
Rental Card Machines	58 560	122 Card Machines @ R480 per machine
Commission Card Machines	9 744	Credit Transaction @ 1.74% on a predicted income of R560 000
	804 804	

Note: Estimated Costs for Card machines

- 122 Card machines @ R480 per machine.
- Commission tariff: Credit Card@ 1.74%, Debit Card@ 0.69% and foreign bank cards@ 2.50%
- All transactions by credit card at a commission of 1.74%
- R9 744 commission on an estimated monthly income of R560 000

5.4 **Legal Implications**

The provisions of the item complies with legislation and council policies.

5.5 **Staff Implications**

Staff will be appointed on a project and until a final model is decided on will not be part of the permanent staff structure. Staffing required to implement the proposed internal management of parking:

- 61 x Temporary Peace Officers appointed for this specific project
- 50 x EPWP staff (already appointed on a registered project)
- 2 x Clerks (temporary appointments)
- 2 x Peace Officer Supervisors (temporary appointments)

6. **Previous / Relevant Council Resolutions:**

None

6.1 **Risk Implications**

The risks are addressed in the item.

6.2 **Comments from Senior Management:**

- 6.2.1 The comments of Senior Management is incorporated in the item as it was discussed at Director's level. The recommendations are supported.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-08-18: ITEM 7.1.1

- (a) that Council considers the proposal to manage parking internally, on a trial basis for a period of 3 months with a possibility to extend the period for up to a maximum of 12 months from 01 October 2021; taking public comment received in the interim into account;
- (b) Mandate the Municipal Manager to appoint the necessary staff on a project basis, with an equitable representation from the entire Stellenbosch Municipal Area where practical;
- (c) To mandate the Municipal Manager to start the process required to outsource any or all of the current off street parking areas;
- (d) that the Municipal Manager, after consultation with the Executive Mayor, be mandated to make changes to the interim parking execution as and when necessary taking into account the present economic circumstances and COVID regulations;
- (e) To Increase the peace officer ratio to parking bay from 1:15 to 1:20;
- (f) To change the parking management hours (on-street and off-street): Weekdays 07h30-16h00 (Parking Operational Hours from 08h00-15h30). No Saturday deployment. Parking Management hours to be assessed in order to consider increased timings and staff based on efficacy and affordability;
- (g) To operate off street parking on Enter and Receive Time slip, Pay on Exit;
- (h) To use bank approved POS card machines by renting 122 machines (61 in use while 61 is on charge);
- (i) To start off with card transactions only whilst other methods of payments are investigated; and
- (j) To use the R440 000 district funding for CBD safety to kick-start the project

FOR FURTHER DETAILS CONTACT:

NAME	<i>Charl Kitching</i>
POSITION	<i>Senior Manager Protection Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8815</i>
E-MAIL ADDRESS	<i>Charl.kitching@stellenbosch.gov.za</i>
REPORT DATE	<i>13 August 2021</i>

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	PROPOSED RENEWAL OF LEASE AGREEMENTS: STELLENBOSCH MUSEUM: PORTION OF ERF 9672 (OLD PARSONAGE) AND ERF 658 (VOORGELEGEN)

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

18 August 2021

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENTS: STELLENBOSCH MUSEUM:PORTION OF ERF 9672 (OLD PARSONAGE) AND ERF 658 (VOORGELEGEN)

2. PURPOSE

To obtain Council's approval for the renewal of the Lease Agreements with Stellenbosch Museum.

3. DELEGATED AUTHORITY

Executive Mayor in consultation with the Mayoral Committee may resolve on properties with a value of less than 10 Million rand and lease agreements less than 10 years. Otherwise Council must consider the proposal.

4. EXECUTIVE SUMMARY

Various Lease Agreements terminated over the past few years, where the contracts did not allow for an automatic renewal. The Supply Chain Management Policy (at the time) also did not provide for the renewal of these agreements, without following a tender process. For this reason the agreements continued on a month to month basis.

The new Property Management Policy, however, allow for a process whereby Council can dispose with the prescribed, competitive process, subject to Council's intention so to enter into a lease agreement being advertised for public inputs, before making a final decision.

This current building is also part of an investigation by the Planning Department (Spatial planning) for which a report is imminent. It also forms part of the bigger investigation under the Municipal Manager dealing with the future of all council properties. A advertisement was also placed in the newspaper to request inputs on the Future of Voorgelegen property that is linked to the investigation by planning and for that reason has not served before Mayco and Council again.

EXECUTIVE MAYORAL COMMITTEE: 2021-08-18: ITEM 7.2.1

RESOLVED

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

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

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

7.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
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7.5.1	STATUS REPORT ON THE GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

18 August 2021

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

For notification by the Municipal Council

4. EXECUTIVE SUMMARY

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

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

- a. Rooftop Solar Panel Generation of Electricity

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

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-08-18: ITEM 7.5.1

- (a) that Council notes the status of the Alternate Electricity Energy investigations and studies being performed and in particular:
 - (i) Memorandums of Understanding entered into with:
 - a. University of Stellenbosch
 - b. Council of Scientific & Industrial Research (CSIR)
 - c. Western Cape Government (WCG)
 - (ii) Service Levels Agreements entered into with:
 - a. University of Stellenbosch
 - b. Council of Scientific & Industrial Research (CSIR)
 - c. Western Cape Government (WCG)
- (b) that Council notes the commencement with the following projects:
 - (i) Rooftop Solar Photo Voltaic Investigation
 - (ii) Energy Master Plan creation

FOR FURTHER DETAILS CONTACT:

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

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

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

2. PURPOSE

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

3. FOR DECISION BY

Council

4. EXECUTIVE SUMMARY

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

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

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

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

EXECUTIVE MAYORAL COMMITTEE: 2021-08-18: ITEM 7.5.2

RESOLVED

that this item be referred to the Infrastructure Services section 80 committee for deliberation, whereafter same be submitted to Mayco.

FOR FURTHER DETAILS CONTACT:

NAME	J G LOUW
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 4004
E-MAIL ADDRESS	deon.louw@stellenbosch.gov.za
REPORT DATE	2 August 2021

7.5.3	SECTION 78(2) DECISION ON EXPLORING IN GREATER DETAIL THE ALTERNATIVE MECHANISMS TO ESTABLISH A PUBLIC TRANSPORT SERVICE FOR STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 August 2021

1. SUBJECT: SECTION 78(2) DECISION ON EXPLORING IN GREATER DETAIL THE ALTERNATIVE MECHANISMS TO ESTABLISH A PUBLIC TRANSPORT SERVICE FOR STELLENBOSCH

2. PURPOSE

Council to adopt the Section 78(1) Report and deliberate on its outcome, with relation to either an internal method of service delivery or to first look into an external method of service delivery, in terms of the Municipal Systems Act (Act No 32 of 2000)

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 The Stellenbosch Municipality Comprehensive Integrated Transport Plan (CITP) for the period 2016 – 2021 identified the need for improved public transport services for the Municipality. Our vision for transport as reflected in the CITP is ***“A sustainable transport system that provides for the basic mobility needs of individuals, supports a vibrant economy and operates seamlessly within and across the municipal boundaries”.***

4.2 With the rail service severely impacted upon by vandalism and theft, and regional bus services operating a limited and reduced service, the provision of a functional and sustainable Public Transport System for Stellenbosch is now one of our most important challenges.

4.3 The matter of an adequate means of delivering such a Public Transport System was investigated and is attached as Annexure A. In terms of this investigation a set of services should be rendered by a Municipality such as Stellenbosch:

4.3.1 A scheduled service should be provided with significantly more coverage and reliability than the current informal services (16-18 hours a day, 7 days a week, within 400m walking distance to most urban residents).

4.3.2 The nature and extent of the Public Transport Services Network (PTSN) (as proposed in the above-mentioned report), ultimately proposes a network of 11 local routes within Stellenbosch, and 8 long distance routes. An initial Pilot Service is also proposed, the pilot would service areas such as Kayamandi, Idasvalley, Cloeteville, Jamestown and the University. The cost of the initial services is estimated at approx. R180M, excluding direct operating cost, over the first 4 years.

4.3.3 Public transport service vehicles should be procured, and strict service and maintenance schedules will need to be followed.

4.3.4 Employment legislation (Labour Relations Act, Basic Conditions of Employment Act, Health and Safety Act) must be adhered to.

- 4.3.5 Public safety should be a priority, with systems implemented to reduce accidents and personal security incidents.
- 4.3.6 Fares are to be based on affordability to users and not cost recovery or profit generation. Given the high levels of poverty (upwards of 20% of households in the Municipality have no income), it is expected that fares may therefore be lower than the current fares.
- 4.4 In investigating the above, the following was found:
- 4.4.1 The Municipality is not likely to have the financial resources or organisational capacity to internally provide a public transport service.
- 4.4.2 The Municipality should consider the investigation of an External Service delivery mechanism in terms of section 78(3) of the Municipal Systems Amendment Act (No 44 of 2003).
- 4.4.3 The Municipality seeks to continue partnership with the Western Cape Government's Department of Transport and Public Works (DTPW) for support in establishing a public transport service through possible implementing incremental improvements to the existing public transport system.
- 4.4.4 The Municipality together with the DTPW pursue an alternative approaches to public transport services for Stellenbosch, that would reduce the cost by utilizing more of the existing infrastructure and by incorporating existing taxi services into a more formalized transport service.

EXECUTIVE MAYORAL COMMITTEE: 2021-08-18: ITEM 7.5.3

RESOLVED

that this item be referred to the Infrastructure Services section 80 committee for deliberation, whereafter same be submitted to Mayco.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	11 August 2021

7.5.4	REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 August 2021

1. SUBJECT: REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS

2. PURPOSE

That Council approves the annexed schedule of the 2021 Bylaw on Roads and Street which will repeal of the Stellenbosch Municipality 2010 By-Law on Streets.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The 2021 By-Law on Roads and Streets was approved by Council in June 2021, however the annexed schedule (**ANNEXURE B**), indicating the By-Law to be repealed was omitted from documentation submitted to Council.

The approval of the repeal schedule alluded to above is required to repeal the 2010 By-law on Streets, to enable the Municipality to promulgate the 2021 By-law on Roads and Streets (**ANNEXURE A**, clause 44 has reference).

5. RECOMMENDATIONS

- (a) that **ANNEXURE B** indicating the repealed By Law be accepted.
- (b) that the By-Law be promulgated as a whole again.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality's first By-Law on Streets was promulgated in June 2010, Provincial Gazette 6756.

Council had approved the 2021 Bylaw on Roads and Streets following a public participation process and all relevant processes.

6.2 Discussion

The Municipality's 2021 By-Law on Roads and Streets, following Council approval, was promulgated in June 2021 under Provincial Gazette 8436, however it had been discovered that the schedule, indicating the By-Law to be repealed, was not attached to the Council item which served before Council. In light thereof the previous 2010 By-law on Streets was not deproclaimed with the promulgation of the 2021 By-law on Roads and Streets.

The schedule to the 2021 By-law on Roads and Streets, in terms of which the 2010 By-law on Streets will be repealed, needs to be approved by Council to enable the Municipality to promulgate the 2021 By-law on Roads and Streets.

6.3 Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

37TH COUNCIL MEETING: 2020-08-24: ITEM 11.5.2

RESOLVED (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.1

RESOLVED (majority vote)

- (a) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and
- (b) that Council notes that a public participating process was followed and considered the discussion on comments received.

6.7 Risk Implications

None

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-08-18: ITEM 7.5.4

- (a) that **ANNEXURE B** indicating the repealed By Law be accepted; and
- (b) that the By-Law be promulgated as a whole again.

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
NONE	
7.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))
NONE	
7.8	RURAL MANAGEMENT: (PC: CLLR S PETERS)
NONE	
7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR J FASSER)
NONE	
7.10	MUNICIPAL MANAGER
NONE	
8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
NONE	
9.	URGENT MATTERS
NONE	
10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
NONE	

The meeting adjourned at 11:20

CHAIRPERSON:

DATE:

Confirmed on

6.	STATUTORY MATTERS
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6.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) SUPPLEMENTARY OVERSIGHT REPORT ON THE ANNUAL REPORT 2019/20
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Collaborator No: 713271
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 15 September 2021

1. SUBJECT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) SUPPLEMENTARY OVERSIGHT REPORT ON THE ANNUAL REPORT 2019/20

2. PURPOSE

To submit to Council, the supplementary Oversight Report on the Annual Report 2019/20 for consideration and adoption.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

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

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

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

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

The AGSA's report was signed on 13 July 2021. The Audit and Performance Audit Committee (APAC) then concluded its annual report and both reports (the AGSA and APAC reports 2019/20) were submitted to Council for consideration on 28 July 2021.

The remaining core components were advertised in the local media and on the municipality's website. Community members and interested and affected parties were invited to submit any input/s on or before 19 August 2021. No inputs were received from members of the community and or any other interested and affected party/s.

An MPAC meeting was held on 05 August 2021 to discuss the remaining core components of the Annual Report 2019/20.

5. RECOMMENDATIONS

- (a) that Council, having fully considered the supplementary Oversight Report on the Annual Report 2019/20 of the Stellenbosch Municipality, ADOPTS the supplementary Oversight Report 2019/20 without any reservations;
- (b) that Council, having fully considered the remaining core components of the Annual Report 2019/20, attached hereto as **ANNEXURE A** and B of the supplementary Oversight Report on the Annual Report 2019/20, APPROVES that the remaining core components of the Annual Report 2019/20 be inserted in the Annual Report 2019/20;
- (c) that the supplementary Oversight Report 2019/20 be made public in accordance with Section 129(3) of the MFMA; and
- (d) that the supplementary Oversight Report on the Annual Report 2019/20 be submitted in accordance with Section 129(2)(b) and 132(2) of the MFMA to the Auditor General of South Africa, Provincial Treasury: Western Cape, Department of Local Government: Western Cape and the Provincial Legislature: Western Cape.

6. DISCUSSION

6.1 Background

The MFMA promotes transparency and accountability for the fiscal and financial affairs of all municipalities and municipal entities through in-year and annual reporting. This can be achieved where there is a clear link between the strategic objectives agreed with the community, the Integrated Development Plan (IDP), the Budget, Service Delivery and Budget Implementation Plan (SDBIP), performance agreements of senior management and officials, in-year reports, annual financial statements, annual performance report and the Annual Report. All these reports form one process to ensure that the actual performance is reported against what was planned and contained in the IDP. In this way the annual reporting is a backward-looking process of financial and non-financial performance for the financial year ended, and audited. It is therefore a post-financial year document.

The Annual Report requires the collection and consolidation of a range of financial and non-financial performance information about the municipality. It provides an authoritative record of the activities and performance of the municipality for each financial year. In time it will serve as a key historic record of the municipality revealing the progress, growth and development of municipal services and performance.

In terms of Section 121(3) of the MFMA, the Annual Report of a municipality or municipal entity must include the following core components. These core components are normally annexed to the Draft Annual Report when presented to Council:

- a) The Annual Financial Statements as submitted to the AGSA (Section 121(3)(a));
- b) the AGSA's audit report in terms of section 126(3) on those financial statements (Section 121(3)(b));
- c) the annual performance report of the municipality prepared by the municipality in terms of Section 46 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) (Section 121(3)(c));
- d) the AGSA's audit report in terms of section 45(b) of the MSA (Section 121(3)(d)); and
- e) particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d) in the MFMA (Section 121(3)(g)).

The Minister of Finance issued a Ministerial Exemption in terms of section 177(1)(b) of the MFMA on 05 August 2020, exempting municipalities and municipal entities from submitting their annual financial statements and related reports for auditing at the end of August 2020. The notice allows for a two-month delay in the submission of Annual Financial Statements, Annual Reports, Audit opinions, and oversight reports. Hence, why the Draft Annual Report 2019/20 was submitted to Council in March 2021 and the final MPAC Oversight Report to Council in May 2021.

It must be noted that the AGSA commenced with its audit later as per usual. This has caused a delay with the inception of the external audit by the AGSA as well as with the issuing of their report. The AGSA report 2019/20 was signed on 13 July 2021 and was submitted to Council on 28 July 2021. In addition, the APAC also concluded its report after receiving the AGSA report 2019/20, and was also submitted to Council on 28 July 2021, as part of the finalisation of the Annual Report 2019/20 oversight process.

Members of the community and other interested and affected parties were invited to make representations on the remaining core components of the Annual Report 2019/20 on or before 19 August 2021. Unfortunately, no written submissions were received on or before the due date.

The MPAC also held a meeting on 05 August 2021 to discuss the remaining core components of the Annual Report 2019/20.

6.2 Financial Implications

There are no financial implications beyond that which was approved in the 2020/21 MTREF Budget.

6.3 Legal Implications

Section 121(3) of the MFMA states that the annual report of a municipality must include—

- (a) the annual financial statements of the municipality, and in addition, if section 122(2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of section 126(1);
- (b) the Auditor-General's audit report in terms of section 126(3) on those financial statements;
- (c) the annual performance report of the municipality prepared by the municipality in terms of section 46 of the Municipal Systems Act;
- (d) the Auditor-General's audit report in terms of section 45(b) of the Municipal Systems Act;
- (e) an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;
- (f) an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in section 17(3)(b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;
- (g) particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d);
- (h) any explanations that may be necessary to clarify issues in connection with the financial statements;

- (i) any information as determined by the municipality;
- (j) any recommendations of the municipality's audit committee; and
- (k) any other information as may be prescribed.

Section 127(2) of the MFMA states that "*The mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control.*"

Furthermore, Section 127(3) of the MFMA states that "*If the mayor, for whatever reason, is unable to table in the council the annual report of the municipality, or the annual report of any municipal entity under the municipality's sole or shared control, within seven months after the end of the financial year to which the report relates, the mayor must— (a) promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and (b) submit to the council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.*"

6.4 Staff Implications

This report has no staff implications to the Municipality.

6.5 Risk Implication

None

6.6 Previous Council Resolutions

Item 8.4 of the 41st meeting of the Stellenbosch Municipal Council, 31 March 2021, "*Tabling of the Draft Annual Report 2019/20*"

Item 8.1 of the 43rd meeting of the Stellenbosch Municipal Council, 26 May 2021, "*Municipal Public Accounts Committee (MPAC) Oversight Report on the Annual Report 2019/20*"

Item 8.6 of the 44th meeting of the Stellenbosch Municipal Council, 28 July 2021, "*Tabling of the Remaining Core Components of the Annual Report 2019/20*"

6.7 Comments from Senior Management

6.7.1 Director: Community and Protection Services

Supported

6.7.2 Chief Financial Officer

Supported

6.7.3 Director: Infrastructure Services

Supported

6.7.4 Director: Corporate Services

Supported

6.7.5 Director: Planning and Economic Development

Supported

6.7.6 Comments from the Municipal Manager

Supported

ANNEXURES**Annexure A: Supplementary Annual Report Oversight Report 2019/20****FOR FURTHER DETAILS CONTACT:**

NAME	Gurswin Cain
POSITION	Manager: IDP/PMS/PP
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8174
E-MAIL ADDRESS	gurswin.cain@stellenbosch.gov.za
REPORT DATE	06 August 2021

ANNEXURE A

SUPPLEMENTARY ANNUAL REPORT OVERSIGHT REPORT 2019/20

This supplementary Oversight Report is based on the remaining core components of the Annual Report 2019/20 and is drafted and submitted in accordance with the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003)

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1. INTRODUCTION

The annual report is one of the key instruments of transparent governance and accountability. It is a post-financial year document which provides an overview of the process of financial and non-financial performance in respect of the previous financial year, which in this instance relates to the 2019/20 financial year. The tabling and adoption of the annual report is a legislative requirement in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

1.1 PURPOSE

The purpose of this report is to present to Council for adoption, the remaining core components of the Annual Report 2019/20 as well as the supplementary Oversight Report on the Annual Report 2019/20 as contemplated in terms of Section 129 of the MFMA.

2. ANNUAL REPORT 2019/20

2.1 LEGAL FRAMEWORK

Herewith an extract from the key legislative requirements as per MFMA relating to the annual report:-

121. Preparation and adoption of annual reports.

- (1) Every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control in accordance with section 129.
- (2) The purpose of an annual report is—
 - (a) to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates;
 - (b) to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and
 - (c) to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity.

127. Submission and tabling of annual reports

- (2) The mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control.

129. Oversight reports on annual reports.

- (1) The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council—
 - (a) has approved the annual report with or without reservations;
 - (b) has rejected the annual report; or
 - (c) has referred the annual report back for revision of those components that can be revised.

2.2 COMPONENTS OF THE ANNUAL REPORT

The format of the Annual Report 2019/20 is based on the annual report template issued by National Treasury in terms of the MFMA Circular 63 of 2012, which differs significantly from the Annual Report Guidelines (MFMA Circular 11) issued by National Treasury in 2005.

MFMA Circular 63 of 2012 comprises six (6) chapters and attempts to cover all the aspects that needs to be reported on as derived from the MFMA and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

In terms of Section 121(3) of the MFMA, the Annual Report of a municipality or municipal entity must include the following core components. These core components are normally annexed to the Draft Annual Report when presented to Council:

- a) The Annual Financial Statements as submitted to the AGSA (Section 121(3)(a));
- b) the AGSA's audit report in terms of section 126(3) on those financial statements (Section 121(3)(b));
- c) the annual performance report of the municipality prepared by the municipality in terms of Section 46 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) (Section 121(3)(c));
- d) the AGSA's audit report in terms of section 45(b) of the MSA (Section 121(3)(d)); and
- e) particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d) in the MFMA (Section 121(3)(g)).

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

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

The AGSA's report was signed on 13 July 2021. The Audit and Performance Audit Committee (APAC) then also concluded its annual report and both reports were submitted to Council for consideration on 28 July 2021.

3. ANNUAL REPORT 2019/20 CONSULTATION AND ADOPTION PROCESS








3.1 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

In terms of Council resolution, a Municipal Public Accounts Committee (MPAC) was established in terms of Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998). The Terms of Reference tasks the MPAC with the responsibility to perform an oversight role over the process of preparing the Annual Report of Council and to produce an Oversight Report based on the Annual Report.

The schedule of MPAC meetings was presented in Council on **31 March 2021** and published on the Municipal Website and in the local newspaper. As required by the MFMA, the Municipal Manager attended the Council Meeting where the Annual Report 2019/20 was tabled (31 March 2021) to be released for public comment as well as the MPAC Meeting to answer questions posed by MPAC Members and to respond to written and oral representations from the community.

The attendance of MPAC members for the purpose of discussing the remaining core components of the Annual Report 2019/20 is recorded as follows:

TABLE 3:1: MPAC MEETING ATTENDANCE

Name	MPAC Meeting
	05 August 2021
Cllr Wilfred Pietersen (MPAC Chairperson)	
Cllr Malcolm Johnson (MPAC Member)	
Cllr Siegfried Schäfer (MPAC Member)	
Cllr Nokuthula Gugushe (MPAC Member)	
Cllr Emily Fredericks (MPAC Member)	
Irmela Alberts (Co-opted Member)	
Jacobus Davids (Co-opted Member)	

 - Attended  - Absent with an apology  - Absent without an apology

3.2 ADOPTION AND PUBLIC CONSULTATION PROCESS

The remaining core components of the Annual Report 2019/20 was tabled to Council on **28 July 2021**.

The remaining core components of the Annual Report 2019/20 were advertised in the local media and on the municipality's website. Community members and interested and affected parties were invited to submit any input/s on or before **19 August 2021**.

No inputs were received from community members and or any other interested and affected party/s.

An MPAC meeting was held on 05 August 2021 to discuss the remaining core components of the Annual Report 2019/20.

3.3 MATTERS DISCUSSED BY THE MPAC

The MPAC Members noted the remaining core components of the Annual Report 2019/20 and congratulated the municipality for the audit outcome as communicated in the AGSA Audit Report 2019/20

4. CONCLUSION

As Chairperson of the MPAC, I would like to thank the MPAC Committee Members, the Executive Mayor and Mayoral Committee, the Municipal Manager, Directors, Senior Managers, as well as all the officials for their contribution to the achievement of the audit outcome. The "clean audit" outcome is testament of the municipality's commitment to service delivery and good governance. Their diligence and constructive commitment during this oversight period is noted and appreciated.

5. RECOMMENDED RESOLUTION TO BE ADOPTED BY COUNCIL

In accordance with Section 129(1) of the MFMA it is **RECOMMENDED** to Council:-

1. That Council, having fully considered the supplementary Oversight Report on the Annual Report 2019/20 of the Stellenbosch Municipality, **ADOPTS** the supplementary Oversight Report 2019/20 without any reservations;
2. That Council, having fully considered the remaining core components of the Annual Report 2019/20, attached hereto as Annexure A and B of the supplementary Oversight Report on the Annual Report 2019/20, **APPROVES** that the remaining core components of the Annual Report 2019/20 be inserted in the Annual Report 2019/20;

3. That the supplementary Oversight Report 2019/20 be made public in accordance with Section 129(3) of the MFMA; and
4. That the supplementary Oversight Report on the Annual Report 2019/20 be submitted in accordance with Section 129(2)(b) and 132(2) of the MFMA to the Auditor General of South Africa, Provincial Treasury: Western Cape, Department of Local Government: Western Cape and the Provincial Legislature: Western Cape.


CLLR WILFRED PIETERSEN
MPAC CHAIRPERSON

DATE: 8/9/2021

Annexure A:

**AGSA's 2019/20 audit report for the Stellenbosch
Municipality**

Report of the auditor-general to the Western Cape Provincial Parliament and council on the Stellenbosch Municipality

Report on the audit of the financial statements

Opinion

1. I have audited the financial statements of the Stellenbosch Municipality set out on pages 5 to 143, which comprise the statement of financial position as at 30 June 2020, statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Stellenbosch Municipality as at 30 June 2020, and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (GRAP) and the requirements of the Municipal Finance Management Act 56 of 2003 (MFMA) and the Division of Revenue Act 16 of 2019 (Dora).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of this auditor's report.
4. I am independent of the municipality in accordance with the International Ethics Standards Board for Accountants' *International code of ethics for professional accountants (including International Independence Standards)* (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of matters

6. I draw attention to the matters below. My opinion is not modified in respect of these matters.

Restatement of corresponding figures

7. As disclosed in note 61 to the financial statements, the corresponding figures for 30 June 2019 were restated as a result of errors in the financial statements of the municipality at, and for the year ended, 30 June 2020.

Material impairments

8. As disclosed in note 5 to the financial statements, the municipality provided for impairment of receivables from exchange transactions of R151,4 million (2018-19: R142,8 million).
9. As disclosed in note 6 to the financial statements, the municipality provided for impairment of receivables from non-exchange transactions of R153,4 million (2018-19: R167,5 million).

Other matter

10. I draw attention to the matter below. My opinion is not modified in respect of this matter.

Unaudited disclosure note

11. In terms of section 125(2)(e) of the MFMA the municipality is required to disclose particulars of non-compliance with the MFMA in the financial statements. This disclosure requirement did not form part of the audit of the financial statements and, accordingly, I do not express an opinion on it.

Responsibilities of the accounting officer for the financial statements

12. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the GRAP and the requirements of the MFMA and Dora, and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
13. In preparing the financial statements, the accounting officer is responsible for assessing the municipality's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the municipality or to cease operations, or has no realistic alternative but to do so.

Auditor-general's responsibilities for the audit of the financial statements

14. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
15. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the audit of the annual performance report**Introduction and scope**

16. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for the selected strategic focus area presented in the annual performance report. I performed procedures to identify material findings but not to gather evidence to express assurance.
17. My procedures address the usefulness and reliability of the reported performance information, which must be based on the municipality's approved performance planning documents. I have not evaluated the completeness and appropriateness of the performance indicators/measures included in the planning documents. My procedures do not examine whether the actions taken by the municipality enabled service delivery. My procedures also do not extend to any disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.

18. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected strategic focus area presented in the municipality's annual performance report for the year ended 30 June 2020:

Strategic focus area	Pages in the annual performance report
Strategic focus area 4 – dignified living	16 to 18

19. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
20. I did not identify any material findings on the usefulness and reliability of the reported performance information for this strategic focus area:
- Strategic focus area 4 – dignified living

Other matter

21. I draw attention to the matter below.

Achievement of planned targets

22. Refer to the annual performance report on pages 16 to 18 for information on the achievement of planned targets for the year.

Report on the audit of compliance with legislation

Introduction and scope

23. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the municipality's compliance with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.
24. I did not identify any material findings on compliance with the specific matters in key legislation set out in the general notice issued in terms of the PAA.

Other information

25. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and the selected strategic focus area presented in the annual performance report that have been specifically reported in this auditor's report.
26. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion on it.

27. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected strategic focus area presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
28. If based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact.
29. I have nothing to report in this regard.

Internal control deficiencies

30. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it.
31. I did not identify any significant deficiencies in internal control.

Auditor - General

Cape Town

13 July 2021



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence

Annexure – Auditor-general’s responsibility for the audit

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for the selected strategic focus area and on the municipality’s compliance with respect to the selected subject matters.

Financial statements

2. In addition to my responsibility for the audit of the financial statements as described in this auditor’s report, I also:
 - identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control
 - obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the municipality’s internal control
 - evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting officer
 - conclude on the appropriateness of the accounting officer’s use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the Stellenbosch Municipality to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor’s report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor’s report. However, future events or conditions may cause a municipality to cease operating as a going concern
 - evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation

Communication with those charged with governance

3. I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.
4. I also confirm to the accounting officer that I have complied with relevant ethical requirements regarding independence, and communicate all relationships and other matters that may reasonably be thought to have a bearing on my independence and, where applicable, the actions taken to eliminate threats or the safeguards applied.

Annexure B:

APAC Report 2019/20



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Report of the Audit and Performance Audit Committee

This report of the Audit and Performance Audit Committee of Stellenbosch Municipality is in respect of the 2019/2020 financial year. The Audit and Performance Audit Committee has complied with its responsibilities in terms of Section 166 of the MFMA and applicable Treasury Regulations. The Committee has also regulated its affairs and discharged its responsibilities concordant to the approved Audit Committee Charter. The Committee's operation is guided by the International Institute of Internal Auditor's Standards and the King IV report on Corporate Governance.

The Committee consists of four independent members, elected by the Council: Len Mortimer (Chairperson), Tsepo Lesihla, Vincent Botto and June Williams. The Council appointed the Chairperson of the Committee, an independent member. The Municipal Manager, Chief Financial Officer, Directors, Chief Audit Executive, Senior Manager Governance, Chief Risk Officer, MPAC Chairperson, and External Auditors are permanent invitees to the Committee meetings.

Execution of Functions

The Audit and Performance Audit Committee has executed its duties and responsibilities during the financial year in accordance with its terms of reference as they relate to the Council's accounting, internal auditing, internal control, governance, risk management and financial reporting practices.

During the year under review, the Committee, amongst other matters, considered the following:

1.1 In respect of the External Auditors and the External Audit

- i. Approved the External Auditors' (Auditor-General of RSA) terms of engagement, the audit plan and budgeted audit fees payable;
- ii. Engaged and interrogated extensively the External Auditors' report and management report of the Auditor General at the Audit and Performance Audit Committee meeting dated 29th June 2021;
- iii. Considered the audit outcome of the Municipality extensively and communicated the Audit and Performance Audit Committee's satisfaction and congratulated the Accounting Officer and Management on the Clean Audit Outcome;
- iv. Based on the audit outcome recommendations were made by the Audit and Performance Audit Committee on the other important matters as well as control deficiencies identified in the Auditor-Generals' report;

- v. Management have been requested by the Audit and Performance Audit Committee to implement processes and reconciliations of transactions;
- vi. Management are urged to strengthen controls to adequately monitor non-compliance with laws and regulations on a timely basis;
- vii. Management need to concentrate on accurate presentation and review of the Annual Financial Statements submitted to the Auditor General for audit;
- viii. The supervision and review process need to be addressed to prevent, detect and correct misstatements on a timely basis and the controls designed to monitor compliance with regulations that are not always able to prevent or report the instances of non-compliance in a timely manner to allow for corrective action;
- ix. The quality of submitted financial statements and the compliance with the requirements of the supply chain management are still matters that can be improved on; thus, management is encouraged to develop action plans early to allow for the improvement in the next reporting cycle;

1.2 In respect of the Annual Financial Statements (AFS)

- i. Confirmed the going concern as the basis of preparation of the Interim and Annual Financial Statements;
- ii. Examined, reviewed and interrogated the Annual Financial Statements, performance report as well as financial information disclosed to the public prior to submission and approval by Council;
- iii. Reviewed reports on the adequacy of the portfolio and specific impairments and impairment of other assets;
- iv. Ensured that the Annual Financial Statements fairly represented the financial position of the Stellenbosch Municipality as at the end of the financial year in accordance with SA Standards of GRAP and in the manner required by the MFMA and DORA;
- v. Considered the appropriateness of accounting treatments, significant unusual transactions and management accounting judgements;
- vi. Considered the appropriateness of the accounting policies adopted by Management and changes thereto;
- vii. Through the Chairperson, met separately over the course of the year with the Chief Audit Executive, CFO, Chief Risk Officer, Management and the External Auditors (Auditor-General of RSA);
- viii. Reviewed any significant legal and tax matters that could have a material impact on the financial statements; and
- ix. Noted that there were no material reports or complaints received concerning accounting practices, internal financial controls, content of Annual Financial Statements, internal controls and related matters.

1.3 In respect of Internal Control and Internal Audit

- i. Reviewed and approved the Internal Audit mandate, annual and three-year rolling audit plans and evaluated the independence, effectiveness and performance of the Internal Audit Department and compliance with its mandate;
- ii. Considered reports of the Internal and External Auditors on Council's system of internal control, including internal financial controls and maintenance of effective internal control systems;
- iii. Reviewed significant issues raised by the internal audit process and the adequacy of corrective action in response to such findings;
- iv. Reviewed significant differences of opinion between the Internal Audit function and Management and noted that there were no material issues of difference raised and all matters were addressed and resolved;
- v. Assessed the adequacy of the performance of the Internal Audit function and found it to be effective in providing assurance;
- vi. Reviewed the External Quality Assurance Review conducted by an independent Quality Assurance Provider on Internal Audit as required by the IIA Standards;

- vii. Assessed the adequacy and sufficiency of available Internal Audit resources and found **them** to be very limited as more resources are required to evaluate the control weaknesses and high-risk areas identified in both the corporate strategic risk, external audit and the audit universe;
- viii. Received assurance that proper and adequate accounting records were maintained and that systems safeguarded the assets against unauthorised use or the disposal thereof; and
- ix. Based on the above, the Committee **were of** the opinion that at the date of this report, there were breakdowns in internal control, including internal financial controls, for the year under review in the following areas:
 - Supply Chain Management. The Audit and Performance Audit Committee felt strongly that controls in this area require urgent strengthening. Training interventions and, in some instances SOP's are required and monitoring by the CFO and MM in these areas as well as in:
 - Contract Management;
 - Pre-determined objectives;
 - Monthly or regular reconciliations of assets, debtors, and creditors;
 - Compilation of mid-year or interim AFS;
- x. In addition, the Committee noted Management's improved responses to conclude on internal and external audit findings from the prior and current year as reported in the internal audit follow up reports.

1.4 In respect of Legal and Compliance with Laws and Regulations

- i. Reviewed with management matters that could have a material impact on Council;
- ii. Monitored compliance with the MFMA and other key legislation applicable to the Municipality, requirements of National and Provincial Treasury, Council's policies, and all other applicable legislation and codes of good governance;
- iii. Reviewed reports from the Internal and External Auditors detailing the extent of compliance.

1.5 In respect of Risk Management, Combined Assurance and Information Technology

During the period under review, Management presented Strategic and Operational Risk profiles for the Municipality to the Audit and Performance Audit Committee who :

- i. Considered and reviewed reports from Management on risk management, including fraud risks and information technology risks as they pertain to financial reporting and the going concern assessment;
- ii. In respect of the coordination of assurance activities, the Committee reviewed the plans and work outcomes of the external and internal auditors and concluded that these were adequate to address all significant financial, operational and compliance risks facing the Municipality;
- iii. Noted the progress made in terms of Combined Assurance and the co-ordination between assurance providers to mitigate the top 10 strategic risks facing the Municipality as well as the emerging risks;
- iv. The Audit and Performance Audit Committee, in respect of compliance, notes an emerging risk and expresses concern with non-compliance with the SCM regulation and policies; and
- v. The Audit and Performance Audit Committee took cognisance that Information Technology and IT systems controls have improved in the Auditor General's Management report.

1.6 In respect of Pre-Determined Objectives (PDO's)

The Audit and Performance Audit Committee:

- i. Noted the need that management should ensure the accurate and reliable reporting of PDO's and the reporting on the top-layer SDBIP; and
- ii. The quality of submitted performance information in the Management report is indicated as satisfactory. There were no material findings reported on performance information by the Auditor General and Internal Audit, respectively.

1.7 In respect of the Finance Function

The Audit and Performance Audit Committee:

- i. Considered the existing expertise, resources and experience of the organisation-wide finance functional capacity and concluded that it needs to be monitored and evaluated and addressed as it appears to be the root cause of the errors in the AFS submitted to the Auditor General.
- ii. The Chief Financial Officer should ensure appropriate measures are in place for the accurate and timeous submission of information to the office of the Auditor-General.

1.8 Independence of the External Auditors

The Audit and Performance Audit Committee is satisfied that the Audit General of RSA (AGSA) were independent of the Council. This conclusion was arrived at, inter alia, after taking into account the following factors:

- i. The presentations made by the Auditor-General to the Audit and Performance Audit Committee;
- ii. The Auditors' independence was not impaired by any consultancy, advisory or other work undertaken by the auditors; and
- iii. The Audit and Performance Committee met with the External Auditors independently of management.

1.9 General

- i. The Audit and Performance Audit Committee has monitored quarterly the Municipality's implementation plan for audit issues raised in the prior year and are satisfied that the matters have been adequately resolved. Of all the matters raised in the 2019/20 audit outcome, no repeat-findings occurred from the prior year. The Audit and Performance Committee has raised its concern around the other important matters raised in the Auditor-General's Management Report. The Municipal Manager has given assurance that all of these will be addressed as urgent and tracked for the 2020/2021 financial year.
- ii. The Audit and Performance Audit Committee concurs and accepts the conclusions of the External Auditor on the Annual Financial Statements and is of the opinion that the audited Annual Financial Statements be accepted and read together with the report of the Auditor-General.

Stellenbosch Municipality has progressively been stable in the areas of second and third levels of assurance and governance over a three year period. There has also been stability in the leadership over the past five financial years. The only area for concern, and where attention is required, is financial and performance management over processing and reconciliation controls. The Audit and Performance Committee has made recommendations in this area which management have committed to.

1.10 Conclusion

I am extremely grateful to the members for their professionalism and diligence in their duties, as well as their flexibility in accommodating last-minute calls to duty. We are fortunate to have the diversity of skills and expertise available to the Municipality. It would be amiss not to convey on behalf of the Committee our appreciation to the Mayor, the entire Council and its Committees for the leadership, support and oversight they have provided during the year.

Finally, the Audit and Performance Audit Committee would like to express its appreciation to Management, Internal Audit, Risk Management and the Auditor General for the support and co-operation extended during the financial year and for providing the relevant information to enable the Audit and Performance Audit Committee to compile this report. This past year was indeed trying and Stellenbosch Municipality should be proud of its elected and appointed leaders for taking control and driving an agenda of sustainability and service delivery and improving its audit results in the process.

On behalf of the Audit and Performance Audit Committee.



Dr Llewellyn Nimrod Mortimer
Chairperson Audit and Performance Audit Committee
30 June 2020

6.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST 2021
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Collaborator No: 713271
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 15 September 2021

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATION

that Council notes that there were no deviations as listed for the month of August 2021.

6. DISCUSSION / CONTENTS

6.1. Background/Legislative Framework

The regulation applicable is as follows:

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

Deviation from and ratification of minor breaches of, procurement processes

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

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

(i) in an emergency;

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

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

(iv) acquisition of animals for zoos; or

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

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

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

6.2. Discussion

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

That the market may not be tested.

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

6.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.8.1 Municipal Manager

Supports the recommendations.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	06 September 2021

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

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

15 September 2021

1. SUBJECT: RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER

2. PURPOSE OF REPORT

To inform Council that the contract of Me Mettler comes to an end on 31 December 2021. The post must be advertised as per the legislative provisions. Council must approve the advertising of the post and appoint a selection panel and a service provider to make recommendations for the appointment of a successful candidate for the Municipal Manager vacancy.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The contract period for Ms Geraldine Mettler, Municipal Manager comes to an end on 31 December 2021. It is therefore critical to commence with the recruitment and selection process for Municipal Manager to ensure the post can be filled timeously.

5. RECOMMENDATIONS

- (a) that Council approve the advertising of the post of the Municipal Manager;
- (b) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:
 - the mayor, who will be the chairperson, or his or her delegate;
 - a councillor designated by the council; and
 - at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.
- (c) that an independent external consultant be appointed to assist with the recruitment and selection process.

6. DISCUSSION / CONTENTS**6.1 Background**

The contract period for Ms Geraldine Mettler, Municipal Manager comes to an end on 31 December 2021.

6.2 Discussion

The Regulations on the appointment and conditions of employment of Senior Managers was Gazetted on 17 January 2014. (Gazette No. 37245 dated 17 January 2014).

In terms of Section 7.1 when the post of a senior manager becomes vacant, or is due to become vacant, the administration must obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.

In terms of Section 7.2 a vacant senior manager post may not be filled, unless:

- (a) approval to fill the post has been granted by the municipal council; and
- (b) the post has been budgeted for.

In terms of Section 8 no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she-

- (a) Is a South African citizen or permanent resident; and
- (b) Possesses the relevant competencies, qualifications, experience and knowledge set out in in the regulations.

An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

In terms of Section 10 the municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

- A vacant senior manager post must be advertised in a newspaper circulating nationally and, in the province, where the municipality is located.
- An advertisement for a vacant senior manager post must specify the:
 - (a) Job title;
 - (b) Term of appointment;
 - (c) Place to be stationed;
 - (d) Annual total remuneration package;
 - (e) Competency requirements of the post, including minimum qualifications and experience required;
 - (f) Core functions;
 - (g) Need for signing of an employment contract, a performance agreement and disclosure of financial interest;
 - (h) The need to undergo security vetting;
 - (i) Contact person;
 - (j) Address where applications must be sent or delivered; and
 - (k) Closing date which must be minimum 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

Cognisance must be taken of Section 12 which makes provision for the manner in which the selection panel must be constituted. Section 12(1) provides that :

“A municipal Council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

Section 12(2) provides that in deciding who to appoint to a selection panel, the following considerations must inform the decision:

- (a) The nature of the post;
- (b) The gender balance of the panel; and
- (c) The skills, expertise, experience and availability of the persons to be involved.

Section 12 (3) provides that the selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows :

- (a) The mayor, who will be the chairperson, or his or her delegate;
- (b) A councillor designated by the municipal council; and
- (c) At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

Furthermore Section 12(5) provides that a panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process and that such a panel member Section 12(6) a panel member must recuse himself or herself from the selection panel if-

- (a) His or her spouse, partner, close family member or close friend has been shortlisted for the post;
- (b) The panel member has some form of indebtedness to a short-listed candidate or visa versa; or
- (c) He or she has any other conflict of interest.

The Regulations dictates in terms of section 7 that a panel member and staff member must sign a declaration of confidentiality to avert the disclosure of information to unauthorised persons.

The Regulations provides for strict time frames which must be adhered to with regard to the Screening of Candidates in terms of section 14 as well as the Interviewing process in terms of section 15. Due regard must be given to Section 17 which deals with the Resolution of the municipal council on appointment of senior managers and reporting as well as the re-employment of dismissed persons in terms of section 18.

Furthermore, the Independent Electoral Commission (IEC) has appointed former Deputy Chief Justice Dikgang Moseneke to lead a process to evaluate the impact of Covid-19 on conditions conducive for the holding of free and fair elections on 27 October 2021. The report concluded that it is not reasonably possible or likely that the local government elections scheduled for the month of October 2021 will be held in a free and fair manner, as required by the peremptory provisions of the Constitution and related legislation. He found that the scheduled elections are likely to be free and fair if they were to be held not later than the end of February 2022. To this end, the Independent Electoral Commission applied to the Constitutional Court for the postponement of the elections. The constitutional court on 3 September did not grant the request and ordered the IEC to hold the elections between 27 October and 1 November 2021. As this item is written we are awaiting the new published date of the elections.

In light of the above, it is recommended that the post be advertised for a period of 5 years.

6.3. Financial Implications

The post is budgeted for and the salary is predetermined by legislation.

6.4 Legal Implications

Regulation on the Appointment and Conditions of Employment of Senior Manager. The recommendations comply with legislation.

6.5 Staff Implications

The filling of the post is vital for stability in the organisation.

6.6 Previous / Relevant Council Resolutions:

Appointment of Municipal Manager in 2016.

6.7 Risk Implications

The process of the recruitment and selection process has to be finalised to ensure stability and continuity within the organisation.

6.8 Comments from Senior Management:

The item was not circulated for comment.

Attachments:

Appendix 1: Extract from the Regulation and Conditions of Service of Senior Management.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene De Beer
POSITION	Director Corporate Service
DIRECTORATE	Corporate services
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	annalenedebeer@ Stellenbosch.gov.za
REPORT DATE	6 September 2021

APPENDIX 1

- (d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post.

CHAPTER 3

RECRUITMENT, SELECTION AND APPOINTMENT

Principles of recruitment

6. (1) The recruitment, selection and appointment of senior managers must take place in accordance with the municipal systems and procedures contemplated in section 67 of the Act that are consistent with sections 54A, 56, 57A and 72 of the Act.
- (2) A senior manager post must be filled through public advertising, in accordance with the procedures contemplated in regulation 10.
- (3) Selection must be competence-based to enhance the quality of appointment decisions and to ensure the effective performance by municipalities of their functions.

Determination of recruitment needs

7. (1) When the post of a senior manager becomes vacant, or is due to become vacant, the mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.
- (2) A vacant senior manager post may not be filled, unless—
- (a) approval to fill the post has been granted by the municipal council; and
 - (b) the post has been budgeted for.
- (3) Notwithstanding subregulation (1), the speaker may convene a special meeting to obtain municipal council approval for the filling of a senior manager post.

General requirements for appointment of senior managers

8. (1) No person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she—
- (a) is a South African citizen or permanent resident; and
 - (b) possesses the relevant competencies, qualifications, experience, and knowledge set out in Annexures A and B to these regulations.
- (2) An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

Competence requirements for senior managers

9. (1) A person appointed as a senior manager in terms of these regulations must have the competencies as set out in Annexure A.
- (2) A person appointed as a senior manager in terms of these regulations must comply with the minimum requirements for higher education qualification, work experience and knowledge as set out in Annexure B.

Advertising of vacant posts

10. (1) The municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.
- (2) A vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.
- (3) An advertisement for a vacant senior manager post must specify the—
- (a) job title;
 - (b) term of appointment;
 - (c) place to be stationed;
 - (d) annual total remuneration package;
 - (e) competency requirements of the post, including minimum qualifications and experience required;
 - (f) core functions;
 - (g) need for signing of an employment contract, a performance agreement and disclosure of financial interest;
 - (h) the need to undergo security vetting;
 - (i) contact person;
 - (j) address where applications must be sent or delivered; and
 - (k) closing date which must be a minimum of 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.
- (4) A municipality may utilise a recruitment agency to identify candidates for posts: Provided that the advertising, recruitment and selection procedures comply with these regulations.
- (5) The mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must provide monthly reports to the executive committee regarding progress on the filling of the vacant senior manager post.

Application for vacant post

11. (1) An application for the vacant post of a senior manager must be submitted on an official application form, attached as Annexure C, accompanied by a detailed curriculum vitae.
- (2) Notwithstanding subregulation (1), a municipality that has on-line application procedures in place may use an on-line application form: Provided that the on-line application form substantially corresponds to the application form in Annexure C, and complies with these regulations.
- (3) An application not made on the official form, as contemplated in subregulations (1) or (2) must not be considered.
- (4) An applicant for a senior manager post must disclose—
- (a) his or her academic qualifications, proven experience and competencies;
 - (b) his or her contactable references;
 - (c) registration with a relevant professional body;
 - (d) full details of any dismissal for misconduct; and
 - (e) any disciplinary actions, whether pending or finalised, instituted against such applicant in his or her current or previous employment.
- (5) Any misrepresentation or failure to disclose information contemplated in subregulation (3) and (4) is a breach of the Code of Conduct for Municipal Staff as provided for in Schedule 2 to the Act and shall be dealt with in terms of the Disciplinary Regulations.

(6) The municipality must compile and maintain a record of all applications received, which must contain—

- (a) the applicants' biographical details and contact information;
- (b) the details of the post for which the applicants were applying;
- (c) the applicants' qualifications; and
- (d) any other requirements outlined in the application form.

Selection panel

12. (1) A municipal council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

(2) In deciding who to appoint to a selection panel, the following considerations must inform the decision:

- (a) the nature of the post;
- (b) the gender balance of the panel; and
- (c) the skills, expertise, experience and availability of the persons to be involved.

(3) The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows:

- (a) the mayor, who will be the chairperson, or his or her delegate;
- (b) a councillor designated by the municipal council; and
- (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(4) The selection panel for the appointment of a manager directly accountable to a municipal manager must consist of at least three and not more than five members, constituted as follows:

- (a) the municipal manager, who will be the chairperson;
- (b) a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
- (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(5) A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.

(6) A panel member contemplated in subregulations (3) and (4) must recuse himself or herself from the selection panel if—

- (a) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
- (b) the panel member has some form of indebtedness to a short-listed candidate or *vice versa*; or
- (c) he or she has any other conflict of interest.

(7) A panel member and staff member must sign a declaration of confidentiality as set out in Annexure D to these regulations, to avert the disclosure of information to unauthorised persons.

(8) A staff member may provide secretarial or advisory services during the selection process, but may not form part of the selection panel.

Compiling shortlist of applicants

13. (1) A mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, in consultation with the selection panel, must compile—

- (a) a list of all applicants who applied for an advertised post; and

- (b) a shortlist consisting of all applications received for a specific post, evaluated against the relevant competency requirements, as set out in Annexures A and B to these regulations.
- (2) The shortlisting must be finalised within 30 days of the closing date of the advertisement.
- (3) The municipality must keep a record of all the applicants who applied for vacant posts.
- (4) The municipal manager must ensure that the information contained in the applications is kept confidential and stored in a secure site on the municipality's premises.
- (5) The lists contemplated in subregulation (1) must be submitted, together with the shortlisted applications, to the selection panel before the interviews.

Screening of candidates

- 14.** (1) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by—
- (a) conducting the necessary reference checks;
 - (b) contacting a candidate's current or previous employer;
 - (c) determining the validity of a candidate's qualifications; and
 - (d) verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.
- (2) A written report on the outcome of the screening process must be compiled by the mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, before the interviews take place.

Interviews

- 15.** (1) The selection panel must conduct interviews within 21 days of screening the candidates.
- (2) The selection panel for a specific post must remain the same throughout the screening and interviewing process.
 - (3) The selection panel must keep records of every panel member's individual assessment of the interviewed candidates.
 - (4) The determination of candidates to be recommended for appointment must be considered by way of consensus between the members of the selection panel.
 - (5) If consensus cannot be reached, a dissenting member may record his or her concerns in the minutes, whereafter the issue may be voted upon, with each member of the selection panel entitled to one vote.
 - (6) The selection panel must recommend the second and third suitable candidates to minimise delays that may arise in the filling of the post if the first choice candidate declines or does not accept the offer of employment.

Selection

- 16.** (1) The candidates recommended for appointment to the post of a senior manager must undergo a competency assessment.
- (2) The competency assessment tools must—
 - (a) be capable of being applied fairly; and
 - (b) not be biased against any person or group of persons.
 - (3) A municipality must provide in its medium term budget, funding for purposes of competency assessment and testing.

(4) Notwithstanding subregulation (3) and upon good cause shown, a municipality encountering cash flow problems may apply to the Local Government Sector Education and Training Authority to make use of the discretionary grants to fund the competency assessment for purposes of filling a vacant senior manager post.

(5) The selection panel must submit a report and recommendation on the selection process to the municipal council on the suitability of candidates who comply with the relevant competency requirements of the post as set out in Annexures A and B, in order of preference.

Resolution of municipal council on appointment of senior managers and reporting

17. (1) Before making a decision on an appointment, a municipal council must satisfy itself that—

- (a) the candidate meets the relevant competency requirements for the post, as set out in Annexures A and B to these regulations;
- (b) screening of the candidates has been conducted in terms of regulation 14; and
- (c) the candidate does not appear on the record of staff members dismissed for misconduct as set out in Schedule 2 to these regulations.

(2) A municipal council must, subject to subregulation (1), take a decision on the appointment of a suitable candidate.

(3) A municipal council must—

- (a) inform all interviewed candidates, including applicants who were unsuccessful, of the outcome of the interview; and
- (b) within 14 days of the decision referred to in subregulation (2), submit a written report to the MEC for local government regarding the appointment process and outcome.

(4) The report contemplated in subregulation (3)(b) must contain—

- (a) details of the advertisement, including date of issue and the name of newspapers in which the advert was published, and proof of the advertisement or a copy thereof;
- (b) a list of all applicants;
- (c) a report contemplated in regulation 14(2) on the screening process and the outcome thereof;
- (d) the municipal council's resolution approving the selection panel and the shortlisted candidates;
- (e) competency assessment results;
- (f) the minutes of the shortlisting meeting;
- (g) the minutes of interviews, including scoring;
- (h) the recommendations of the selection panel submitted to the municipal council;
- (i) the details of executive committee members and recommendations, if the selection panel comprised of all members of the executive committee;
- (j) the recommendation of the executive committee or executive mayor to the municipal council, if any;
- (k) the municipal council resolution approving the appointment of the successful candidate;
- (l) the application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;
- (m) a written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Act, as at the date of appointment;

- (n) the letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and
- (o) any other information relevant to the appointment.

Re-employment of dismissed persons

18. (1) A person who has been dismissed for misconduct in a municipality may not be employed as a senior manager in any municipality before the expiry of a period, as set out in column 3, in respect of such category of misconduct as set out in column 2 of Schedule 2.

(2) Subregulation (1) does not apply to a senior manager who has lodged a dispute in terms of applicable legislation.

(3) If a senior manager is dismissed for more than one categories of misconduct as set out in subregulation (1), the periods set out in column 3 of the table attached as Schedule 2, run concurrently.

(4) For purposes of subregulation (1), a person dismissed for misconduct is prohibited from re-employment in any municipality for a period as set out in column 3 of Schedule 2 in respect of such category of misconduct calculated from the date of dismissal or conviction.

(5) Any senior manager who has been dismissed for any misconduct other than the categories of misconduct as set out in column 2 of the table attached as Schedule 2 may not be subjected to a waiting period before such a staff member may be re-employed in a municipality.

(6) A municipality must maintain a record of staff members dismissed for misconduct and staff members who resigned prior to the finalisation of any disciplinary proceedings.

(7) A record contemplated in subregulation (6) must be submitted within 14 days of such dismissal or resignation to the MEC for local government and the Minister.

(8) The record contemplated in subregulation (6) must include the following information:

- (a) The name and surname of the staff member;
- (b) the name of municipality;
- (c) the post title; and
- (d) the nature of the misconduct, including—
 - (i) the date of suspension, if applicable;
 - (ii) the conditions of suspension;
 - (iii) the date of commencement of the disciplinary hearing;
 - (iv) information regarding any pre-dismissal arbitration;
 - (v) the finding and category of misconduct;
 - (vi) the date on which the misconduct was referred for arbitration;
 - (vii) costs incurred by the municipality towards the finalisation of the disciplinary case;
 - (viii) the date of resignation or dismissal of the senior manager; and
 - (ix) whether the dismissal has been appealed and the status of the appeal, if applicable.

Re-advertisement of posts

- 19.** (1) If no suitable candidate has been identified, the municipal council—
- (a) must inform all shortlisted candidates that their applications were unsuccessful; and
 - (b) may re-advertise the post.

Secondment

- 20.** (1) If a person is seconded to a municipality to act as a municipal manager in terms of section 54A(6) of the Act, an agreement must be entered into between the relevant seconding authority and receiving municipality.
- (2) The agreement contemplated in subregulation (1) must specify—
- (a) the duration of the secondment;
 - (b) the party responsible for the costs of the secondment; and
 - (c) the job description of the seconded official.
- (3) Notwithstanding subregulation (4), the cost of secondment must be borne by the receiving municipality, taking into consideration the financial capacity of the municipality.
- (4) A person seconded in terms of subregulation (1) must report monthly to the MEC or the Minister, in terms of section 54A(6), on the following:
- (a) steps taken to fill the vacant post to which he or she is seconded;
 - (b) the development and implementation of any municipal institutional recovery plan for which the seconded official is responsible;
 - (c) monitor and assess the adherence to policy, principles and frameworks applicable to the municipality;
 - (d) develop a turnaround strategy for the municipality including a strategy to promote good governance;
 - (e) ensure implementation of municipal council resolutions by the administration;
 - (f) implement a system to control and approve all expenditure;
 - (g) implement all governance systems and procedures; and
 - (h) ensure implementation of financial systems, policies and procedures.
- (5) A person seconded in terms of subregulation (1) must—
- (a) be paid an allowance equal to the difference between the secondee's current salary and the minimum budgeted salary of the position that the secondee acts in; and
 - (b) be compensated for subsistence and travel incurred during the course and scope of his or her duties, in accordance with the relevant policy of the municipality.

CHAPTER 4**CONDITIONS OF EMPLOYMENT****Ordinary hours of work**

21. (1) Except as otherwise provided, a senior manager's ordinary hours of work must be stipulated in the employment contract and be in accordance with the operational requirements of the municipality.

(2) Notwithstanding subregulation (1) a senior manager must work at least 40 ordinary hours per week from Monday to Friday.

Overtime

22. A senior manager may be required to work overtime without additional remuneration.

7.2.2	APPLICATION TO LEASE: PORTION OF ERF 4261 (DALSIG), STELLENBOSCH : CELLPHONE TOWER(S) : ATLAS TOWERS AND ILANGA TECHNOLOGIES, ON BEHALF OF INVICTA TOWERS
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Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 15 September 2021

1. SUBJECT:APPLICATION TO LEASE: PORTION OF ERF 4261 (DALSIG), STELLENBOSCH : CELLPHONE TOWER(S) : ATLAS TOWERS AND ILANGA TECHNOLOGIES, ON BEHALF OF INVICTA TOWERS

2. PURPOSE

To inform council of the 2 applications received from 2 different companies namely Atlas Towers and Ilanga Technologies, on behalf of Invicta Towers allowing them to construct new base stations on a portion of erf 4261, Stellenbosch. Council to consider the applications to lease the land for this purpose.

3. DELEGATED AUTHORITY

In terms of Delegation EM85 the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated authority to “*Approve Lease Agreements on Council properties for a period shorter than 10 years and a contract value of less than R5M*”. The item served before The Mayoral Committee in June and was then referred to the section 80 Committee for consideration and a recommendation to the Executive Mayor in consultation with the Mayoral committee.

4. EXECUTIVE SUMMARY

The item served before The Mayoral Committee in June and was then referred to the section 80 Committee for consideration and a recommendation to the Executive Mayor in consultation with the Mayoral committee. A further request was made that the members of the Planning and economic section 80 committee as well as the members of the Infrastructure Section 80 Committee be invited to take part in the discussions.

On 2018-06-18, following a written request to this effect, a Special Power of Attorney was issued to Atlas Towers to apply for the necessary authorisation to construct a new base station (communication tower) on a portion of erf 4261, Stellenbosch. The delegation to sign these requests was subsequently revoked from the Manager Properties and Maintenance.

This application (building plan) was subsequently approved and they now want to enter into a Lease Agreement with the Municipality. (**APPENDIX 3**). The application is dated 5 December 2018.

A further application to erect a base station tower on the same property was also received from Ilanga Technologies, on behalf of Invicta Towers (**APPENDIX 4**). The application is undated, but was received in January 2021 according to Mr Smit from the property department.

In terms of the Property Management Policy Council may conclude lease agreements on a private treaty basis, i.e. without following a public tender process, subject thereto that Council's intention so to enter into such a contract is advertised for public inputs/comments/objections. It is however clear that there are competing interests on this land and Council must take that into account when considering the applications.

There is also a reservoir on the property and the Water Services department has indicated that further infrastructure may be built on the site in future (**APPENDIX 5**). On the reservoir there are telemetry towers and other signals may interfere with our network services from the site.

The Mayor in consultation with the Mayoral Committee can therefore consider the application.

5. RECOMMENDATION

For consideration and recommendations to the Executive Mayor and Mayoral committee.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Application for a Power of Attorney

On 2018.06.18, following a written request to this effect, a Special Power of Attorney was issued to Atlas Towers to apply for the necessary authorisation to construct a new base station (communication tower) on a portion of Erf 4261, Stellenbosch, a copy of which is attached as **APPENDIX 1**.

6.1.2 Approval of building plans

On 22 November 2018 this Department was informed that the necessary authorisation (building plan approval) has been received from Stellenbosch Municipality, a copy of which is attached as **APPENDIX 2**. They have applied for a Lease Agreement with Stellenbosch Municipality to enable them to construct a base station on a portion of erf 4261, Stellenbosch. A copy of the application is attached as **APPENDIX 3**. A further application to erect a base station tower on the same property was also received from Ilanga Technologies, on behalf of Invicta Towers (**APPENDIX 4**).

6.2. DISCUSSION

6.2.1 Property description

Erf 4261, Stellenbosch is situated in Nooitgedacht street in Dalsig, as shown, on Fig 1 and 2, below.



Fig 1: Location and context



Fig 2: Size of property

6.2.3 Current use

The site currently house a municipal reservoir, but there is enough space to cater for the base station. The department indicated that the site might be needed for further infrastructure in future.

6.2.4 Ownership

The ownership of erf 4261 vests with Stellenbosch Municipality by virtue of Title Deed T44240/1974.

6.3 Financial Implications

In terms of the approved tariff structure a monthly fee of R6300 will be payable. They will also be responsible for the actual cost in relation to the publication of the public notice.

Should Council approve of the application it will result in an annual income of R75 600.00; i.e. R749 700 over a lease period of 9 years and 11 months (without taking into account the annual escalation).

It needs to be taken into account that the base stations are sub-leased to companies who wants to put disks or smaller towers on to provide internet. Space is then rented from the company that has the base station.

6.4 Legal Implications

6.4.1 Asset Transfer Regulations

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

The Accounting officer has concluded a public participation process*; and

The municipal council has approved in principle that the right may be granted.

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

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

None of the assets has a value in excess of R10M.

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

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

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

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

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

6.4.2 Policy on the Management of Council owned property

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

One of the circumstances listed in (g) is where unsolicited applications/proposals are received from telecommunication companies to construct or put up communication infrastructure on Municipal land, such as masts, dishes, etc., subject to approved tariff structure*.

*See par. 4.3 below.

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

6.4.3 Telecommunication Mast Infrastructure Policy (2017)

Council adopted the above policy in 2017. Should Council therefor approve of the application to conclude a Lease Agreement for the construction of a freestanding

telecommunication base station, it will be subject thereto that all the necessary Land Use rights and building plan approvals are obtained from the Planning Department.

Only when such approvals/authorisations are in place, the Lease Agreement will come into operation.

6.5 Staff Implications

There are no staff implications, should the recommendations be approved.

6.6 Previous / Relevant Council Resolutions

Mayco 15/6/21:

that this matter be referred to a Joint meeting of Corporate Services; Infrastructure; Planning, Local Economic Development and Tourism Section 80 Committee meeting (including the Ward Councillors).

6.7 Risk Implications

Risks are indicated in the item.

6.8 Comments from Senior Management

The item was sent out for comments on 5 February 2021 and the water services commented – see **APPENDIX 5**.

RECOMMENDATIONS TO THE EXECUTIVE MAYOR: FROM THE JOINT SITTING OF CORPORATE SERVICES, INFRASTRUCTURE SERVICES AND PLANNING & ECONOMIC DEVELOPMENT COMMITTEE: 2021-09-09: ITEM: 5.1.2

that the applications not be approved with the following reasons;

- (i) Given the fact that Council already have infrastructure on the land and may want to extend that infrastructure in future;
- (ii) The use of the towers may pose a risk to the current infrastructure;
- (iii) No motivation or request from the residents of the ward was received to increase cell phone coverage;
- (iv) Extensive fibre has been installed in the ward should residence need fast and reliable internet.

ANNEXURES: Appendix 1: Special Power of Attorney

Appendix 2: Building Plan approval

Appendix 3: Application

Appendix 4: Application Ilanga Technologies, on behalf of Invicta Towers

Appendix 5: Comments from Water Services Department

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

POWER OF ATTORNEY

I, **PETRUS DU PLESSIS SMIT**, in my capacity as Manager: Property Management of Stellenbosch Municipality, being the registered owner of Erf 4261, Stellenbosch by virtue of Title Deed T44246/1974, do hereby grant authority to **Atlas Towers** to apply for the necessary planning/environmental authorization and building plan approvals in respect of the above-mentioned property, to enable it to be developed/utilized for the purpose(s) of construction of a cellular base station.

The undersigned hereby nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representatives/agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

This consent is valid for a period of 12 (twelve) months from date of signature and is subject to:

1. Written proposal to the Municipality by Atlas Towers, setting out all details and design of the proposed Telecommunication Infrastructure;
2. Conclusion of a formal rental agreement between the Municipality and Atlas Towers that includes all applicable local authority town planning; building planning and environmental regulation and approvals;
3. Undertaking by the Municipality not to issue a Power of Attorney to any other party to plan and/or apply for the development and/or installation of a Telecommunication Structure on the subject property.

Should the necessary approvals, as sought by Atlas Towers not be obtained for whatsoever reasons, then Atlas Towers would not have any claim against Stellenbosch Municipality for expenditure incurred.

Signed at Stellenbosch this.....day of2019.

.....
PETRUS DU PLESSIS SMIT
on behalf of Stellenbosch Municipality

APPENDIX 2

STELLENBOSCH MUNISIPALITEIT
STELLENBOSCH MUNICIPALITY

**KENNISGEWING VIR GOEDKEURING VAN BOUPLAN
NOTICE OF APPROVAL OF BUILDING PLAN**

Stellenbosch Municipality
C/o Piet Smit
P.O.Box 17
STELLENBOSCH
7599

Erf Number: SB4261
Building Plan number: BP/18/2561
Situated at: Nooitgedacht Road
Description of application: Telecommunication Base Station
Approval date: 19 November 2018

**APPROVED IN TERMS OF SECTION 7 OF THE NATIONAL BUILDING REGULATION
AND BUILDING STANDARDS, ACT 103 OF 1977.**

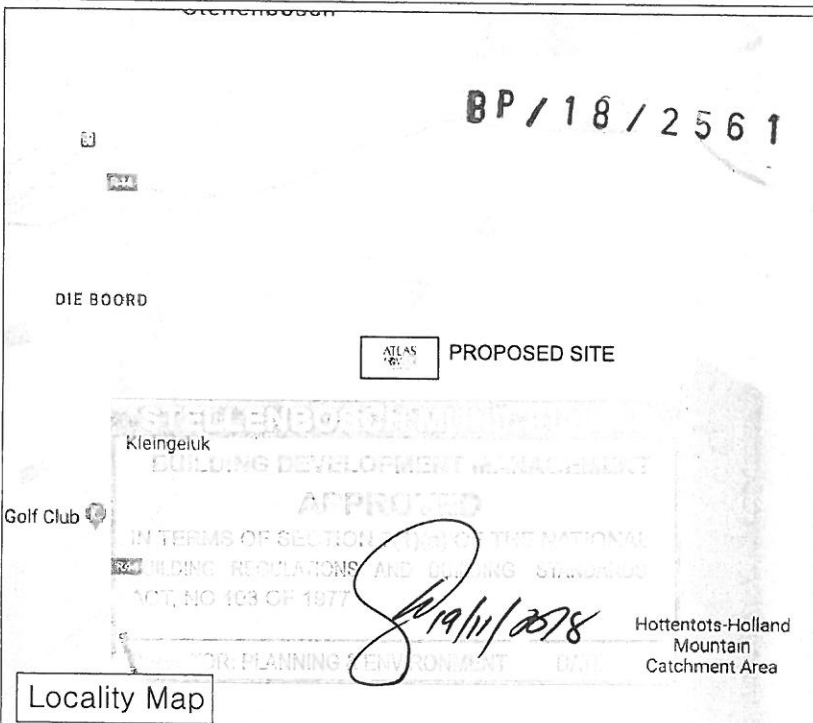
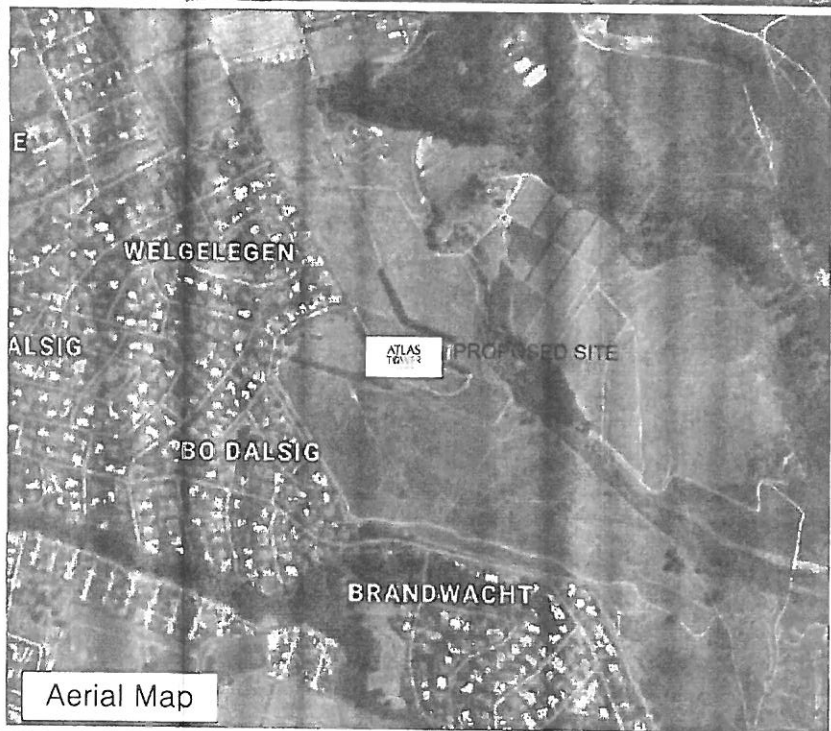
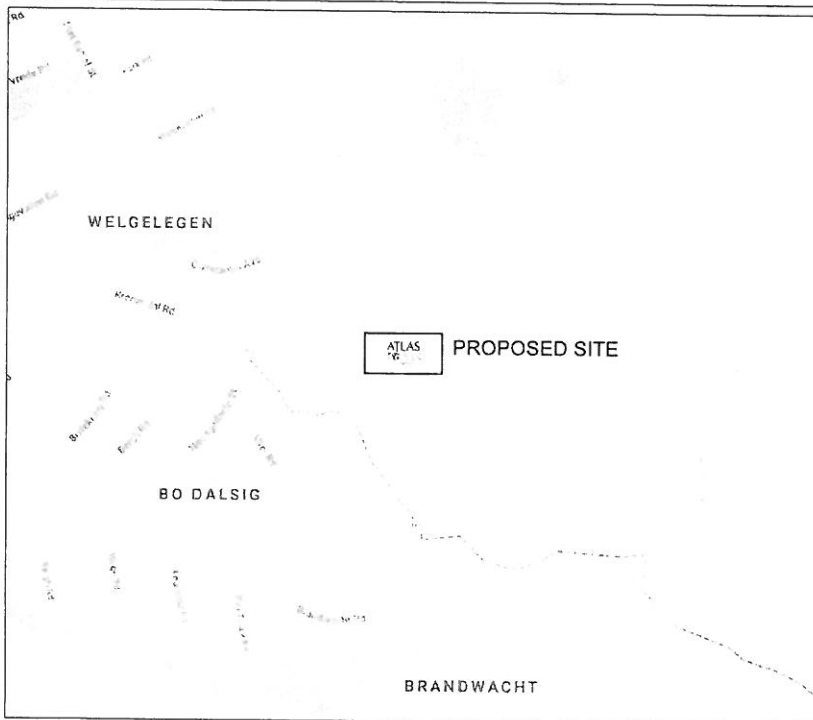
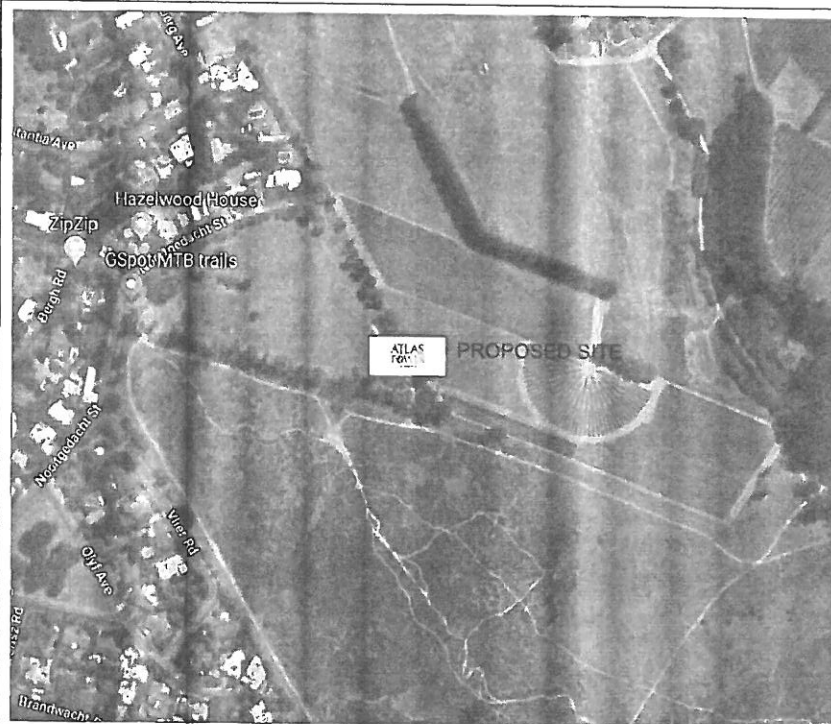
BUILDING CONTROL OFFICER – RODNEY ADAMS (021-808 8686)

Recommended for approval subject to the following conditions:-

1. All work to be done in accordance with the National Building Regulations and standards Act 103 of 1977.
2. This approval does not exempt the owner from complying with any relevant legislation.
3. The approval granted in terms of Section 7 (4) of the Act 103 of 1977, shall lapse after the expiry of a period of 12 months unless the construction started prior to the said period or unless the applicant make application in writing to extend such period.
4. Where, in the opinion of the local authority, the location of any boundary of a site has not been accurately determined such local authority may, require the owner, at his own cost, to engage a professional land surveyor and to submit to the local authority a certificate, in an approved form and signed by such professional land surveyor.



MANAGER BUILDING DEVELOPMENT MANAGEMENT



ATLAS TOWER

USA • INTERNATIONAL

ATLAS TOWER SITE ID:
ATSA724

ATLAS TOWER SITE NAME:
DALSIG

PROPERTY DESCRIPTION:
ERF 4261, STELLENBOSCH

ADDRESS:
NOOITGEDACHT ROAD, DALSIG,
STELLENBOSCH, WESTERN CAPE

CO-ORDINATES: **ELEVATION:**
Lat: -33.950697° **179m**
Long: 18.867353°

WPP

TOWN AND REGIONAL PLANNING CONSULTANTS

Tel: (021) 552 5255 Unit H, 3rd Floor Po Box 152
Fax: 086 537 9187 Matrix Building, Bridgeway, Century City, Cape Town, 7446

PROJECT:
PROPOSED NEW ATLAS TOWER 25m TREE MAST
WITH 10m X 10m BASE STATION

APPROVED MAST:
25m TREE MAST

- NOTES:**
- A) NEW 25m TREE MAST
 - B) 10m x 10m BASE STATION
 - C) 2.4m PALISADE FENCE
 - D) BASE STATION: CHIP STONE SURFACE

Adrianus 09/07/2018

DATE	DESCRIPTION	REVISION
27-06-2018	1st Issue	0

DRAWING NUMBER: ATSA724 **SHEET:** 1 OF 4

DRAWING TITLE: LOCALITY MAP

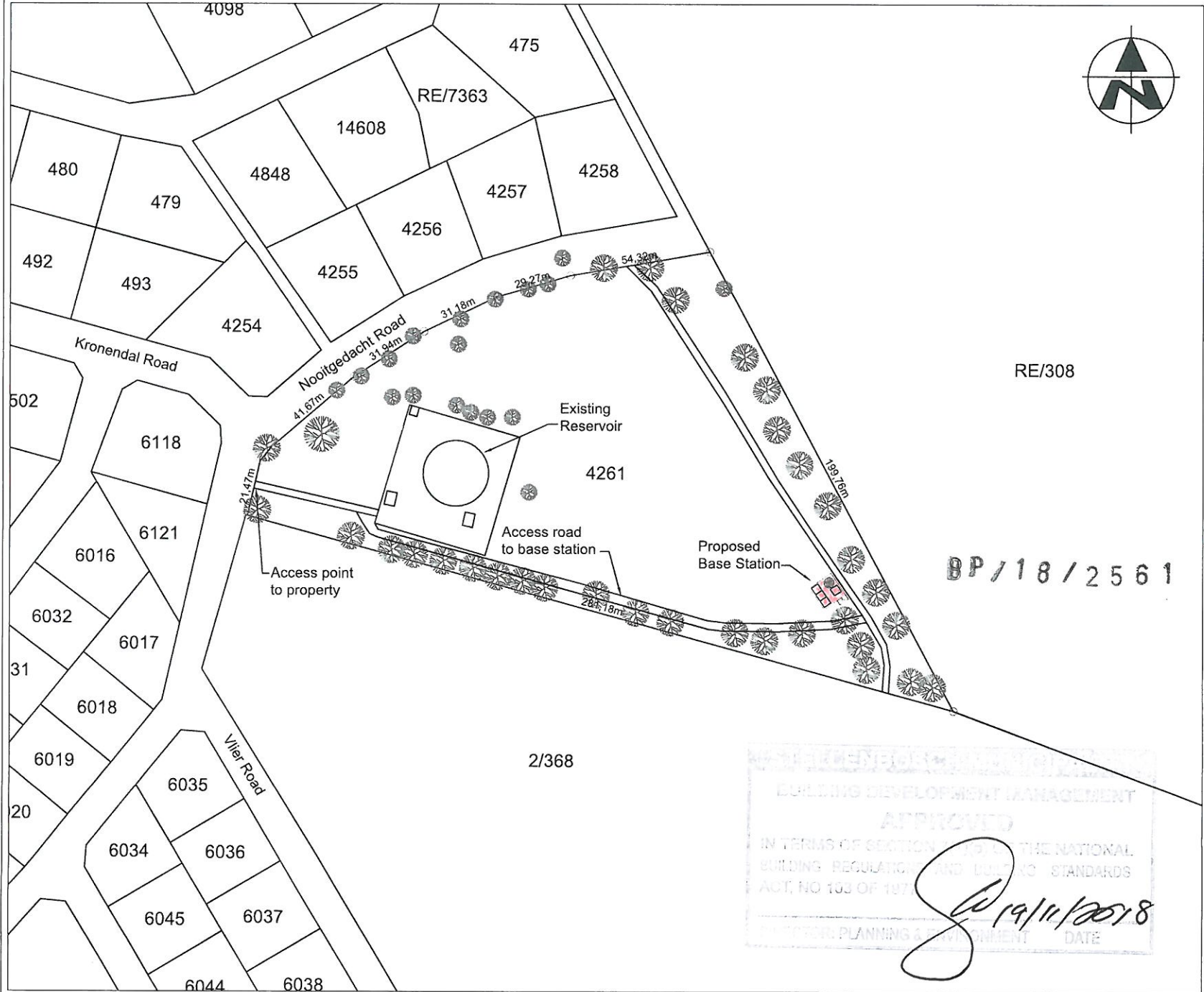
DRAWN: D. LOOTS **SCALE:** NTS

DATE: 2018-06-27 **REVISION:** 0

Aerial Map

Locality Map

Site Plan



RE/308

BP/18/2561

BUILDING DEVELOPMENT MANAGEMENT
 APPROVED
 IN TERMS OF SECTION 107 OF THE NATIONAL
 BUILDING REGULATIONS AND BUILDING STANDARDS
 ACT, NO 103 OF 1977
 19/11/2018
 TOWN AND REGIONAL PLANNING & DEVELOPMENT DATE



ATLAS TOWER SITE ID:
ATSA724

ATLAS TOWER SITE NAME:
DALSIG

PROPERTY DESCRIPTION:
ERF 4261, STELLENBOSCH

ADDRESS:
NOOITGEDACHT ROAD, DALSIG,
STELLENBOSCH, WESTERN CAPE

CO-ORDINATES: ELEVATION:
Lat: -33.950697° 179m
Long: 18.867353°



Tel: (021) 552 5255 Unit H, 3rd Floor Po Box 152.
 Fax: 086 537 9187 Main Building, Bridgeway, Century City,
 Century City, Cape Town 7446

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DATE	DESCRIPTION	REVISION
27-06-2018	1st Issue	0

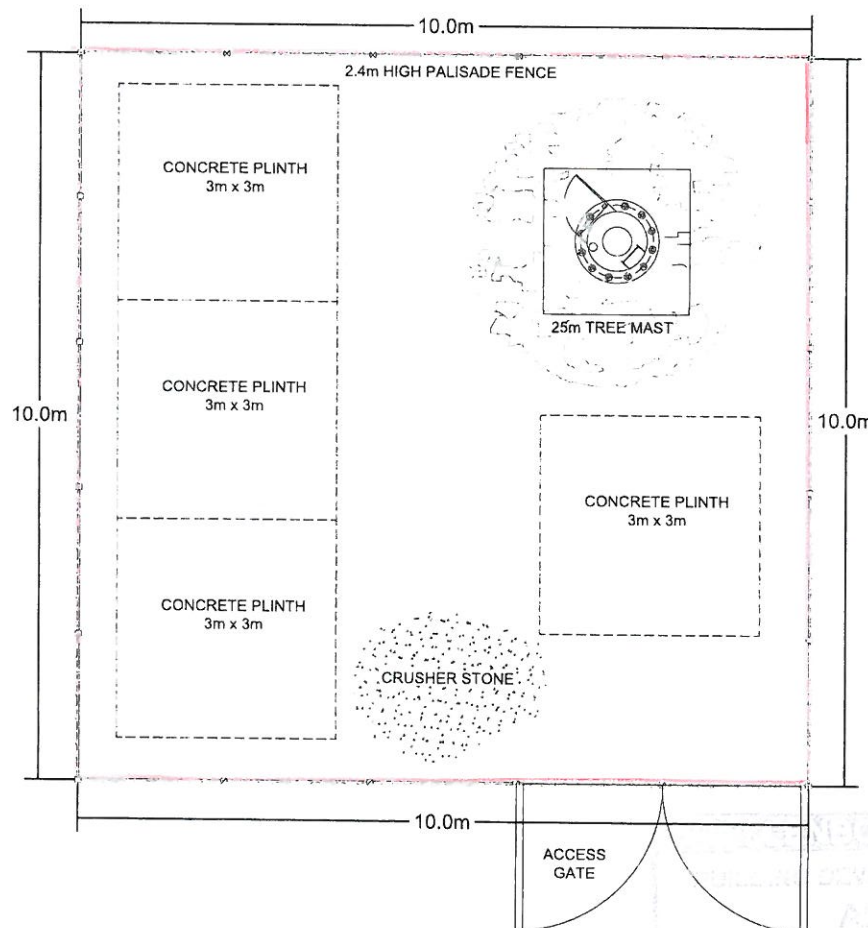
DRAWING NUMBER: ATSA724 SHEET:
2 OF 4

DRAWING TITLE: SITE PLAN

DRAWN: D. LOOTS SCALE:
1:2000

DATE: 2018-06-27 REVISION:
0

Top View



BP / 18 / 2561

ENVIRONMENTAL PLANNING
 DEVELOPMENT MANAGEMENT
 APPROVED
 IN TERMS OF SECTION 22 OF THE NATIONAL
 ENVIRONMENTAL MANAGEMENT ACT AND BUILDING STANDARDS
 ACT NO 103 OF 1977
 19/07/2018
 ENVIRONMENT DATE

ATLAS TOWER

USA • INTERNATIONAL

ATLAS TOWER SITE ID:

ATSA724

ATLAS TOWER SITE NAME:

DALSIG

PROPERTY DESCRIPTION:

ERF 4261, STELLENBOSCH

ADDRESS:

NOOITGEDACHT ROAD, DALSIG,
 STELLENBOSCH, WESTERN CAPE

CO-ORDINATES:

Lat: -33.950697*
 Long: 18.867353*

ELEVATION:

179m

WPP

TOWN AND REGIONAL PLANNING CONSULTANTS

Tel: (021) 552 5255
 Fax: 086 537 9187

Unit H, 3rd Floor
 Matrix Building, Bridgeway,
 Century City, Cape Town

Po Box 152,
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[Signature] 09/07/2018

DATE	DESCRIPTION	REVISION
27-06-2018	1st Issue	0

DRAWING NUMBER: ATSA724

SHEET:
3 OF 4

DRAWING TITLE:

TOP VIEW

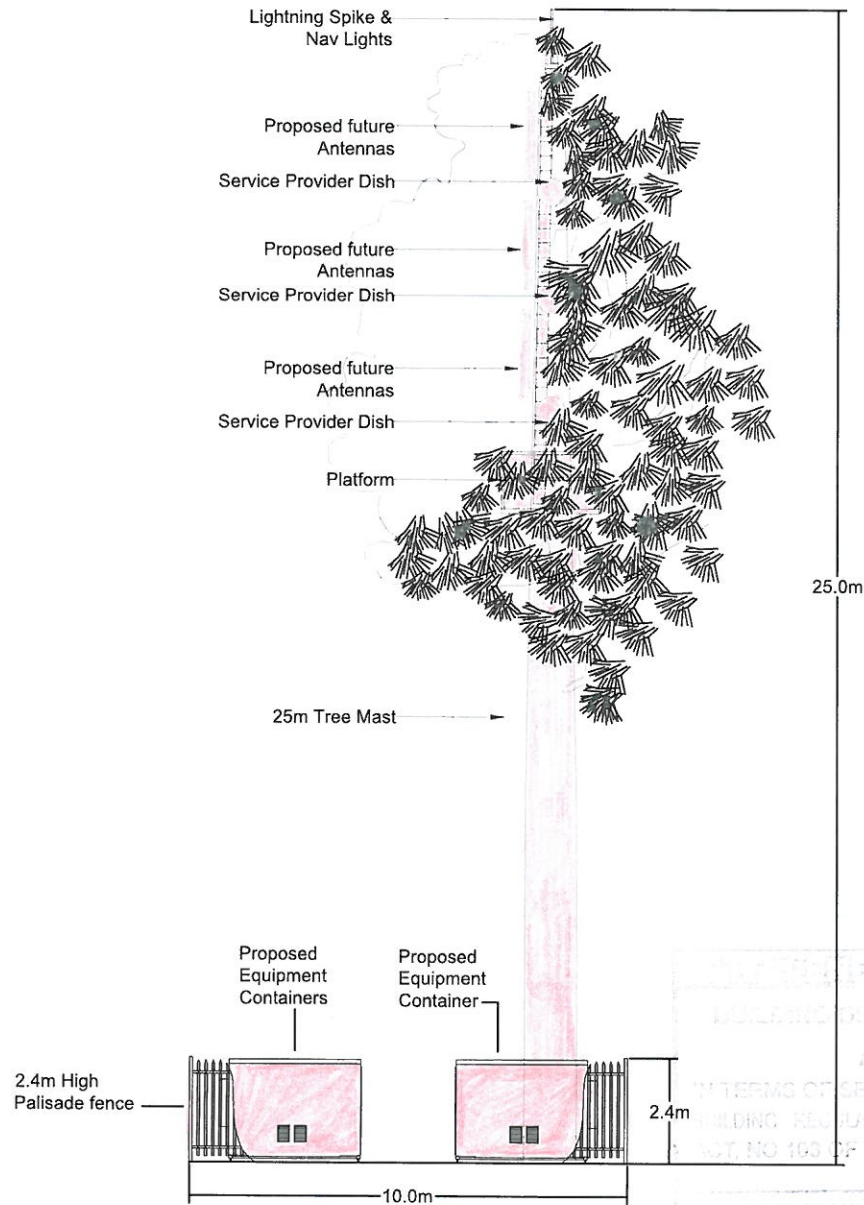
DRAWN: D. LOOTS

SCALE:
NTS

DATE: 2018-06-27

REVISION:
0

Elevation



25.0m

BP / 18 / 256 A

Signature
19/11/2018

USA • INTERNATIONAL

ATLAS TOWER SITE ID:

ATSA724

ATLAS TOWER SITE NAME:

DALSIG

PROPERTY DESCRIPTION:

ERF 4261, STELLENBOSCH

ADDRESS:

NOOITGEDACHT ROAD, DALSIG,
STELLENBOSCH, WESTERN CAPE

CO-ORDINATES:

Lat: -33.950697*
Long: 18.867353*

ELEVATION:

179m



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Advised 09/07/2018

DATE	DESCRIPTION	REVISION
27-06-2018	1st Issue	0

DRAWING NUMBER: ATSA724 SHEET:
4 OF 4

DRAWING TITLE: ELEVATION

DRAWN: D. LOOTS SCALE:
NTS

DATE: 2018-06-27 REVISION:
0

APPENDIX 3

Director: Property Management

Stellenbosch Municipality
Town House Complex
Plein Street
Stellenbosch
7600

5 December 2018

APPLICATION TO LEASE A PORTION OF ERF 4261 STELLENBOSCH

Dear Mr Smit,

Our client, Atlas Tower, would like to lease a portion of Erf 4261 Stellenbosch, for the installation of a freestanding telecommunication base station.

The base station is proposed at the following coordinates: 33°57'2.51"S; 18°52'2.47"E. The proposed position has been indicated on the attached site plan. The lease space required is 100m² in order to accommodate the equipment units for the various service providers, as well as the mast. The height of the tower is proposed at 25m and the structure type is proposed as a monopole mast, camouflaged as a tree. The main purpose of this tower will be to provide improved network coverage for the various service providers (MTN, Vodacom, Cell C and Telkom Mobile) for the area of Welgelegen, Stellenbosch.

The proposed base station will be greatly beneficial to residents of Welgelegen and the surrounding communities, businesses and commuters in the area by providing improved network coverage for all mobile users. Telecommunications service coverage in the area is poor.

Please note that a building plan application was approved on 19 November 2018.

Please notify us should any additional information be required. We look forward to your positive consideration of this application.

Yours faithfully



Dirko Loots
Warren Petterson Planning

APPENDIX 4

PROPOSAL TO LEASE MUNICIPAL LAND FOR A FREESTANDING TELECOMMUNICATION BASE STATION

Erf 4261, STELLENBOSCH



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Curt van Wyk

Town and Regional Planner (Site Acquisition)

+27(0)718 711 630



Email: curt@ilangatech.com

PROPOSED TELECOMMUNICATION BASE STATION

CONTENTS

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PROPOSED TELECOMMUNICATION BASE STATION

1 MOTIVATION

1.1 HISTORICAL BACKGROUND

Over recent years' cellular communication in South Africa evolved from merely a means of convenience to an essential business tool, means of communication and safety measure. Initial high tariff rates limited the accessibility of the products and its service. However, over time more reasonable consumer tariffs and packages have been introduced, making cellular communication more accessible to a much larger sector of the population.

Data usage on the networks are also becoming faster, more affordable and more accessible. User behavior patterns are continuously changing in reaction to cheap internet, new data intensive smart phones, data intensive applications and websites, and an increasing social media driven society. These factors resulted in the average consumer data usage doubling every year.

The current cellular infrastructure is not equipped to handle this demand which leads to a congested network with connection problems and dropped calls on the voice network and limited and unstable internet connections on the data network.

Cellular service provider is taking steps to improve their network by keeping abreast with the advances in communication technology and providing increased capacity in terms of coverage in the areas where there is an increased demand. We strive to make this technology available to the wider spectrum of the population.

Newer technology like LTE provide faster internet to more users which alleviate the pressure on the base station, but its range is very limited. A single old generation GSM voice based base stations could cover dozens of kilometers. The new LTE base stations have a maximum coverage range of 500m depending on the number of users.

The congestion of existing sites together with a decrease in its coverage range necessitates that the distance between base stations decrease resulting in the construction of new freestanding and rooftop cellular base stations.

It is calculated that cellular network operators in South Africa will build 2800 new base stations in the next 5 years.

The proposed site is located at a nominal point as identified by network planners. By utilizing sites located at the network's nominal point the number of future base stations are limited and an effective service network can be developed.



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PROPOSED TELECOMMUNICATION BASE STATION

2 INTRODUCTION**2.1 REGISTERED OWNER**

The registered owner of the subject property is identified as STELLENBOSCH MUNICIPALITY. Consent will be needed from this institution in order to proceed with the submission of the land use (consent use) application and building plans for the proposed free standing telecommunication base station.

2.2 CLIENT

Invicta Towers and Ilanga Technologies (Pty) Ltd will submit a land use and building plan application to Stellenbosch Local Municipalities for the permission to erect a free standing telecommunication base station on the subject property, Erf 4261, Stellenbosch Municipality.

3 REGISTERED DETAIL**3.1 TITLE DEED & CONVEYANCER'S INVESTIGATION**

Table 1 reflects the current registered detail of Erf 4261, Stellenbosch.

TABLE 1 – REGISTERED DETAILS			
REGISTERED DESCRIPTION	TITLE DEED NO.	REGISTERED OWNER	EXTENT
Erf 4261, Stellenbosch	T44246/1974	STELLENBOSCH MUNICIPALITY	2,4320ha

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PROPOSED TELECOMMUNICATION BASE STATION

3.2 WINDEED OF SUBJECT PROPERTY

Please see extract of the subject property's windeed below.

Printed: 2020/11/20 08:53

WinDeed Property Report
windeed
A LexisNexis® Product

Township **STELLENBOSCH**, Erf **4261/0**

REGISTERED PROPERTY DETAILS



Property Type	ERF	Diagram Deed	T44246/974
Erf Number	4261	Registered Size	2,4320HA
Portion Number	0	Municipality	STELLENBOSCH MUN
Township	STELLENBOSCH	Province	WESTERN CAPE
Registration Division	STELLENBOSCH RD	Coordinates (Lat/Long)	-33.950125 / 18.866207
Deeds Office	CAPE TOWN		

OWNER DETAILS

Owner 1 of 1

Person Type	COMPANY	Title Deed	T44246/1974
Name	MUN STELLENBOSCH	Purchase Date	-
Registration Number	-	Purchase Price (R)	-
Share (%)	-	Registration Date	1974/12/31

MAPS

PROPERTY INFORMATION

Address	-
Primary Use	-
Estate	-

Room Configuration

Bedrooms	1	Reception Areas	-
Bathrooms	1	Study/Office	-
Kitchens	1		
Internal Finishes	-		

General Information

Door Number	-	Roof Type	-
Floor Size (m ²)	-	Wall Type	-
Storeys	-	Construction Year	-

Other Features

Garages	-	Additional Dwellings	-
Garden	-		
Pool	-		

MUNICIPAL VALUATION

Municipal Valuation	-	Valuation Year	-
Zoning Usage	-		

PROPOSED TELECOMMUNICATION BASE STATION

4 SITE & CONTEXTUAL ANALYSIS

4.1 LOCATION



Figure 1. Locality

Erf 4261, Stellenbosch is located in the suburb of Welgelegen in Stellenbosch. (Please see figure 1. and attached locality plan)

PROPOSED TELECOMMUNICATION BASE STATION

4.2 LAND USE

The property is currently zoned Utility Service Zone and therefore a free standing telecommunication base station is permitted as a consent use according to the Stellenbosch Municipality Zoning Scheme By-Law 2019, applicable to Stellenbosch.

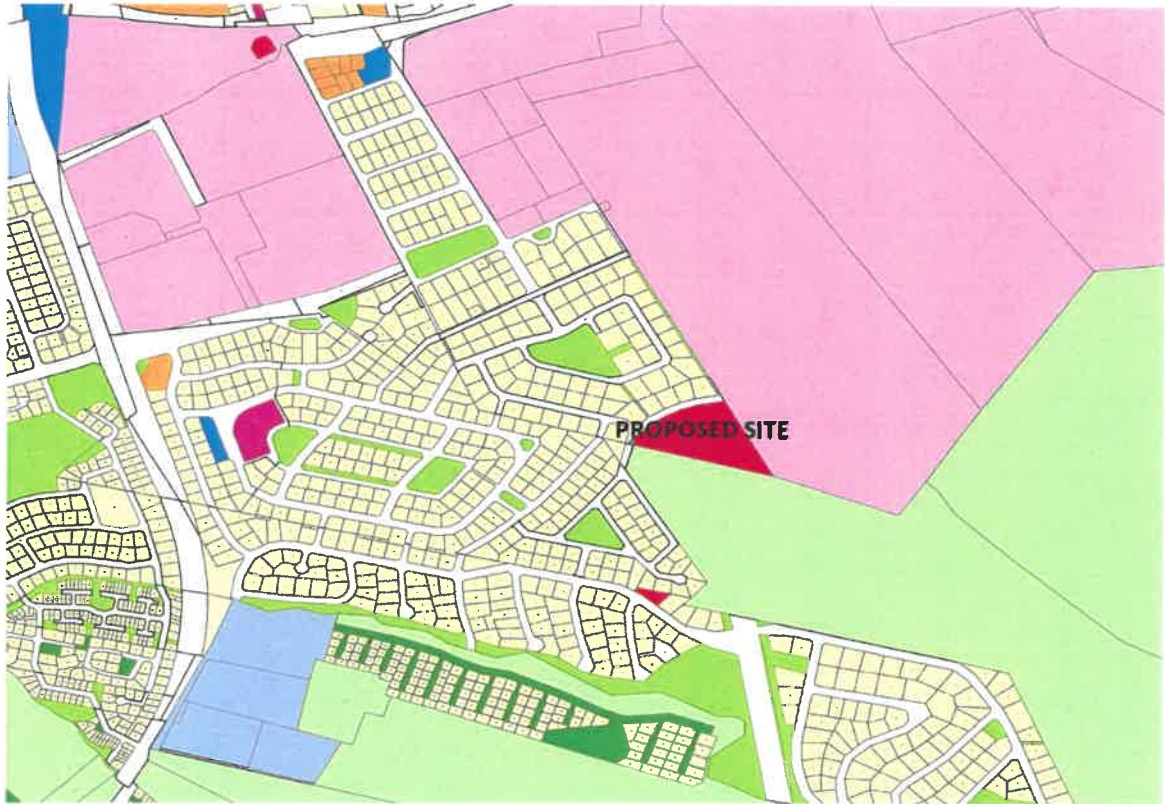


Figure 2 – Zoning map

5 DEVELOPMENT PROPOSAL

5.1 APPLICATION SPECIFICATIONS

The client, Invicta Towers, with consent of the property owner wishes to submit building plans in order to erect a 30m TREE TOWER on an 8m x 8m (64m²) area.

PROPOSED TELECOMMUNICATION BASE STATION

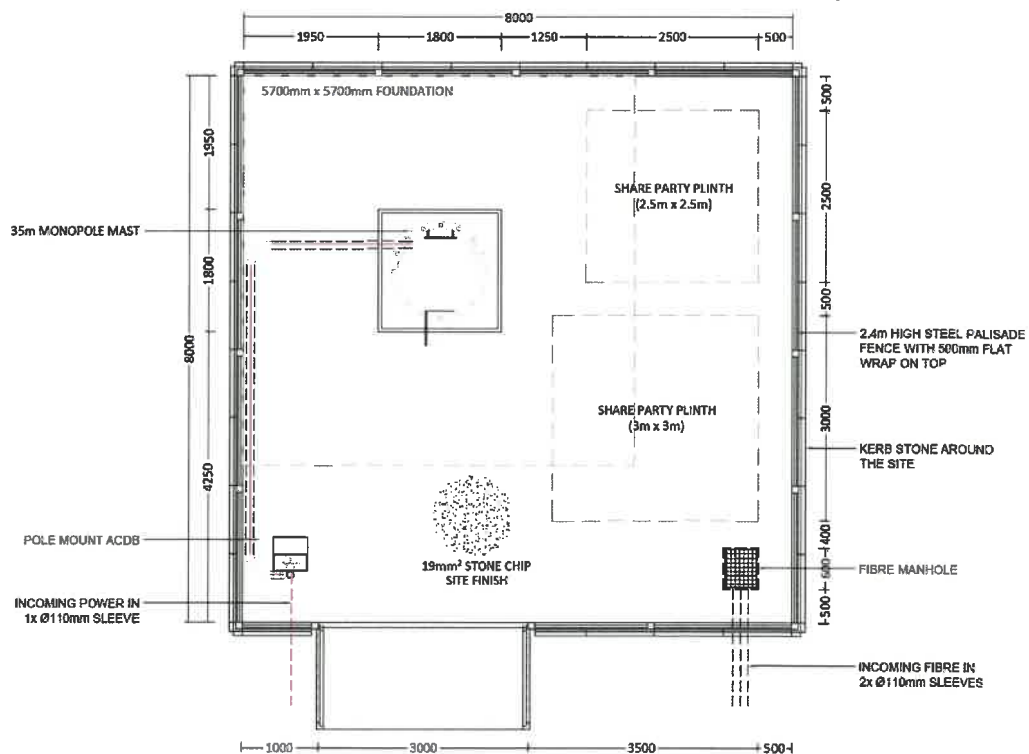


Figure 3 – Proposed site

5.2 DEVELOPMENT CONCEPT

The application comprises the following proposed development parameters:

The total ground coverage of the proposed free standing telecommunication base station (tree tower) will be 64m² (8m x 8m) in extent. (Please see figure 3. below)



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PROPOSED TELECOMMUNICATION BASE STATION

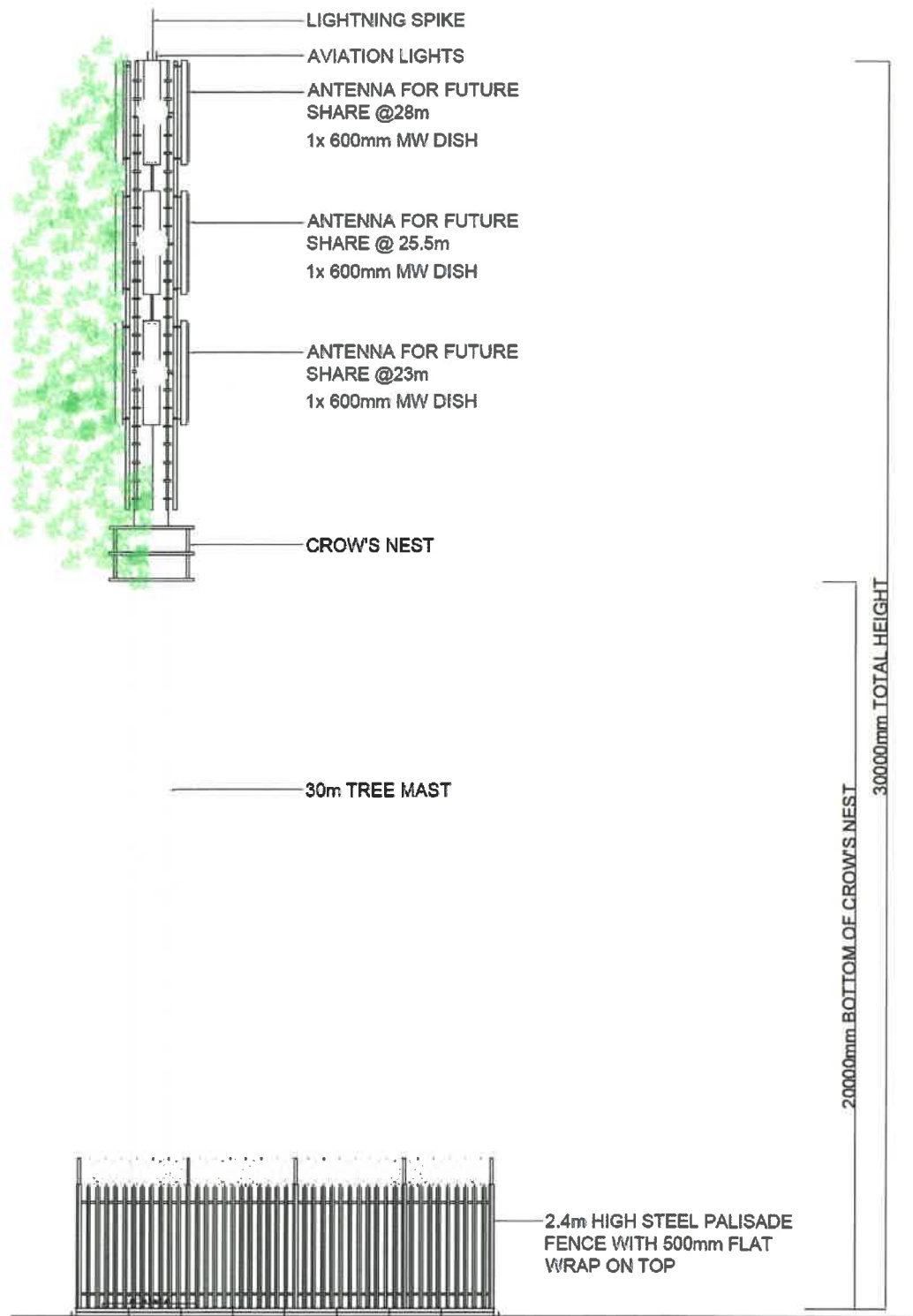


Figure 4. Proposed freestanding telecommunication mast



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PROPOSED TELECOMMUNICATION BASE STATION

5.3 ACCESS

The subject property gains access from Nooitgedacht Street as depicted in figure 4-5 below.



Figure 5. Access to subject property



Figure 6. Picture of access to subject property



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PROPOSED TELECOMMUNICATION BASE STATION

5.4 NEED AND DESIRABILITY

INVICTA TOWERS is required to continuously upgrade and expand the current cellular network to keep up with advancing technology and escalating demand. This advancing cellular technology incorporates internet connectivity in addition to cellular telephony and more and more subscribers rely on their cellular networks for internet connections as modems or directly through their handsets. Internet connections use up far more of the network capacity than regular calls and consequently the current networks are rapidly becoming inadequate resulting in dropped calls.

The existing coverage for this area is not very good and subscribers experience network congestion and dropped calls and it has been determined by the radio planners that it is necessary to supplement the network in this area with an additional base station. The site that has been selected forms part of a capacity upgrade plan in the area. The serving cells in the area are reaching their capacity limit and from a planning and optimization perspective it is essential that a new site be built to prevent future congestion. The site will also give coverage to the surroundings as there are complaints received by the Network Quality Department in this regard.

Cellular phones have become an integral part of our way of life and fulfill an important role in most people's daily life. Cellular phones have become of utmost importance since communication is made much easier and more readily available. To provide effective cellular phone communications, cellular telephone masts must be provided by the various public operators and placed on specific locations predetermined by professional personnel.

The current demand and popularity of cellular telephones surpassed all expectations and subsequently the existing networks are insufficient to handle daily calls in certain areas. Presently cellular telephones are an everyday use article with a large percentage of subscribers throughout the country. Nowadays it is hard to find a person that does not use a cellular phone. The development of cellular telephone masts is of national interest because it promotes communications and places telephone communication within reach of the entire population.

Data usage through cellular phones, modems, and other mobile devices such as iPads, Smart Phones, etc., all require good 3G (and recently added 4G) coverage to operate effectively. The more evolved the devices become, the denser the telecommunication infrastructure will have to become as more and more signal / coverage will be required.

The permission application is submitted to the Stellenbosch Municipality to obtain the desired rights as required by our client and prescribed by ruling policies and legislation. The application is made to lease 64m² to permit the construction of a telecommunication mast on the application site.

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PROPOSED TELECOMMUNICATION BASE STATION

The position was calculated, considering the topography, surrounding land uses and available land, ecological sensitivity, and the placement of other Telecommunication masts in the area. The socio-economic profile of the consumers is also considered. Additionally, the technical specifications of the Radio-planner must be adhered to.

The current cellular telephone infrastructure in this part of and surrounding areas are reaching their maximum carrying capacities. Cellular telephone masts have a limited number of calls / data usages that it can handle at any given time. If the number of calls / data usage is exceeded, it results in calls being cut off and slow internet connections.

The need for additional infrastructure is also determined by the number of subscribers that contact service providers and complain about poor signals in their areas. Therefore, a need arises for more cellular telephone infrastructure in the Stellenbosch area.

As mentioned above, several complaints on poor signal have been received from residents in the area. A Telecommunication mast, being 30m high and requiring a site that will be approximately 64m² in total, was therefore proposed by INVICTA TOWERS in order to serve this area of Stellenbosch Municipality, the surrounding community and future developments with sufficient 2G and 3G (and 4G) signal/coverage.

Broadband penetration in general within South Africa is very low. This situation can be ascribed to the unavailability of electronic communication infrastructure which largely includes Telecommunication Masts. For this to be rectified, the Department of Telecommunications and Postal Services (DTPS) has placed enormous pressures on services providers in South Africa such as MTN(Pty) Ltd to provide more infrastructure. According the National Broadband Policy for South Africa, 2010, some disadvantages associated with the lack of adequate infrastructure include:

- Lower access to efficacy in Government Processes
- South Africa becomes a less competitive destination for investment
- An increase in the digital divide

Reduced access to employment opportunities and job creation.

The DTPS has stated in the National Broadband Policy for South Africa, 2010, that in order for their vision for universal access to Broadband to be achieved in 2020, the country has to see an increase in reliable, robust and secure infrastructure that is available, accessible and affordable to all. For the cost of communication to be reduced, there should be a rollout of infrastructure such as Telecommunication masts throughout South Africa.

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PROPOSED TELECOMMUNICATION BASE STATION

5.5 CONCLUSION

The proposed free standing telecommunication mast base station on Erf 4261, Stellenbosch, will provide an essential and sort after service to the surrounding community, businesses and commuters. The proposed Telecommunication site is in line with the Stellenbosch Municipality's Stellenbosch Municipality Zoning Scheme By-Law 2019, and will have a minimal impact on the surrounding property.

We trust that the application will meet your requirements and will receive your positive consideration.

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P.O. Box 14273, Bredell, 1623
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APPENDIX 5

Annalene De Beer**Subject:** FW: Water services comments - Ilanga communication- Towers to be erected

From: Adriaan Kurtz <Adriaan.Kurtz@stellenbosch.gov.za>
Sent: Friday, 05 February 2021 16:31
To: Lize-Mari Visser <Lize-Mari.Visser@stellenbosch.gov.za>; Clayton Hendricks <Clayton.Hendricks@stellenbosch.gov.za>; Jeri-Lee Mowers <Jeri-Lee.Mowers@stellenbosch.gov.za>; Johan Fullard <Johan.Fullard@stellenbosch.gov.za>; Nombulelo Zwane <Nombulelo.Zwane@stellenbosch.gov.za>; Lorelle Adams <Lorelle.Adams@stellenbosch.gov.za>
Cc: Deon Louw <Deon.Louw@stellenbosch.gov.za>; Joy Julius <Wayleave@stellenbosch.gov.za>; Justine Fielies <Justine.Fielies@stellenbosch.gov.za>; Megan Daniels <Megan.Daniels@stellenbosch.gov.za>; Tanya Carstens <Tanya.Carstens@stellenbosch.gov.za>; Tashlee Ismail <Tashlee.Ismail@stellenbosch.gov.za>
Subject: Water services comments - Ilanga communication- Towers to be erected

Dear all

Please note from Water services our infrastructure. The sketch is indicative of the services and the position might differ from the indicated positions.

Please find the water services infrastructure on proposed site.

This site might be earmarked for future water infrastructure and any new structures must be discussed with water services.



From: Lize-Mari Visser [<mailto:Lize-Mari.Visser@stellenbosch.gov.za>]
Sent: Friday, 05 February 2021 08:54
To: Adriaan Kurtz <Adriaan.Kurtz@stellenbosch.gov.za>; Clayton Hendricks

7.2.3	PAYMENT OF WARD COMMITTEE MEMBERS FOR PERIOD AUGUST 2021 AND SEPTEMBER 2021
--------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

15 September 2021

1. SUBJECT: PAYMENT OF WARD COMMITTEE MEMBERS FOR PERIOD AUGUST 2021 AND SEPTEMBER 2021

2. PURPOSE

To submit to Council a report to request payment of ward committee members for meetings not convened during August 2021 and September 2021 due to lock down and covid infections.

3. DELEGATED AUTHORITY

Council is the decision-making authority.

4. EXECUTIVE SUMMARY

The country is still in a state of national disaster due to the Covid-19 pandemic. The declaration of a national disaster was done in terms of the Disaster Management Act, 2002. The scourge of this pandemic prompted President Cyril Ramaphosa to declare a national lockdown on 23 March 2020 and ever since extended the lockdown on a monthly basis.

A new variant of the Covid-19 (Delta variant) was detected in this country during June 2021. The prevalence of this variant intensified during July 2021 and August 2021 resulting in high volumes of positive cases and resultant deaths. The country was moved from level 2 to level 4 in mid June 2021 due to the high infection rate in Gauteng and moved to level 3 on 26 July 2021.

The peak in the Western Cape came later and in August and September Stellenbosch municipal area was hit hard to the extent that some councillors and ward administrators tested positive for the Coronavirus and they consequently had to isolate. This prompted those offices affected to be closed for different periods ranging from 4 days to 10 or more days.

Council has adopted the revised Policy and Procedures for Ward Committees (hereinafter referred to as Policy) on 24 April 2019. In terms of the said Policy ward committee members will be paid an amount of R350.00 for out of pocket expenses incurred when attending a ward committee meeting.

The ward committee members continued working despite the ward office closures and the fact that the ward committees did not meet. It is recommended to Council to consider waiving Clause 25 to allow the Administration to make payment to ward committee members of those wards that did not meet during August and September, but did continue with their work during these months. The wards that are affected is indicated in **APPENDIX 1**.

5. RECOMMENDATIONS

- (a) that the following stipulations in Clause 25 (2) of the Policy outlining the payment of ward committee members be waived:

“(1) Members of ward committees will be reimbursed for out-of-pocket expenses as contemplated in clause 25(2)(a)(i) below.

(2) The Municipality will annually budget for the reimbursement of:

(a) out-of-pocket expenses for members of ward committees in respect of their participation in ward committees subject to the following criteria as approved by the Council on 20 June 2012 and revised by the Council on 28 October 2015:

(i) that 14 ward committee meetings which will comprise one ward committee meeting every month and one open public meeting every semester (every six months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings be paid an out-of-pocket allowance of R350.00 per meeting (R350 x 14 = R4 900.00). Payment of out-of-pocket allowances will be made quarterly.

... (iii) that reimbursements only be paid on verification of the attendance register of meetings attended and that reimbursements only be electronically transferred to the bank account of the relevant ward committee members ...”

- (b) that this waiving of Clause 25 only be applicable during the period August 2021 and September 2021 to the wards reflected in **APPENDIX 1**; and
- (c) that the Administration be authorised to make payments of R350.00 to ward committee members for each of the months August 2021 and September 2021 where the ward committee members continued with the functions despite not having ward committee meetings.

6. DISCUSSION / CONTENTS

6.1 Background

The global Covid-19 pandemic prompted President Cyril Ramaphosa to declare a national lockdown on 23 March 2020. Extensions of the lockdown is done on a monthly basis since April 2020.

Clause 25 of the Policy *inter alia* stipulates:

“(1) Members of ward committees will be reimbursed for out-of-pocket expenses as contemplated in clause 25(2)(a)(i) below.

(2) The Municipality will annually budget for the reimbursement of:

(a) out-of-pocket expenses for members of ward committees in respect of their participation in ward committees subject to the following criteria as approved by the Council on 20 June 2012 and revised by the Council on 28 October 2015:

(i) that 14 ward committee meetings which will comprise one ward committee meeting every month and one open public meeting every semester (every six months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings be paid an out-of-

pocket allowance of R350.00 per meeting (R350 x 14 = R4 900.00). Payment of out-of-pocket allowances will be made quarterly.

... (iii) that reimbursements only be paid on verification of the attendance register of meetings attended and that reimbursements only be electronically transferred to the bank account of the relevant ward committee members ...”

6.2 Discussion

A new variant of the Covid-19 (Delta variant) was detected in this country during June 2021. The prevalence of this variant intensified during July and August resulting in high volumes of positive cases and resultant deaths. Stellenbosch municipal area was hit hard in August 2021 and September 2021 to the extent that some councillors and ward administrators tested positive for the Coronavirus and they consequently had to isolate. This prompted those offices affected to be close for different periods ranging from 4 days to 10 or more days

The ward committee members continued working despite the ward office closures and the fact that the ward committees did not meet. It is recommended to Council to consider waiving Clause 25 to allow the Administration to make payment to ward committee members of those wards that did not meet during August and September, but did continue with their work during these months. The wards that are affected is indicated in **APPENDIX 1**.

The above-mentioned stipulations necessitate that Council consider waiving these stipulations to enable the Administration to effect payment to ward committee members of those wards that did not convene meetings in August and September.

Council approved the Policy and Procedures for Ward Committees at a Council meeting on 2019-04-24. This policy makes provision for Ward Committee members to be reimbursed for out-of-pocket expenses for their participation in ward committees. Item 25(2) stipulates that payment be made on verification of attendance registers of meetings held.

On 23 March 2020 President Cyril Ramaphosa announced that a nation-wide lockdown would come into effect on midnight on 26 March 2020. This lockdown period was extended by the President on a monthly basis ever since the announcement made in March 2020.

A new variant of the Covid-19 (Delta variant) was detected in this country during June 2021. The prevalence of this variant intensified during July and August resulting in high volumes of positive cases and resultant deaths. Stellenbosch municipal area was hit hard in August 2021 and still in September 2021 to the extent that some councillors and ward administrators tested positive for the Coronavirus and they consequently had to isolate. This prompted those ward offices affected to be closed for different periods ranging from 4 days to 10 or more days.

6.3 Financial Implications

Budgetary provision has been made in the 2020/2021 Budget for the payment of ward committee members.

6.4 Legal Implications

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

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Risk Implications

This report has no risk implications for the Municipality.

6.7 Comments from Senior Management:**6.7.1 Chief Financial Officer**

Agree with the recommendations

6.7.2 Municipal Manager:

Agree with the recommendations

ANNEXURES: Appendix 1

FOR FURTHER DETAILS CONTACT:

NAME	<i>Nicky Ceasar</i>
POSITION	<i>Executive Support Officer</i>
DIRECTORATE	<i>Corporate Services</i>
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REPORT DATE	<i>8 September 2021</i>

APPENDIX 1



WARD COMMITTEE MEETINGS AUGUST – SEPTEMBER 2021

Ward	Dates of meetings and no meetings held	
	August	September
1	No meeting	No meeting
2	No meeting	To be confirmed
3	No meeting	To be confirmed
4	No meeting	No meeting
5	25	No meeting
6	3	To be confirmed
7		No meeting
8	4	1
9	3	7
10	3	7
11	10	14
12	12	No meeting
13	No meeting	No meeting
14	25	No meeting
15	No meeting	No meeting
16	11	14
17	12	15
18	23	16
19	3	2
20	20	15
21	3	7
22	4	1

7.2.4	CONSIDERATION OF LEASE AGREEMENT FOR REDUCED OFFICE SPACE: EIKESTAD MALL
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

15 September 2021

1. SUBJECT: CONSIDERATION OF LEASE AGREEMENT FOR REDUCED OFFICE SPACE: EIKESTAD MALL

2. PURPOSE

For Council to consider the approval to conclude a lease agreement with Eikestad Mall Joint Venture for reduced office space in the Eikestad Mall for a period from 1 October 2021 to 30 June 2022, whilst the office space in the NPK building is renovated.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

The existing lease agreement with Eikestad Mall Joint Venture will terminate at the end of September 2020. The landlord is aware of the termination of the agreement. The intention was that all employees occupying office space in the Eikestad Mall will move over to one of the floors in the NPK building despite the renovation process continuing. It has now come to our attention that we will not be able to move employees to the building on a temporary basis due to the extent of the renovation involving compliance issues. We have been advised to replace the lifts in the building, close off the floors instead of it being open for fire safety reasons as well as rewiring the electricity. This means that the area may not be regarded as a health and safe environment to work in. We have moved some of the employees temporarily to Dorp Street and will be able to accommodate the employees awaiting their move to NPK building on the area currently being used by the Town Planning Department on the 3rd floor.

During a recent Director's meeting it was decided to request Council to enter into an agreement with the Eikestad Mall only for the area on the 3rd floor, Office 302, measuring 484.61m² in extent. The intended completion of work on the NPK building is 30 June 2022.

5. RECOMMENDATIONS

- (a) that Council consider the approval of a lease agreement for the 3rd floor (484.61m²) for the period from 1 October 2021 to 30 June 2022. approve the conclusion of a 9 months Lease Agreement with Eikestad Mall Joint Venture; and
- (b) that the Municipal Manager be authorised to conclude the lease agreement with Eikestad Mall Joint Venture (based on the current rates ,as per the existing lease agreement);

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Existing Lease Agreement

Stellenbosch Municipality is currently leasing the following office space from Eikestad Mall:

• Office 302, measuring	484.61m ² in extent
• Office 133A, measuring	144.40m ² in extent
• Office 207 C2, measuring	28.3m ² in extent
Total	657.31m²

This agreement will terminate on 30 September 2019.

6.2. DISCUSSION

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

Seeing that the acquisition of rights in property (renting of office space) does not fall into any of the categories listed above, the normal SCM Regulations does not apply. For this referred to council for a resolution. A public competitive process was followed in March 2019 to elicit the available office space in the Stellenbosch CBD as the Municipality does not have enough office space for employees working in the CBD.

Council approved the lease of office space in Absa Building and in Ecclesia building on 12 June 2019 for a period ending September 2021.

We have subsequently bought the NPK building and intended to move all employees from the Eikestad Mall to the NPK building by the time of the expiry of the agreement, but due to the compliance issues around electricity and Fire requirements the moving of employees whilst there is a renovation going on. It is however not required that we proceed with the whole area that was leased up till now.

6.3 Financial Implications

In terms of the current Lease Agreement, the rental will be R244.94/m² as from 1 October 2021. The total cost for the period of 9 months will therefore be R1 068 303.36(excl. VAT). We are awaiting feedback from the landlord in regard to the proposed new lease.

6.4 Legal Implications

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

6.5 Staff Implications

If the office space in the Eikestad Mall is not taken up the employees occupying the current space rented there, will have no office space to work from whilst we complete renovations on the NPK building.

6.6 Previous / Relevant Council Resolutions

30TH COUNCIL MEETING: 2019-08-28: ITEM 13.3

RESOLVED (majority vote)

- (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;

- (b) *that the Municipal Manager be authorised to conclude the lease agreement with Eikestad Mall Joint Venture; and*
- (c) *that it be noted that the Municipal Manager will allocate the office space in view of the needs identified.*

6.7 Risk Implications

This recommendations in this report addresses the risk implications for the Municipality.

6.8 Comments from Senior Management

The Matter was discussed at the Director's meeting and the recommendations are supported.

FOR FURTHER DETAILS CONTACT:

NAME	Annelene De Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
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REPORT DATE	08 -09-2021

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

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

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

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

7.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))
7.7.1	PROPOSED AMENDMENT OF THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019 (“MSDF”) AND TO OBTAIN APPROVAL FOR THE COMMENCEMENT OF THE PROCESS AND THE ESTABLISHMENT OF A PROJECT TEAM

Collaborator No:

IDP KPA Ref No:

Meeting Date: 15 September 2021

1. SUBJECT: PROPOSED AMENDMENT OF THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019 (“MSDF”) AND TO OBTAIN APPROVAL FOR THE COMMENCEMENT OF THE PROCESS AND THE ESTABLISHMENT OF A PROJECT TEAM

2. PURPOSE

To provide the Council with the pertinent factors to consider the following:

- (a) Prepare as part of the Municipality’s Integrated Development Plan (“IDP”) the amendment of the MSDF which is a core component of the IDP and in accordance with the provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000 (“MSA”), Spatial Planning and Land Use Management Act, Act No. 16 of 2013 (“SPLUMA”), Western Cape Land Use Planning Act, Act No. 3 of 2014 (“LUPA”), and the Stellenbosch Municipal Land Use Planning By-law (“MPBL”);
- (b) Support and approve to follow the process as stipulated in terms of Section 11(b) of LUPA; Section 3(1)(b) of the MPBL for amending the MSDF. Therefore, Council will not establish an Intergovernmental Steering Committee, but will grant all organs of state and the public, sixty (60) days to comment on the Amended Draft MSDF; and
- (c) Support and approve the establish a municipal project committee to prepare the amendment of the MSDF, including the nominations of relevant municipal officials from key department to participate and assist in the process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

An initial internal review of the MSDF highlighted the need for an amendment of the MSDF to incorporate certain Council resolutions to ensure the continued strategic support and guidance from a spatial planning perspective. These amendments have been initiated through Council decisions and actions as part of the implementation framework of the MSDF and other strategic planning documents, that include, but are not only limited to the housing pipeline projects (**APPENDIX 1**), Draft Inclusionary Zoning Policy Proposals and the matters relating to the Klapmuts Concept Plan, as well as private land which is required to leverage catalytic infrastructure priorities.

Due to the nature of the amendments, it is proposed that the Council undertake the process of establishing a Project Committee as stipulated in section 3(1)(b) of the

MPBL, instead of an intergovernmental steering for the amendment of its MSDF. Accordingly, initiate the process of amendment of the MSDF as part of option 1 (5th review of the 4th generation IDP) or option 2 (5th generation IDP) of the IDP process plan, and in accordance with the provision of the Local Government: Municipal Systems Act, Act No. 32 of 2000 (MSA), Spatial Planning and Land Use Management Act, Act No. 16 of 2013 (SPLUMA), Western Cape Land Use Planning Act, Act No. 3 of 2014 (LUPA), and the Stellenbosch Municipal Land Use Planning By-law (MPBL);

5. RECOMMENDATIONS

- (a) that Council prepares as part of the Stellenbosch Municipality's IDP, the amendment of the MSDF which is a core component of the IDP, in accordance with the provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000, Spatial Planning and Land Use Management Act, Act No. 16 of 2013, Western Cape Land Use Planning Act, Act No. 3 of 2014, and the Stellenbosch Municipal Land Use Planning By-Law;
- (b) that Council approves to undertake the process as stipulated in terms of Section 11(b) of LUPA and Section 3(1)(b) of the MPBL for amending the MSDF, which means that Council will not establish an Intergovernmental Steering Committee; and
- (c) that Council approves the process of notification of the proposed Amendment of the MSDF, 2019 as prescribed within the relevant legislation.

6. DISCUSSION / CONTENTS

6.1 Background

Council adopted its MSDF during November 2019, which was subsequently gazetted in the Provincial Gazette dated 31 January 2020, as required in terms of Section 20 of the Spatial Planning and Land Use Management Act, Act 16 of 2013 ("SPLUMA").

Section 25 of the MSA places an obligation of municipalities to adopt an IDP, which reads as follows:

"(1) Each municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality..."

Section 26(e) of the MSA further note that a core component on the IDP and includes a spatial development framework. The specific sections reads as follows:

"An integrated development plan must reflect –

- (e) a spatial development framework which must include the provisions of basic guidelines for a land use management system for the municipality;"*

Based on the above it is clear that an MSDF forms part of an IDP, and there is no separate or discrete process for adoption or amending an MSDF. The provisions in SPLUMA and LUPA which deal with the adoption or amendment of an MSDF, are supplementary to the provisions of the MSA and make it clear that the process for adoption and amendment of an MSDF, is the process for adoption and amendment of an IDP.

Therefore, the IDP adopted at the start of the five-year term, should be referred to as the IDP, whereas an IDP amended within / during the course of the five-year term

should be referred to as the Amended IDP. The rationale is that an IDP, and the MSDF as a component thereof, is the new Council's plan for the next five years. Any changes considered necessary to the adopted IDP (pr MSDF), within the five-year term of office, are amendments to the original IDP (or MSDF).

The purpose for clarify the above, is that although the MSDF was adopted 2019, which was during the 4th Generation IDP that is ending this current financial, therefore Council will adopt the new five-year term IDP, also known as the 5th Generation IDP at the end of May 2022, which will come into effect 01 July 2022. This would also have the result that the MSDF will be part of the IDP for the and any amendments to the MSDF, would require the amendment of the IDP.

It must also be noted that several amendments have already been initiated through Council decisions, which include, but are not limited to housing pipeline projects, Inclusionary Housing Zoning Proposals, and private land which is required for the upgrading of infrastructure projects.

6.2 Discussion

Council at the 43rd Council Meeting dated 26 May 2021, **APPENDIX 1** as part of the Annual Review Housing Pipeline for Stellenbosch Municipality noted the housing projects which must be undertaken within the next three (3) financial years. A number of these projects are not aligned with the MSDF, 2019, but have been included in the IDP, therefore the process for the amendment of the MSDF will address the non-alignment of these projects, where the requirements for development as contained in terms of the relevant legislation are complied with.

These projects include but are not limited to the following:

- Erven 3363 & 3393, Stellenbosch (Botmaskop)
- Farm 180, Stellenbosch Division (Teen-die-Bult)
- Extension of the Jamestown Housing Project; and
- Investigation of Klapmuts Node for expansion of the urban edge to include options for urban development and acquisition of land for public usage (inclusionary housing, mixed use development, etc.)

The amended MSDF further must include the implications as sought through the draft Inclusionary Zoning Policy which is currently being finalised by the Department: Development Planning, which will in turn inform the land use management mechanisms to enable, regulate and implement such policy.

The other amendments are to include, where required the site-specific deviations as approved by the Municipal Planning Tribunal ("MPT") and also to include private developments which are required through the sector plans, whether required in terms of the Integrated Transport Plan, Water- and Waste Management Plans, which include the proposed Libertas Farm located on Farm No(s): 1040 and 1480, Stellenbosch Division.

As noted, that through the process as indicated in the process plan, further engagements will be held with the relevant internal and external state departments to consider any amendments which may be required and may be used to inform the 5th Generation IDP.

6.3 Financial Implications

Cost to company and no external financial costs are envisaged should the recommendation as set out above be accepted.

6.4 Legal Implications

The process for amendment and adoption of the amended MSDF as part of the Stellenbosch Municipality's IDP, will follow the legislative requirements in accordance with the provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000 (MSA), Spatial Planning and Land Use Management Act, Act No. 16 of 2013 (SPLUMA), Western Cape Land Use Planning Act, Act No. 3 of 2014 (LUPA), and the Stellenbosch Municipal Land Use Planning By-law (MPBL).

6.5 Staff Implications

There is no additional staff implications should the recommendation as set out above be accepted.

6.6 Previous / Relevant Council Resolutions:

The following Council approval is applicable:

URGENT COUNCIL MEETING: 2019-11-11: ITEM 4.1**RESOLVED** (majority vote)

- (a) that the corrected maps aligned with the approved IDP Amendment as contained in the *mSDF* attached as **ANNEXURE 2** be approved and confirmed as the final maps outlining the urban edge, as per Council decision of 2 August 2019; and
- (b) that the approved *mSDF* and the IDP Amendment be submitted within 10 working days to the Minister of Local Government, Environmental Affairs and Development Planning, as required in accordance with Section 14 of the Western Cape Land Use Planning Act, 2014 ("LUPA").

6.7 Risk Implications

The Constitutional Court finding on the postponement of the local elections which can have implications the IDP process undertaken.

RECOMMENDATIONS FROM THE PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE MEETING: 2021-09-07: ITEM 5.2.1

- (a) that Council prepares as part of the Stellenbosch Municipality's IDP, the amendment of the MSDF which is a core component of the IDP, in accordance with the provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000, Spatial Planning and Land Use Management Act, Act No. 16 of 2013, Western Cape Land Use Planning Act, Act No. 3 of 2014, and the Stellenbosch Municipal Land Use Planning By-Law;
- (b) that Council approves to undertake the process as stipulated in terms of Section 11(b) of LUPA and Section 3(1)(b) of the MPBL for amending the MSDF, which means that Council will not establish an Intergovernmental Steering Committee; and
- (c) that Council approves the process of notification of the proposed Amendment of the MSDF, 2019 as prescribed within the relevant legislation.

APPENDICES

Appendix 1: Stellenbosch Municipality – Council resolution Stellenbosch Municipality: Housing Pipeline (Annual Review), dated 26 May 2021.

Appendix 2: Stellenbosch Municipality – Process flow chart – SDF/IDP/Budget Time Schedule for 2022 – 2023

<i>NAME</i>	Chantel Hauptfleisch
<i>POSITION</i>	Senior Spatial Planner
<i>DIRECTORATE</i>	Planning & Economic Development
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<i>REPORT DATE</i>	17 August 2021

APPENDIX 1

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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NONE

11.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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11.4.1	STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW)
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Collaborator No: 706730
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 May 2021 and 26 May 2021

1. SUBJECT: STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW)

2. PURPOSE:

- a) To request Council to approve the Stellenbosch Municipality's Housing Pipeline (projects) for the next three financial years, for submission to the Provincial Department of Human Settlements (PDoHS);
- b) To provide a brief to Council on the National and Provincial Departments of Human Settlements' directive on the provision of housing;
- c) To provide clarity on the determination of priority projects by means of project readiness ranking;
- d) To obtain Council's support in principle of all the identified projects as listed and fully described in the Housing Pipeline document. Subsequently, the relevant projects will be submitted to the Provincial Department of Human Settlements for approval on the Housing Pipeline; and,
- e) To report to Council on the progress on existing housing projects that are currently on the approved Housing Pipeline.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The item relates to the annual review of the Stellenbosch Municipality Housing Pipeline. This particular review relates to the period 2021 to 2024.

The Provincial Department of Human Settlements presented new strategic shifts in human settlements development to enable the residents of the Western Cape to have access to liveable, accessible, safe, and multi-opportunity settlements.

The specific strategic objectives are radical acceleration of housing opportunities, radical integration approach to human settlements, radical implementation of innovative solutions and radical economic growth and job creation.

A Minister's engagement was held during September 2020 to discuss the business planning and budgeting process, with specific emphasis on the funding realities.

The National Department of Human Settlements submitted a communication dated 30 September 2020 to the Provincial Department of Human Settlements stating that the current budget cuts require a re-think regarding the housing subsidy programme approach. The delivery of top structures is considered fiscally unsustainable and the instruction is to rather prioritise the delivery of serviced sites.

43RD COUNCIL MEETING: 2021-05-26: ITEM 11.4.1

RESOLVED (majority vote with abstentions)

- (a) that Council takes note of the National and Provincial Departments of Human Settlements' directive on the provision of housing;
- (b) that Council takes note on the method undertaken in the determination of priority projects by means of project readiness ranking;
- (c) that Council takes note of all the identified projects as described in the Housing Pipeline document, which will subsequently be submitted to the Provincial Department of Human Settlements for approval on the Housing Pipeline;
- (d) that Council takes note on the progress of existing housing projects that are currently on the approved Housing Pipeline;
- (e) that the Housing Pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation;
- (f) that the projects under construction (within the implementation phase) as reflected in the below table be supported in accordance with the appropriate funding and relevant provincial approvals as well as available bulk infrastructure capacity:

For the Financial Year 2021/2022

	Project Name	Housing Programme	Opportunities
1	Erf 9445 Stellenbosch Idas Valley (166)	FLISP	166 sites
2	Vlottenburg Longlands Village Phase 3 (144)	IRDP	138 units 6 sites
3	The Steps and Orlean Lounge, Cloetesville	Rectification (municipal)	161 existing units
4	Smartie Town, Cloetesville	Rectification (municipal)	106 existing units
5	Kayamandi Zone O (711)	UISP	78 sites funding approval in 2021/22. Remaining 112 of the current phase to proceed after approval of additional funds
6	Kayamandi Watergang Basic Services	ABS	Basic services
7	Watergang Phase 2C – Erf 3603 Kayamandi	UISP	87 sites * in implementation phase; however awaiting decision on the way forward

- (g) that the projects currently in the pre-planning and/or planning phases as reflected in the below table be supported in accordance with the appropriate funding and relevant provincial approvals:

For the Financial Years 2021/2022 and 2022/2023 (with funding)

	Project Name	Housing Programme	Opportunities	Phase
1	Botmaskop (1500)	Social Housing, IRDP, FLISP	1500 sites (type TBD)	Feasibility 2021-22 Planning 2023-25
2	Farms 81/2 and 81/9 Stellenbosch	Social Housing	± 250 – 350 rental units	Planning 2021-22 Implement 2023-25
3	Erf 7001 Stellenbosch, Cloetesville ("Soek-mekaar")	IRDP, FLISP	250 – 300 sites	Planning 2021-22 Planning and implement 2023-25
4	Jamestown Development: Phase 2 - 4	IRDP, FLISP	2 000 sites	Planning (phase 4) and Implementation (phase 2,3) 2021-22
5	Erven 412, 217 and 284 Groendal, Franschhoek	IRDP, FLISP	150 – 200 sites	Planning 2021-22
6	Kayamandi Town Centre	UISP, Institutional	1847 top structures (units)	Planning 2021-22
7	Northern Extension, Kayamandi	IRDP, FLISP	4000 – 6000 sites	Planning 2021-22
8	Erf 3229 Franschhoek (Mooiwater)	UISP	258 sites	Planning 2021-22
9	Erf 64 Kylemore	IRDP	171 top structures (units)	Planning 2021-22
10	La Motte Old Forest Station	IRDP, FLISP	830 + 283 sites	Planning 2021-22 and 2023-25
11	Lapland Precinct	Social Housing	368 top structures	Planning 2021-22
12	3256 Franschhoek Langrug (1900)	UISP	1900 serviced sites	Planning 2021-22
13	Erf 2183 Klappmuts, La Rochelle	UISP	100 serviced sites; possible temporary relocation units	Planning 2021-22
14	Maasdorp Village, Franschhoek	Township Establishment	16 existing units	Planning (land use rights) – 2021-22
15	Enkanini	UISP	1300 sites	Planning 2021-22

- (h) that the projects currently in the pre-planning and/or planning phases as reflected in the below table be supported, subject to funding approval:

For the Financial Years 2021/2022 and 2022/2023 (subject to funding)

	Project Name	Housing Programme	Opportunities	Phase
1	Portion of Erf 7271 Stellenbosch, Cloetesville	BNG, FLISP	168 serviced sites (top structures TBD)	Pre-planning 2021-22 Planning 2023-25
2	Erven 6300, 6847, 6886 Stellenbosch, Cloetesville	FLISP	279 sites	Pre-planning 2021-22 Planning 2023-25
3	Erf 8776 Stellenbosch, Cloetesville	FLISP	37 sites	Pre-planning 2021-22 Planning 2023-25
4	Erf 6705 Stellenbosch, Cloetesville	BNG	12 units /top structures	Pre-planning 2021-22 Planning 2023-25

5	Adam Tas Corridor	IRDP, FLISP, Social Housing	3500 – 5000 serviced sites (top structures TBD)	Planning 2023-25
6	Teen-die-bult Precinct	Social Housing	180 top structures	Pre-planning 2021-22 Planning 2023-25
7	3460 Meerlust, Franschhoek (200)	IRDP	200 top structures (units)	Pre-planning 2021-22 Planning 2023-25
8	Jonkershoek	Township Establishment, IRDP, FLISP	Units and sites TBD, together with 40 existing units	Pre-planning 2021-22 Planning 2023-25
9	Farm 34 Vaaldraai Elsenburg	IRDP, FLISP	283 top structures (units)	Pre-planning completed 2021-22 * outside urban edge

** All projects continuation subject to Council approval for each phase to proceed to the next*

- (i) That the projects currently considered in the pre-planning phase as reflected in the below table be supported for future financial years from 2023/2024 and beyond, and subject to appropriate funding and relevant provincial approvals:

For the Financial Years from 2023/2024 and beyond

	Project Name	Housing Programme	Opportunities
1	Droë Dyke	IRDP, FLISP, Social Housing	1000 sites (type TBD)
2	Portion 7 of Farm 744 Paarl, Klapmuts	IRDP/ FLISP	850 sites
3	La Colline Precinct	Social Housing	TBD

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



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Programme Manager: Housing Development
From : Manager: Spatial Planning
Reference : Stellenbosch Municipality Housing Pipeline 2021 - 2024
Date : 6 May 2021
Re : Comments on Stellenbosch Municipality Housing Pipeline properties (2021 – 2024)

I refer to your request for comment on the above project.

Projects: Feasibility studies

1.1.1 Erf 1895, Cloetesville:

- Located within the approved urban edge
- Please note steep slope to develop, so limited developable land and costly
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially. Once the project reaches the planning phase, it needs to be considered within the capital planning process / CEF.

1.1.2 Erven 6668 & 7181, Cloetesville:

- Located within the approved urban edge
- Access may be problematic
- Please note that there may be environmental issues on this property
- Road widening planned for Adam Tas (R44) in the future
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially. Once the project reaches the planning phase, it needs to be considered within the capital planning process / CEF.

1.1.3 Erf 7271, Cloetesville:

- Located within the approved urban edge
- Please note that access to sports field needs to be kept in mind as the access is currently over this property.
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

Once the project reaches the planning phase, it needs to be considered within the capital planning process / CEF.

1.1.4 Erven 6300, 6847 & 6886, Cloetesville:

- Infill opportunities available
- Located within the approved urban edge
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially. Once the project reaches the planning phase, it needs to be considered within the capital planning process / CEF.

1.1.5 Erf 8776, Stellenbosch (Cloetesville):

- Located within the approved urban edge
- Please note that this is an important access gateway to Cloetesville and should not be developed
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially, however as mentioned above site constraints and characteristics might need to be incorporated within the design if this project moves past the feasibility phase.

1.1.6 Erf 6705, Cloetesville:

- Located within the approved urban edge
- Infill opportunities possible
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially. Once the project reaches the planning phase, it needs to be considered within the capital planning process / CEF.

1.2 Erf 3363 & 3393, Stellenbosch (Botmaskop):

- Partially located within the approved urban edge
- Indicated in SDF for future mixed use (Community facilities and residential)
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially. Once the project reaches the planning phase, it needs to be considered within the capital planning process / CEF.

1.3 Farm 744/7, Klappmuts:

- Located outside the approved urban edge

- Not suitable for urban development
- Retain for agriculture
- From a CEF perspective, this project falls outside the spatial development framework and spatially targeted areas and needs to be reconsidered.

1.4 **Droe Dyke:**

- Located within the approved urban edge
- Part of the Adam Tas Corridor Project as a strategic site
- Indicated in SDF for future mixed use (Community facilities and residential)
- Affordable / inclusionary housing to be considered
- Adam Tas Local SDF currently in process and the project proposal within this corridor needs to be incorporated within the planning phase of the LSDF and subsequent implementation framework and CEF.

1.5 **Adam Tas Corridor:**

- Located within the approved urban edge
- Identified in SDF as a catalytic project
- ATC local SDF currently in process and the project proposal within this corridor needs to be incorporated within the planning phase of the LSDF and subsequent implementation framework and CEF.
- LSDF will identify a number of inclusionary / affordable housing opportunities for this area

Projects: Social housing

2.1 **Farm 81/2 & 81/9, Stellenbosch**

- Located within the approved urban edge
- Site filled with building rubble
- Previously identified as a sports field
- Access problematic and dangerous
- Property located within the gateway to Stellenbosch and within an activity route
- Road widening planned for R304 in future – this will play in role in NMT and parking issues
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially, however as mentioned above site constraints and characteristics might need to be incorporated within the design if this project moves past the feasibility phase.

2.2 Erf 2149, Stellenbosch (Lapland):

- Located outside the approved urban edge
- Opportunity for infill development
- Height increase will not be supported
- Infill development will rather be supported by adding similar type of flats
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially. Once the project reaches the planning phase, it needs to be considered within the capital planning process / CEF.

2.3 Farm 180, Stellenbosch (Teen die Bult)

- Green area to be retained
- Site not suitable for development
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially, however the spatial planning categories of the SDF does not allow for the development of this site (refer to points above).

2.4 La Colline:

- Located inside the approved urban edge
- Two public open spaces important to be retained and upgraded
- Densification opportunities available
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially. Once the project reaches the planning phase, it needs to be considered within the capital planning process / CEF.

2.5 Erf 7011, Cloetesville

- Located within the approved urban edge
- Approved SDF identify property for mixed use development (community facilities and residential infill)
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

3.2: Farm 527, Jamestown

- Located inside the approved urban edge
- Inclusive development supported in approved SDF
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

3.3: Erf 412, Franschhoek

- Located inside the approved urban edge and identified as a strategic site
- Precinct Plan required
- Gateway to Franschhoek
- Green area identified in SDF to be retained

Projects: Pre-Planning / Planning phase

4.1 Kayamandi Town

- Located within the approved urban edge
- Re-development supported
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

4.2: Kayamandi Northern Extension

- Located inside the approved urban edge
- Forms part of the ATC project
- Identified in the SDF as future mixed use (community and residential)
- Portion identified as green area to be retained
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially. Just to note, that it appears that the project has not been included in the MTREF period although it has been regarded as a high priority development.

4.3 Erf 3229, Franschhoek

- Located within the approved urban edge
- Infill opportunities possible
- Previously a dam was located on this property
- Green area to be retained – Identified in SDF
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially, however cognizance of the spatial planning categories of the SDF excludes certain portions of the site for the development of this site and as mentioned above site constraints and characteristics might need to be incorporated within the design if this project.

4.4: Erf 64, Kylemore

- Located inside the approved urban edge
- Identified in the SDF as future mixed use (community and residential)

- From a CEF perspective, this project falls does not fall within the functional area and priority development areas and from a strategic perspective does not align spatially. Strategic alignment will have to be considered and prioritized if this project is to proceed.

4.5 Farm 1339, La Motte

- Located partially within the approved urban edge
- Identified in the SDF as future mixed use (community and residential)
- From a CEF perspective, this project falls does not fall within the functional area and priority development areas and from a strategic perspective does not align spatially. Strategic alignment will have to be considered and prioritized if this project is to proceed.

4.6: Farm 1006/1, Meerlust

- Located inside the approved urban edge
- Identified in the SDF as future mixed use (community and residential)
- Please note that the EIA and HIA are restrictive
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially, however as mentioned above site constraints and characteristics will have to be incorporated within the design if this project.

4.7 Simonsig Farm 66/39 & 40, Stellenbosch

- Located within the approved urban edge
- Identified in the SDF as future mixed use (community and residential)
- From a CEF perspective, this project falls does not fall within the functional area and priority development areas and from a strategic perspective does not align spatially, however as motivated the strategic alignment has been considered and supported.

Projects: Formalizing and upgrading

5.1 Langrug, Franschhoek

- Located inside the approved urban edge
- Identified in the SDF as future mixed use (community and residential)
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

5.2 Erf 2183, Klappmuts

- Located within the approved urban edge
- Identified in the SDF as future mixed use (community and residential)

- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

5.3: Farm 1080 Kayamandi

- In line with SDF
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

5.3.2 Red Bricks

- Located within the approved urban edge
- Identified in the SDF as future mixed use (community and residential)
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

5.3.3 Erf 1123 – 1154 Kayamandi

- Located within the approved urban edge
- Identified in the SDF as future mixed use (community and residential)
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

5.3.4 Remainder Erf 288 Kayamandi

- Located within the approved urban edge
- Identified in the SDF as future mixed use (community and residential)
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

5.4 Farm 1041/27, Maasdorp

- Located within the approved urban edge
- Identified in the SDF as future mixed use (community and residential)
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

5.5 Jonkershoek

- Not identified as a urban node as there are no services available
- Refer to the Jonkershoek LSDF
- Limited infill opportunities
- From a CEF perspective, this project falls does not fall within the functional area and priority development areas and from a strategic perspective does not align spatially. Strategic alignment will have to be considered and prioritized if this project is to proceed.

5.6 Farm 1081/3 & 5, Faure Agri-Village

- Not identified as a urban node and outside of the urban edge
- Viewed as an agri village in rural area for farm workers housing
- From a CEF perspective, this project falls does not fall within the functional area and priority development areas and from a strategic perspective does not align spatially.

5.7 De Novo

- Located outside the approved urban edge
- Not identified for urban development
- From a CEF perspective, this project falls does not fall within the functional area and priority development areas and from a strategic perspective does not align spatially.

5.8 Farm 34 Vaaldraai

- Not identified for housing and not included within urban edge
- No urban node identified
- From a CEF perspective, this project falls does not fall within the functional area and priority development areas and from a strategic perspective does not align spatially.

5.9 Erf 3689 Kayamandi

- Located within the urban edge
- Identified in the SDF as future mixed use (community and residential)
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

6.1 Zone O Kayamandi

- Located within the urban edge
- Re-development required
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

6.2 Enkanini Kayamandi

- Located within the urban edge
- In-situ upgrading
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

6.3 Erf 9445 Idas Valley

- Located within the urban edge
- Located adjacent to a Grade I Heritage site
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially, however as mentioned above site constraints and characteristics will have to be incorporated within the design if this project..

6.4 Farm 393 Vlottenburg

- Located within the urban edge
- Infill opportunities
- From a CEF perspective, this project falls does not fall within the functional area and priority development areas and from a strategic perspective does not align spatially, however as motivated the strategic alignment has been considered and supported.

6.5 Erf 6846 Cloetesville (Steps)

- Located within the urban edge
- Upgrading of buildings necessary
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

6.6 Smartietown (Erf 11706 – 11813)

- Located within the urban edge
- Upgrading of buildings necessary
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.

6.7 Erf 3603 Kayamandi (Watergang)

- Located within the urban edge
- Infill opportunities
- From a CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.



BJG de la Bat
MANAGER: SPATIAL PLANNING

APPENDIX 2

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
JULY 2021									
1	District IDP Managers Forum: Workshop Section 27 - District IDP Framework and Process Plan	MSA - Sec 27(1)	02 July 2021						Manager: IDP/PMS/PP
2	Make public the projections, targets and indicators as set out in the 2021/22 SDBIP (no later than 14 days after the approval of the SDBIP) and submit to National and Provincial Treasuries (no later than 10 days after the approval of the SDBIP)	MFMA - Sec 53(3)(a) MBRR - Reg 20(2)(b)					03 July 2021		Manager: IDP/PMS/PP
3	Make public the 2021/22 performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (no later than 14 days after the approval of the SDBIP)	MFMA - Section 53(3)(b):					10 July 2021		Manager: IDP/PMS/PP
4	Commence with the preparation of Roll-Over Budget for the 2021/22 Financial year	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				30 July 2021			Snr Manager: Financial Management Services
5	Submit Quarterly report for period ending 30 June 2021 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29						28 July 2021	Snr Manager: Financial Management Services

NO	ACTIVITY / TASK DESCRIPTION	LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
			IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	
AUGUST 2021								
6	Place 4th Quarter Performance Report 2020/21 on website (must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, which ever occurs first)	MFMA - Section 75 (2) MSA 21(b)					02 August 2021	Snr Manager: Financial Management Services
7	Submit 4th Quarter Performance Reports 2020/21 - SDBIP and Finance Performance Reports to National and Provincial Treasury	MPPMR - Reg 13					02 August 2021	Snr Manager: Financial Management Services
8	Internal consultations with departments on Sector Plans for integration into the 5th Generation Integrated Development Plan (IDP)	MSA Section 26	1 - 30 October 2021					Manager: IDP/PMS/PP together with All Departments
9	Executive Mayor and Mayoral Committee recommend that SDF/IDP/Budget Time Schedule / Process Plan (at least 10 months before the start of the budget year) and IDP Public Participation Schedule be approved by Council	MFMA - Sec 21(1)(b) MSA - Sec 29	18 August 2021					Manager: IDP/PMS/PP
	The Committee recommendations need to specify the request for the amendment of the MSDF and the intent to not establish a Intergovernmental Steering Committee for the purpose of amending the MSDF.	MSA Regulations - Chapter 2 Section 3(1); LUPA - Section 11 (a) & (b); MPBL - Chapter 2 Section 3(1)		18 August 2021				Manager: IDP/PMS/PP & DP
10	Executive Mayor and Mayoral Committee approve 2021/22 Capital Roll-Over Budget	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				18 August 2021		Chief Financial Officer
11	Council approve 2021/22 Capital Roll-Over Budget (to be tabled before 25 August 2021)	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				24 August 2021		Chief Financial Officer
12	Council approve SDF/IDP/Budget Time Schedule / Process Plan (at least 10 months before the start of the budget year) and IDP Public Participation Schedule	MFMA - Sec 21(1)(b) MSA - Sec 29	24 August 2021					Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
13	Place 2021/22 Capital Roll-Over Budget on website (must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, which ever occurs first)	MFMA - Sec 75(2) MSA - Sec 21 (b)				27 August 2021			Snr Manager: Financial Management Services
14	Place advertisement to notify the public of the approved SDF/IDP/Budget Time Schedule/ Process Plan and IDP Public Participation Process on website, local newspapers and notice boards	MSA - Sec 21, 21A, 28(3)	31 August 2021						Manager: IDP/PMS/PP
	Place advertisement to notify the public of the proposal to amend the MSDF. Provincial gazette, two local newspapers, website & notice boards.	MSA - Sec 28(3); 29 MPBL - Chapter 2 Section 2(a)		31 August 2021					Managers: DP & IDP/PMS/PP
15	Submit the adopted SDF/IDP/Budget Time Schedule/ Process Plan to the MEC for Local Government and Provincial Treasury	MSA - Sec 21, 21A, 28(3)	31 August 2021						Manager: IDP/PMS/PP
	Submit the intention to amend the MSDF and the process to be followed in the amendment & confirm that the ISC process will not be undertaken.	MPBL - Chapter 2 Section 2(b)		31 August 2021					Managers: DP & IDP/PMS/PP
16	Submit annual financial statements and annual performance report to the Auditor - General for auditing (the accounting officer of a municipality must prepare the annual financial statements of the municipality and within 2 months after the end of the financial year to which those statements relate, submit the statements to the Auditor - General for auditing)	MFMA Sec 126 (1)(a) MSA - Sec 46 (1) (2)				31 August 2021	31 August 2021		Chief Financial Officer Manager: IDP/PMS/PP
SEPTEMBER 2021									
17	District IDP Managers Forum: engagement to ensure integrated development planning for the district as a whole	MSA Section 24	1 September 2021						Manager: IDP/PMS/PP
18	Provincial IDP Managers' Forum	MSA Section 24	16 September 2021						Manager: IDP/PMS/PP
19	Review of Long Terms Financial Plan	MSA Section 26(a)				1 September 2021 - January 2022			Chief Financial Officer

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
	Establishment of Project Committee & Terms of reference	MPBL - Chapter 2 Section 4(1), (2) & Section 8(1)		16 September 2021					Municipal Manager Manager: DM & DP Appointed officials from municipal departments - IDP, Engineering, Housing etc.

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	
OCTOBER 2021								
20	Departmental SDF/IDP/Budget Work Sessions to review and provide feedback on projects, key initiatives and programmes from Community IDP Needs List and identified actions emanating from the community engagement and sector plan analysis	Not Applicable	01 - 15 October 2021					Manager: IDP/PMS/PP together with All Departments
	Departmental SDF/IDP/Budget Work Sessions to review the MSDF for incorporation within the draft status quo report,	Not Applicable		01 - 15 October 2021				Manager: IDP/PMS/PP together with All Departments
	Draft status quo report setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to Council for adoption.	MPBL - Chapter 2 Section 7(1)(a)		01 - 31 October 2021				Manager: DP with Project Steering Committee
21	District IDP Managers Forum	MSA Section 24	6 October 2021					Manager: IDP/PMS/PP
22	Directorates complete template for 2022 - 2025 Capital and Operational Budget for Budget Prioritisation	MSA Section 26(h)				25 October 2021		Snr Manager: Financial Management Services
23	Complete tariff setting exercise for 2022/23	MFMA Section 71				25 October 2021		Snr Manager: Financial Management Services
24	Submit Quarterly report for period ending 30 September 2021 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 28					29 October 2021	Snr Manager: Financial Management Services
25	Strategic Integrated Municipal Engagements (SIME)		30 October 2021					Manager: IDP/PMS/PP

NO	ACTIVITY / TASK DESCRIPTION	LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
			IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	
NOVEMBER 2021								
26	Review current budget related policies and compile newly needed budget related policies	MFMA - Sec 21 MBRR - Part 3					1 November 2021	Snr Manager: Financial Management Services
27	Submit 1st Quarter Performance Reports 2021/22 - SDBIP and Finance Performance Reports to National and Provincial Treasury						1 November 2021	Snr Manager: Financial Management Services
28	Place First Quarter Performance Report 2021/22 on website (must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, which ever occurs first)	MFMA - Sec 75(2) MSA - Sec 21(b)					2 November 2021	Snr Manager: Financial Management Services
29	Submit inputs for 2021/22 Operating and Capital Adjustments Budget to Manager: Budgeting and Costing	MFMA - Section 21 & 28					11 November 2021	All Directorates
30	District IDP Managers Forum	MSA Section 24	6 October 2021					Manager: IDP/PMS/PP
	SDF status quo report adoption by Council	MSA Regulations - Chapter 2 section 3(6); LUPA - Section 13(1)(a); MPBL - Chapter 2 Section 3(b) & 7(1)(b) MSA regulations -			To be confirmed either October or early November - prior to action 31			Manager: DM & IDP/PMS/PP
	SDF project team to draft the amendment to the MSDF and submit it to Council to approve the publication thereof for public comment and to request comment from the Provincial Minister and the District Municipality.	Chapter 2 section 3(6); LUPA - Section 13(1)(a); MPBL - Chapter 2 Section 3(b) & 7(1)(b)			1 October - 29 November 2021			Manager: DM & Project Steering Committee
31	SDF amendment/IDP/ Budget consultative engagements with the community and other stakeholders in all municipal wards	Chapter 4 MSA	29 November - 2 December 2021					Manager: IDP/PMS/PP
	SDF amendment notice of the proposed MSDF amendments in the Gazette and media (inform public, Provincial Minister & District Municipality)	MSA - Chapter 4 Section 21(1) & (2); SPLUMA Section 20(3);			29 November 2021			Manager: DM & Project Steering Committee

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP / PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
	SDF amendments - Public, Provincial Minister & District Municipality submit comments within 60 days of receiving the amendment	MSA regulations - Chapter 2 Section 3(4)(b); SPLUMA Section 20(3)(b); MPBL - Chapter 2 Section 7(1)(c)		22 November - 24 January 2022					Manager: DM & IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	
DECEMBER 2021								
32	Stakeholder Engagement(s)	MSA Section 29(1)(b)	6 December 2021					Manager: IDP/PMS/PP
33	Provincial IDP Managers' Forum	MSA Section 24	4 December 2021					Manager: IDP/PMS/PP
34	Capture and refine all community inputs from the needs analysis process and sector/s engagement	Not Applicable	6 December - 8 December 2021					Manager: IDP/PMS/PP
35	Submission of priority requests to sector departments and the district municipality	Not Applicable	10 December 2021					Manager: IDP/PMS/PP
36	Strategy Workshop 1: Councillors, Mayco, Municipal Manager and Directors							Municipal Manager
JANUARY 2022								
37	Strategy Workshop 2: Mayco, Municipal Manager, Directors and Senior Managers/Managers (prioritisation and determine and execute municipal strategy)							Municipal Manager
38	Strategy Workshop 3: Municipal Manager and Directors - to consolidate all strategic inputs and to formulate the first draft of the new strategy chapter.							Municipal Manager
39	Bi - lateral with the district municipality engagement to ensure integrated development planning for the district as a whole(Mayco, Municipal Manager and Directors)							Municipal Manager
40	Executive Mayor and Mayoral Committee recommend that the Amended SDF/IDP/Budget Process Plan (Time Schedule) and IDP Public Participation Schedule for March 2022 be approved by Council	MSA - Sec 28 & 29	13 January 2022			13 January 2022		Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
41	MAYCO considers and adopts 2021/22 Adjustments Budget and Draft Revised 2021/22 SDBIP	MFMA - Sec 28 MBRR - Part 4				13 January 2022	13 January 2022		Snr Manager: Financial Management Services and Manager: IDP/PMS/PP
42	Submit Mid-year Performance Assessment Report 2021/22 to Executive Mayor	MFMA - Sec 72					25 January 2022		Manager: IDP/PMS/PP
43	Submit Mid-year Budget Assessment Report 2021/22 to Executive Mayor	MFMA - Section 72(1)(b) MBRR - Reg 35				25 January 2022			Chief Financial Officer
44	Submit Mid-year Budget and Performance Report 2021/22 to Provincial Treasury, National Treasury and Department of Local Government by 25 January 2021	MFMA - Section 72(1)(b) MBRR - Reg 35				25 January 2022			Manager: IDP/PMS/PP and Chief Financial Officer
45	Make public the Mid-Year Budget and Performance Report 2021/22 in the local newspaper and on municipal website	MFMA - Section 75 (2) MSA - Sec 21(b)				31 January 2022			Chief Financial Officer and Manager: IDP/PMS/PP
46	Council consider 2020/21 Draft Annual Report before advertising it for public comment	MFMA - Sec 127						26 January 2022	Manager: IDP/PMS/PP and Chief Financial Officer
47	Submit Quarterly report for period ending 31 December 2021 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29						26 January 2022	Chief Financial Officer and Manager: IDP/PMS/PP
48	Submit Mid-year Budget and Performance Assessment Reports 2021/22 to Council	MFMA - Section 72(1)(b) MBRR - Reg 35				26 January 2022		26 January 2022	Snr Manager: Financial Management Services
49	Council considers the 2021/22 Adjustments Budget and Draft Revised TL SDBIP 2021/22 and Amended SDF/IDP/Budget Process Plan (Time Schedule) and IDP Public Participation Schedule for March 2022	MFMA - Sec 28 MBRR - Part 4 MSA - Sec 28 & 29				26 January 2022			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
50	Place SECOND Quarter Performance Report 2021/22 on website	MFMA - Section 75 (2) MSA - Sec 21(b)				31 January 2021			Snr Manager: Financial Management Services
51	Send the Dratt Annual Report 2019/20, within five (5) days via e-mail and hard copy to the National Treasury, the Western Cape Department of Local Government, the Western Cape Provincial Treasury and the Auditor General	MFMA - Section 127(5)(b)						31 January 2022	Manager: IDP/PMS/PP
	Project committee to consider the comments and representations received from the public and the Provincial Minister on the MSDF amendments	SPLUMA Section 20(3)(c); MPBL Section 7(1)(d), 7(2)		1 January - 31 January 2022					Manager: DM Project Committee
	Project committee to consider the extent of changes and advise if readvertisement is required	SPLUMA Section 20(3)(c); MPBL Section 7(1)(d), 7(2)		To be confirmed					Manager: DM Project Committee
	Project committee to compile amended MSDF and memorandum to Council highlighting reasons for the proposal & alignment with District Municipality's Framework for Integrated Planning.	MSA Regulations - Chapter 2 Section 3(2); District Framework for IDP requirement - MSA Section 27		1 January - 31 March 2022					Manager: DM Project Committee
FEBRUARY 2022									
52	Advertise the approved 2021/22 Adjustments Budget and Revised SDBIP for 2021/22 and submit budget and B Schedules to National Treasury and Provincial Treasury as required per legislation (within 10 working days)	MFMA - Sec 28(7) MSA - Sec 21A MBRR - Part 4				03 February 2022	03 February 2022		Snr Manager: Financial Management Services and Manager: IDP/PMS/PP
53	Due date for the public and other stakeholders to submit written comments on the Draft Annual Report 2020/21	MFMA - Sec 127(5)(a) MSA - Sec 21A						18 February 2022	Chief Financial Officer
54	Annual (2020/21) and Mid-year (2021/22) Performance Assessments for Municipal Manager and Managers directly accountable to the Municipal Manager	MPPMR - Reg 13 GN 21- 17/01/2014						14 February 2022	Manager: IDP/PMS/PP
55	Technical Integrated Municipal Engagements (TIME)	MSA - Chapter 5	25 February 2022						Municipal Manager
56	LG MTEC 2 - Provincial Sector Departments inform municipalities of provincial budgetary allocations	MSA - Chapter 5	25 February 2022						Manager: IDP/PMS/PP and Snr Manager: Financial Management Services

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	
MARCH 2022								
57	Review the Municipality's performance management system (PMS) - submit Revised Performance Management Policy to Council	MPPR - Reg 3(4)(b) & Reg 11(2)					31 March 2022	Manager: IDP/PMS/PP
58	Submission of the draft IDP, budget, tariffs, budget related policies and SDBIP (at least 90 days before the start of the budget year)	MFMA - Sec 16(2) MSA - Sec 25 MBRR - Part 3	31 March 2022			31 March 2022	31 March 2022	Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
59	Council consider Oversight Report and Annual Report 2020/21 for approval	MFMA - Sec 129					31 March 2022	Manager: IDP/PMS/PP
APRIL 2022								
60	Advertise the Draft SDF IDP, SDBIP, budget and other required documents and provide at least 21 days for public comments and submissions	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	05 April 2022	05 April 2022		05 April 2022	05 April 2022	Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
	Advertise the amended MSDF with the IDP amendment.	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)		05 April 2022				Manager: IDP/PMS/PP
61	Place advertisement for the Oversight Report and the Annual Report 2020/2021 to be released for information which must be placed on the municipal website within five (5) days after it is approved	MFMA - Sec 129(3) MFMA - Sec 75 ©					05 April 2022	Manager: IDP/PMS/PP
62	Ensure that the Oversight Report and Annual Report 2020/21 are made available at all municipal offices and libraries for information	MFMA - Sec 129(3)					05 April 2022	Manager: IDP/PMS/PP
63	Submit the Annual Report and Oversight Report 2020/21 to the provincial legislature as per circular	MFMA - Sec 132(1) & (2)					05 April 2022	Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS		REPORTING
64	Submit the draft SDF, IDP, SDBIP and budget to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by the IDP and budget	MFMA - Sec 22(b) MSA - Sec 29(3)(b) MSA - Sec 32(1) MBRR - Reg 20	05 April 2022	05 April 2022		05 April 2022			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
65	Public Participation Process to consult the Draft IDP, SDBIP and Budget	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	05 - 29 April 2022	05 - 29 April 2022		05 - 29 April 2022	05 - 29 April 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
66	Submit Quarterly report for period ending 31 March 2022 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29						29 April 2022	Snr Manager: Financial Management Services
67	Submit 3rd Quarter Performance Reports 2021/22 - SDBIP and Performance Reports to National and Provincial Treasury	MPPMR - Reg 13						29 April 2022	Snr Manager: Financial Management Services
MAY 2021									
68	Place 3rd Quarter Performance Report 2021/22 on website	MFMA - Sec 75(2) MSA - Sec 21(b)						03 May 2022	Manager: IDP/PMS/PP
69	MAYCO meeting to considers the Budget and Revised IDP (at least 30 days before the start of the budget year)	MFMA - Sec 24	18 May 2022			18 May 2022	18 May 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
70	LG MTEC 3 IDP and Budget Assessments by Provincial Treasury and Department of Local Government	MSA Chapter 5 MFMA	31 May 2022	31 May 2022		31 May 2022	31 May 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
71	Council meeting to adopt Revised IDP, Amended SDF, Performance Management Measures and targets and the budget (at least 30 days before the start of the budget year)	MFMA - Sec 24	31 May 2022			31 May 2022	31 May 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	
JUNE 2022								
72	Place the IDP, multi-year budget, all budget-related documents and all budget-related policies on the website	MFMA - Sec 22 and 75 MSA - Sec 21A and 21B	03 June 2022			03 June 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
73	Submit a copy of the revised IDP and amended SDF to the MEC for LG (within 10 days of the adoption of the plan)	MSA - Section 32	09 June 2022					Manager: IDP/PMS/PP
	In addition to the above, the MM must submit the written notice of the decision to amend the MSDF with reasons, the amended MSDF & a report setting out the response of the municipality to the comments submitted during public participation.	LUPA - Section 14		09 June 2022				Manager: IDP/PMS/PP & DP
74	Submit approved budget to National and Provincial Treasuries (both printed and electronic formats)	MFMA - Sec 24(3) MBRR - Reg 20				09 June 2022		Snr Manager: Financial Management Services
75	Give notice to the public of the adoption of the IDP and Budget (within 14 days of the adoption of the plan) and budget (within 10 working days)	MBRR - Reg 18 MSA - Sec 25(4)(a)(b)	10 June 2022			10 June 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
	Give notice (within 14 days of adoption of amended MSDF) in the media and Provincial Gazette	SPLUMA - Section 20(1); MPBL - Chapter 2 Section 7(3)		09 June 2022				Manager: IDP/PMS/PP & DP
76	Submit to the Executive Mayor the TL SDBIP 2022/23 (no later than 14 days after the approval of an annual budget)	MFMA - Sec 69(3)(a)				10 June 2022		Manager: IDP/PMS/PP
77	Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved (within 28 days after approval of the budget)	MFMA - Sec 53(1)(c) (ii)				28 June 2022		Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	
JULY 2022								
	Within 30 days from the date of receipt of the amended MSDF, the MEC for Local Government must determine if the amended MSDF complies with the MSA, amendments are in line with development plans & strategies and public participation process in line with Section 29 of the MSA.	MSA - Section 32(2)		10 July 2022				Manager: IDP/PMS/PP & DP
	If non compliance is determined, the Council must consider the proposal for adjustments or object	MSA - Section 32(2), (3), (4)		After 10 July 2022				Manager: IDP/PMS/PP & DP
78	Make public the projections, targets and indicators as set out in the TL SDBIP (no later than 14 days after the approval of the SDBIP) and submit to National and Provincial Treasuries (no later than 10 working days after the approval of the SDBIP)	MFMA Section 53(3)(a) MBRR Reg 19				10 July 2022		Manager: IDP/PMS/PP
79	Make public the performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (no later than 14 days after the approval of the SDBIP)	MFMA Section 53(3)(b):				10 July 2022		Manager: IDP/PMS/PP

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

7.9	YOUTH, SPORT AND CULTURE: (PC: CLLR J FASSER)
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7.9.1	IDA'S VALLEY TENNIS COURTS AND CLUBHOUSE – ESTABLISHMENT OF A TENNIS ACADEMY BY TENNIS WORLD FOUNDATION (TWF)
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Collaborator No: 713248
 IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
 Meeting Date: 15 September 2021

1. SUBJECT:IDA'S VALLEY TENNIS COURTS AND CLUBHOUSE – ESTABLISHMENT OF A TENNIS ACADEMY BY TENNIS WORLD FOUNDATION (TWF)

2. PURPOSE

- 2.1 To inform Council about the proposal and request from the Tennis World Foundation to use the Ida's Valley Tennis Courts and Clubhouse to establishment a Tennis Academy.
- 2.2 To obtain permission from Council to enter into an agreement with Tennis World Foundation (TWF) for the use, upgrade and management of the tennis courts and clubhouse at Ida's Valley Sport Grounds.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

A request was received from Tennis World Foundation (TWF) to utilise the tennis courts and club house at Ida's Valley Sport Facility to establish a tennis academy.

In order for the Tennis World Foundation (TWF) to operate a tennis development centre (academy), it needs the assistance of Stellenbosch Municipality subject to an MOU that will be drafted in compliance with all relevant municipal legislation.

The aim of the aforementioned foundation is to bring together local tennis enthusiasts and aspiring tennis players from surrounding schools to learn the finer skills of the sport, to share life experiences and to learn valuable life skills.

The project has the full support of the Ida's Valley Sport Council.

5. RECOMMENDATIONS

- (a) that Council notes the Ida's Valley Sport Council's support for this project;
- (b) that Council approves the application from Tennis World Foundation (TWF) to utilise the Ida's Valley Tennis Courts and Clubhouse for the establishment of a Tennis Academy; and

- (c) that Council grants permission to the Community Services Department to conclude a formal agreement with Tennis World Foundation (**ANNEXURE C: Draft MOU between Stellenbosch Municipality and Tennis World Foundation**).

6. DISCUSSION

A request was received from Tennis World Foundation (TWF) to utilise the tennis courts and club house at Ida's Valley Sports Facilities to establish a tennis academy (See **ANNEXURE A**).

The Tennis World Foundation (TWF) was established in 2019 by tennis entrepreneur Federico Coppini. Federico's vision is to extend the benefits of tennis participation to vulnerable children, in pursuit of social and community development. The vision of TWF is to develop the sport by attracting new player segments as well as discovering talented players. Funds to start the foundation was donated by Federico Coppini and in future the foundation will be funded through both local and international donations.

Tennis World Foundation (TWF) works in close partnership with Tennis South Africa and forms an integral part of Tennis South Africa's (TSA) national development and transformation initiatives.

The Tennis World Foundation (TWF) is focused on developing the game of tennis in schools and communities where talented children can be reached. The foundation and its partners are implementing a school and community-based tennis development programme, aimed at firstly exposing children to tennis, secondly, developing tennis teams and finally supporting individual talent. Their vision is to bring together friends and schoolmates to have fun, share experiences and learn life skills.

In order for the Tennis World Foundation (TWF) to operate a tennis development foundation, it must include the following:

School tennis development programmes:

- Specialised tennis coaching for promising youth players
- Establishment of a high-performance tennis centre for children
- Establishment of a tennis club
- Establishment of a tennis coaching development programme
- Hosting Tennis South Africa (TSA) and other youth tennis tournaments
- Hosting school tennis and development events

The advantages of this partnership for Stellenbosch Municipality are the following:

- General maintenance, associated with the successful professional management of the facility;
- Specific renovations and painting of the club house;
- Ongoing enhancement of the facility, in line with the expectations of a professional centre of excellence;
- Two local Ida's Valley residents will be employed to maintain the facility;
- To invest in the establishment of 4 new beach tennis courts for local youth participation.

The request by the Tennis World Foundation (TWF) is also supported by the Ida's Valley Sports Council (See **ANNEXURE B**).

The department supports this application because the sport of tennis will be developed and managed by a professional organization. The agreement will be inclusive of factors such as job creation for the residents of Ida's Valley via the Tennis World Foundation (TWF).

6.1. Financial Implications

The financial implication for Stellenbosch Municipality will be a saving on maintenance costs for the Ida's Valley tennis courts due to the fact that Tennis World Foundation (TWF) will undertake to maintain the tennis court facility.

6.2. Legal Implications

The recommendation in this report complies with Council's policies and all applicable legislation.

6.3. Staff Implications

The recommendation has no staff implications for the municipality.

6.4. Previous / Relevant Council Resolutions:

None

6.5. Risk Implications

The memorandum of understanding (MOU) between Stellenbosch Municipality and the Tennis World Foundation(TWF) will address the potential risks for the municipality. The Community Services Department will ensure that all financial and legal compliance regulations are adhered to.

6.6. Comments from Senior Management:

The item was discussed at the Directors meeting and senior management supports the item.

ANNEXURES:

Annexure A: Tennis World Foundation

Annexure B: Ida's Valley Sport Council: Letter of Support

Annexure C: Draft MOU between Stellenbosch Municipality and Tennis World Foundation

FOR FURTHER DETAILS CONTACT:

NAME	<i>Albert van der Merwe</i>
POSITION	<i>Manager: Community Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8165</i>
E-MAIL ADDRESS	Albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	<i>12 May 2021</i>

ANNEXURE A



PROPOSAL TO STELLENBOSCH MUNICIPALITY IDAS VALLEY TENNIS FACILITY



Tel: +27 (0)79 0883297
Reg No: K2019272498
Email: info@tennisworldfoundation.com
<http://www.tennisworldfoundation.com>

TO: The Stellenbosch Municipality
ATT: Director Boshoff/ Garth Abrahams/Andre Gabriels
RE: Tennis World Foundation (TWF) / Idas Valley Tennis Facilities

9 March 2020

Dear Garth and Andre

Further to the various discussions we have had, herewith please find a summary of the suggested terms between the Stellenbosch Municipality and Tennis World Foundation, in regards to the Idas Valley Tennis facility. In addition I have also attached the original TWF profile sent to Director Boshoff.

- **TWF to take responsibility for the overall management of the Idas Valley tennis facilities**, including the following aspects:
 - General maintenance associated with the successful professional management of the facility
 - Specific renovations/painting of the club house
 - Ongoing enhancement of the facility, inline with the expectations of a professional centre of excellence
 - Two local Idas Valley residents will be employed to maintain the facility
- **TWF to sign a 9 years and 11 months lease with the option to renew for an additional 9 years and 11 months on expiry.**
- **To invest in the establishment of 4 new beach tennis courts for local youth participation.**
- **TWF to operate a tennis development foundation including the following:**
 - School tennis development programme
 - Specialised tennis coaching for promising youth players
 - Establishment of a high-performance tennis centre for children
 - Establishment of a tennis club
 - Establishment of a tennis coaching development programme
 - Hosting TSA and other youth tennis tournaments
 - Hosting school tennis and development events

Please let me know if you need any additional information.

Yours Faithfully

Federico Coppini



SECTION 1: Executive Summary

Introduction

*“Tennis is mostly mental. You win or lose the match before you even go out there”
Venus Williams*

South Africa is a sports mad nation, yet thousands of poor children are denied their right to play. South Africa has a high birth rate, rampant unemployment, extreme poverty, below average life expectancy and a very low average family income. The majority of children, particularly those born in Townships and rural areas are victims of poverty and lack opportunities.

Research shows that children living in poverty are more prone to abusing drugs and alcohol and engaging in risky sexual behaviour, especially when they do not have access to recreational facilities and sport. Physical education has largely been removed from the South African public education curriculum, further limiting children’s opportunities for sport exposure in impoverished townships and rural schools.

Most children in South Africa attend school but parents struggle to afford fees, uniforms and transport. Extra curricular activities such as sport is a luxury that the parents of children in these circumstances simply cannot afford.

The TennisWorld Foundation is focussed on developing the game of tennis in schools and other places where vulnerable children can be reached. The foundation and its partners are implementing a school and community-based tennis development programme, aimed at firstly exposing children to tennis, secondly, developing tennis teams and finally supporting individual talent.

We believe that tennis is more than just a game, it is a great way for boys and girls to learn discipline, resilience and the value of fair play. Physical fitness and team affiliation creates much needed healthy social structures for vulnerable children. Our aim is not only to support vulnerable children through sport, but to identify talent and to develop the tennis competitors of the future.

This document outlines how we intend to support children in schools and communities across the Cape Winelands region, through the development of tennis.

Our vision is to bring together friends and schoolmates to have fun, share experiences and learn life skills. Ultimately our focus is to use tennis as an opportunity to reach and impact children positively.

Overview

"I play each point like my life depends on it". Rafael Nadal

The TennisWorld Foundation (TWF) was established by tennis entrepreneur Federico Coppini. As founder and CEO of the TennisWorld Magazine International, Federico is inspired to impact children in South Africa, through the sport of tennis. Being a long-standing coach and father himself, he has seen the developmental benefits that tennis offer children.

His multinational business interests have lead him to spend extensive periods of time in South Africa and other developing countries, where he has observed the social problems effecting children first-hand. Federico's vision is to extend the benefits of tennis participation to vulnerable children in pursuit of social and community development. The vision of TWF is to develop the sport by attracting new player segments and discovering talented players.

TWF was established in South Africa in 2019 and the board of directors include tennis professionals and highly skilled business leaders. Funds to start the foundation was donated by Federico Coppini and in future the foundation will be funded through both local and international donations. Funding raised through the TennisWorld publications will be combined with local government and CSI funding to realise the vision of TWF.

The TWF board consists of sport, business and social leaders that all share the love of tennis. Representing the board in South Africa is Federico Coppini, owner of TennisWorld Publications, Richard Glover, current CEO of Tennis South Africa, entrepreneur Marcel van der Merwe and banking professional Carl Roothman, head of SANLAM Personal Wealth.

Why TWF?

Tennis is a marginalised sport in South Africa and excludes the majority of children due to the costs involved and access to opportunities. TWF offers a broad-based introduction to tennis, as well as team and individual talent development support to children that is disadvantaged and would not otherwise be able to participate.

The TWF strategy to reach children include the following three phased programme:

TWF Tennis Development Programme for Children		
Phase 1: Broad based participation	Phase 2: Team development	Phase 3: Individual talent development
<i>Introduce</i> grade 3 (8-9 year old) children to the sport of tennis at their school in physical fitness periods.	<i>Support</i> smaller groups or teams of committed young players in participating schools and social development programmes.	<i>Develop</i> individual talent and offer focussed and comprehensive tennis development support.

TWF Objectives

The long term strategic objective of TWF is to identify, support and develop the professional, amateur and club level tennis achievers of the future. Our vision is to evolve tennis as a sport that all South Africans can enjoy and participate in.

Our objectives are divided into primary and secondary objectives. Primary objective will be achieved directly through our development strategy. Secondary objectives are the long term consequences of our actives.

Primary objective include:

- To introduce all grade 3 learners in participating schools to the game of tennis
- To develop and support tennis teams in participation schools
- To identify and develop individual players that show talent

Secondary Objectives include:

- To develop lifeskills and leadership amongst children, through the game of tennis
- To promote tennis as a sport for everyone and not just the privileged
- To develop coaching and management skills in schools and local communities
- To advance the sport of tennis in South Africa

Tennis development through partnerships

Our model is based on inclusivity and is focussed on integrating and supporting existing tennis development programmes, and creating new ones, through partnerships.

Our partnership model includes the following objectives:

- We are in partnership with the regional, national and international tennis governing bodies and commercial tennis organisations that share our vision
- We partner with educational governing bodies, Schools, NPO's and other community based organisations to advance tennis in schools and other organisations working with vulnerable children
- We partner with existing tennis development programmes for children, through offering them support and skills
- We partner with tennis media and role models to advance the promotion of tennis amongst marginalised children



SECTION 2: TWF Development Services

“There is no way around hard work. Embrace it.” Roger Federer.

TWF is embarking on delivering the various objectives listed above, through a carefully constructed project plan. Herewith a summary on the various components of the TWF plan.

TWF 3-Phase Tennis Programme for schools and community organisations

Our first priority is the establishment of our 3-Phase development programme. We aim to roll the programme out in 10 Stellenbosch schools in phase 1. We have already activated three schools being Webergedenk Primary, Ikahya Primary and Kayamandi Primary.

Herewith a summary of the activities of each phase:

TWF 3-Phase Tennis Development Programme for Children		
Phase 1: Broad based participation	Phase 2: Team development	Phase 3: Individual talent development
<i>Introduce</i> grade 3 (8-9 year old) children to the sport of tennis at their school in physical fitness periods.	<i>Support</i> smaller groups or teams of committed young players in participating schools and social development programmes.	<i>Develop</i> individual talent and offer focussed and comprehensive tennis development support.
With an average of 40 children per class, we aim to reach 180 learners per school, with a total of 1800 children per year.	Based on the outcome of phase 1, teams of approximately 24 children will be formed in each participating school and 240 children will make up this phase.	Approximately 24 children will be selected annually to join the individual development programme.
The programme entails an introduction to tennis at school during physical fitness periods. A team of coaches will work with groups of approximately 22 children and each child will receive a tennis cap.	The programme entails focussed team training and each child will receive a T-Shirt and have the opportunity to play in tournaments and enter a competitive level of playing.	The programme entails 2 training sessions per week, full kit of gear and participation in various tournaments. This programme will also pave the way for future professional tennis playing.
The duration of phase 1 is one semester, and every child/group will be exposed to 12 training sessions.	This phase is ongoing and will run for 6 months of the school year.	This phase is ongoing and children selected to this programme will return year on year.

Other Objectives

In addition to the three phased plan explained above, TWF will also focus on the following 3 objectives:

Tennis Centre for children

Tennis Centre for Children

We aim to develop a world-class tennis development facility for children in the Winelands area. The facility will offer the following:

- Training space for school teams in phase 2
- Specialised coaching for children in phase 3
- Host tournaments that allow easy participation access for children in the region
- Host tournaments that are fund raisers for the foundation

Restoring and building new tennis courts in disadvantaged communities

Restoration and Building of Tennis Courts

The lack of quality facilities in schools and communities is a hampering factor in the development of tennis amongst children. We aim to raise and make funds available specifically for upgrading existing tennis courts in participating schools and communities. The reality is most of the earmarked schools do not have any tennis facilities. As this entails large capital investment, we will do specific fund raising projects for each planned facility upgrade or establishment.

Developing school and community based coaches and managers

TWF Coaching Development Programme

To insure the longevity and integration of our 3-Phase Tennis Development Programme, we aim to build capacity on a school and local community level. Our approach is organic and this initiative will grow as we require more resources. The TWF Coaching Development Programme will entail the following elements:

- Offer initial or “kick-start” training to participating junior and community based coaches
- Offering mentoring and active learning whilst deriving a financial income through coaching
- Offering ongoing support and training to emerging coaches

SECTION 3: Proposal: Tennis Facility in Pniel

The establishment of a dedicated tennis development centre for children is an integral part of our strategy and service delivery plan. We have identified the Pniel tennis facility as an ideal venue to do this.

Based on our strategy and the discussions we have had to date, we would herewith like to offer a formal proposal on how we see the roll out of the establishment of the centre in Pniel.

The following is proposed:

- TWF to invest R200 000 in the refurbishment of the centre.
- TWF to sign a lease of no less than 15 years on the venue, with the option to renew at the end of this period. Renewal periods are suggested to be 5 years at a time.
- The investment suggested above will be to resurface/renovate the courts and other areas as required and agreed upon.
- The netball courts at the centre can also be refurbished and painted to serve dually as netball and tennis courts
- TWF to operate development services and a tennis club in the adjacent building/facilities
- To explore the possibility of building an indoor tennis court in the existing structures at the facility. We will also consider building a beach tennis court.
- To offer reduced club membership fees to Pniel residents
- To procure services and offer employment to Pniel community members. At least two permanent and one part time job will be created. In addition, entrepreneurial opportunities and support for tourism businesses in the area will be created. The entrepreneurial opportunities include catering and the running of a coffee shop. Tournaments will bring about the need for accommodation in the area.
- We will give priority to schools in the immediate area and close by to Pniel to join our programme
- The activities at the tennis facility will be run by the TWF non-profit and income through fund-raisers, tournaments and other income bearing tennis activities will be channeled to fund the foundation for the advancement of tennis. This will include:
 - Membership fees
 - Tennis South Africa sanctioned tournaments
 - Tennis World Foundation tournaments
 - Training of high performance children. (Where parents are able to pay for services)

- Sponsorships and donations
- Retailing of tennis balls, T shirts and other tennis equipment

- We aim to support a social enterprise that will train and employ local and emerging tennis coaches, officials and teachers of participating schools.

Should we agree to go ahead with the development of the centre, we will expand on the points above.

Thank you for the opportunity to present our organisation. Please let us know if you need any additional information at this stage.

We await your feedback.

The TWF Team

ANNEXURE B

AFFILIATED TO
STELLENBOSCH
MUNICIPALITY



**IDASVALLEI SPORTRAAD
IDASVALLEY SPORTS BOARD
(Est.2000)**

EMAIL:

**All Correspondence
To The Secretary
Mr Brian Minnis**
bminnis@uwc.ac.za
Cell: 084 392 3296

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Ms Adri Katts
adrishannon@gmail.com
078 749 0501

TO: The Stellenbosch Municipality
ATT: Director Boshoff/ Andre Gabriels
RE: Tennis World Foundation / Idas Valley Tennis Facility

19 February 2020

Dear Director and stakeholders

The Idas Valley Sport Committee herewith offer our support and welcome to the TennisWorld Foundation (TWF) in Idas Valley.

Based on their proposal, we have decided to offer the use of the Idas Valley tennis facilities to TennisWorld Foundation. The basic premise of our partnership includes the following stipulations:

- TWF to invest in the general refurbishment and maintenance of the Idas Valley tennis facility, in order to make it a functional and high-performance establishment. This will include the general renovation of courts as needed, the renovation of the club house (or establishment of a new club house) and ongoing general maintenance as needed.
- TWF to sign a long term lease, on the venue, with the option to renew at the end of the period.
- TWF to operate a tennis development foundation, tennis coaching services and a tennis club at the venue. In addition, a tennis coach development program will be hosted here, as well as TSA youth tournaments.
- To build beach tennis facilities for youth participation.
- To offer employment (facilities maintenance and general work) to at least two community members.
- To give priority to schools in the immediate area to join the TWF development program.

We would like to thank TWF for choosing our community and we look forward to a prosperous partnership.

Yours Faithfully

Brian Minnis
Secretary

ANNEXURE C



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT OF USE RELATING TO THE CLUB
HOUSE AND TENNIS COURT/S AT IDA'S VALLEY SPORT FACILITY**

Entered into Between

STELLENBOSCH MUNICIPALITY

Hereinafter referred to as "**the Municipality**"

And Herein represented by

GARALDINE LEZETTE METTLER

In her capacity as
MUNICIPAL MANAGER

AND

TENNIS WORLD FOUNDATION

Hereinafter referred to as "**TWF**"

And Herein represented by

FEDERICO COPPINI

In his/her capacity as
Chairperson of the **TENNIS WORLD FOUNDATION NPC**

- 1.1.1 "Agreement" means the terms and conditions in this document;
- 1.1.2 "Effective Date" means the date of signature of this Agreement by the Party signing last;
- 1.1.3 "Period of use of the Site" means the period as defined in clause 5;
- 1.1.4 "Parties" means the Municipality and the TWF, and Party shall mean either of them;
- 1.1.5 "Personnel" means any employee, official, agent, contractor or sub-contractor of a Party;
- 1.1.6 "Plight of the poor" means the needs of the people that are vulnerable and unable to meet their social-economic needs independently or to support themselves and their dependents and are in need of social assistance;
- 1.1.7 "Public Interest" means letting to:
 - (a) promote the achievement of equality by taking measures to protect or advance persons or categories of persons, disadvantages by unfair discrimination;
 - (b) promote welfare and charitable purposes including non-profit rehabilitation facilities, shelters for the indigent and destitute, youth development and drug counselling.
- 1.1.8 "Site" means the club house and tennis court/s at the Ida's Valley Sports Fields and Facility has a corresponding meaning;
- 1.1.9 "Stellenbosch Municipality" means a local authority established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998 by Provincial Notice 489/2000 (Establishment of the Stellenbosch Municipality (WCO24)) promulgated in the Government Gazette dated 22 September 2000, as amended by Provincial Notice PN675/2000 (Stellenbosch Municipality (WCO24) Establishment Amendment Notice) promulgated in the Provincial Gazette of 4 December 2000;
- 1.1.10 "Custodianship" means managing the Ida's Valley Sport Facility on behalf of the owners, the Stellenbosch Municipality;
- 1.1.11 "Tennis World Foundation" means a non-profit sport organisation involved in Tennis development and coaching.
- 1.2 Clause headings appear in this Agreement only for reference purposes and do not affect the interpretation of the provisions to which they relate.
- 1.3 Reference to "days" shall be construed as calendar days unless qualified by the word "business", in which instance a "business day" will be any day other than a Saturday or public holiday as gazette by the government of the Republic of South Africa from time to time. Any reference to "business hours" shall be construed as being the hours between 08h00 and 16h30 on any business day. Any reference to time shall be based upon South African Standard Time.
- 1.4 Unless specifically otherwise provided, any number of days prescribed shall be determined by excluding the first and including the last day or, where the last day falls on a day that is not a business day, the next succeeding business day.
- 1.5 Where figures are referred to in numerals and in word, and there is any conflict between the two, the words shall prevail, unless the context indicates a contrary intention.
- 1.6 No provision herein shall be construed against or interpreted to the disadvantage of a Party by reason of such Party having or being deemed to have structured, drafted or introduced such provision

2. Preamble

This Memorandum of Understanding and Agreement of Use defines the respective roles and responsibilities of the **Municipality** and **TWF** as partners in the management, development and transformation of Tennis in the Stellenbosch municipal area (WCO24).

Tennis is seen as a mechanism for social change and development in the local communities of the Municipality. The core pillars of the National Sport and Recreation Plan (2012) are to create an Active and Winning Nation and Enabling Environments for sport and recreation.

This partnership between the **Municipality** and **TWF** is based on bona fide cooperation between local government and civil society as custodians of sport and recreation.

In terms of the Stellenbosch Municipality Supply Chain Management Policy and the Policy on the Management of Stellenbosch Municipality's Immovable Property immovable property may only be let at market related rent except when the public interest or the plight of the poor demands otherwise. Whereas the Municipality and TWF is of the view that it will be in the public interest and/or for the benefit of the plight of the poor that tennis be developed as a mechanism for social change and development in the local communities of Stellenbosch and in light of the aforesaid agrees that an amount of R1 500 per annum be paid as rental by TWF to the Municipality for the duration of this agreement but that a memorandum of understanding and use agreement be entered into between the parties to achieve the aforementioned purpose.

3. Purpose

The purpose of the Agreement is to:

- 3.1 Define the relationship and partnership between the **Municipality** and **TWF**.
- 3.2 Promote Tennis in Stellenbosch Municipality and Ida's Valley in particular.
- 3.3 Facilitate community cohesion through active community participation in Tennis.

4. Support

The Parties undertake at all times to do all such things, perform all such actions and take all such steps and to procure the doing of all such things, the performance of all such actions and the taking of all such steps as may be open to them and necessary for or incidental to the putting into effect or maintenance of the terms, conditions and/or import of this agreement.

5. Duration

- 5.1 This Agreement will become effective on the Effective Date and will continue for a period of 9 years and 11 months.
- 5.2 Either party may terminate this Agreement by giving to the other Party written notice thereto at least 90 (ninety) days.
- 5.3 TWF shall, following termination or expiry of this Agreement:
 - 5.3.1 return occupation of the Site to the Municipality and shall ensure that the Site is in the same condition as it was upon commencement of this Agreement, fair wear and tear excepted.

6. Utilization of Site

- 6.1 The Municipality hereby grants permission to TWF to use the Site for a rental fee of R1 500 per annum and TWF hereby agrees to rent the Site from the Municipality with effect from the effective date on the terms and conditions set out in this Agreement.
- 6.2 TWF shall use the Site for the operation of a Tennis Club and will be responsible for the management, operation and maintenance of the Site for the duration of this Agreement.
- 6.3 The Municipality warrants that it:
 - 6.3.1 is the lawful owner of the Site;
 - 6.3.2 that it has not granted to any third party any rights which may conflict with such rights of TWF

7. Roles and Responsibilities of the respective Parties

7.1. The roles and responsibilities of Stellenbosch Municipality are to:

7.1.1 Ensure compliance with all applicable local government legislation.

7.1.2 Support TWF to source additional funding through approved public private partnerships. The Municipality will endorse documents which purpose is to source additional funding.

7.1.3 Support TWF with the managing of activities, establishment of a tennis club and other programs such as tournaments and training schedules at Ida's Valley Sport Facility.

7.2. The roles and responsibilities of TWF are to:

7.2.1 Manage, Operate and Maintain the Ida's Valley Tennis Facility for the duration of this agreement of 9 years, and 11 months, with the option to renew the agreement.

7.2.2 Organise Tennis Workshops for school children from historically disadvantaged areas in participating schools in the Stellenbosch municipal area.

7.2.3 Organise Tennis Coaching and development of players from historically disadvantaged areas located in the Stellenbosch municipal area.

7.2.4 Offer a high-performance tennis development programme to children from historically disadvantaged areas in the Stellenbosch municipal area.

7.2.5 Organise and Host Tennis tournaments for children.

7.2.6 Establish and Manage a Tennis Club at the Ida's Valley Tennis Facility.

7.2.7 Offer development and employment opportunities to emerging Stellenbosch tennis coaches and players.

8. Custodianship

With regard to the custodianship of the facility, the following is agreed:

8.1 Stellenbosch Municipality agrees to appoint TWF as the official custodian of the Ida's Valley Tennis Facility for the duration of this agreement.

8.2. TWF accepts custodianship and use of the Ida's Valley Tennis Facility for the duration of this agreement, and undertakes to fulfill the following responsibilities:

8.2.1 General maintenance and upkeep of the Facility, including inside and outside the tennis clubhouse and courts.

8.2.2 Management of the Facility;

8.2.3 Upgrade of the Facility as and when required;

8.2.4 Payment of the TWF portion of the monthly water and electricity bill to the Ida's Valley Sport Council.

8.2.5 Ensure reasonable access for the Ida's Valley community by allowing tennis club membership to the Ida's Valley community and other previous disadvantage areas in accordance with the agreement entered into with the Ida's Valley Sport Council.

9. Breach

9.1 If a Party ("Defaulting Party") commits any breach of this agreement and fails to remedy such breach within 14 (fourteen) business days of written notice requiring the breach to be remedied, then the Party giving the notice ("Aggrieved Party") will be entitled, at its option –

9.1.1 to claim immediate specific performance of any of the Defaulting Party's obligations under this agreement, with or without claiming damages, whether or not such obligation has fallen due for performance; or

- 9.1.2 to cancel this agreement, with or without claiming damages, in which case written notice of the cancellation shall be given to the Defaulting Party, and the cancellation shall take effect on the giving of the notice.
- 9.1.3 The Aggrieved Party's remedies in terms of this clause 9 are without prejudice to any other remedies to which the Aggrieved Party may be entitled in law.

10. Dispute Resolution

- 10.1 Without detracting from either Party's rights 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 or in connection with this Agreement, the Parties may, by mutual consent, follow the arbitration procedure in clause 10.6.
- 10.2 In the event of there being any dispute or difference between the Parties arising out of this Agreement, the said dispute or difference shall on written demand by any Party be submitted for resolution firstly by way of negotiation and secondly, in the event of that failing, by way of mediation and thirdly, in the event of that failing, by way of arbitration. The reference to negotiation and mediation is a pre-condition to the Parties having the dispute resolved by arbitration.
- 10.3 A dispute shall arise if the dispute and particularity thereof is communicated by one Party to the other in writing.
- 10.4 within 21 (twenty-one) days of the communication in clause 10.3 above, the Parties shall seek an amicable resolution to such dispute by referring such dispute to representatives of each of the Parties concerned for their negotiation and resolution of the dispute. The representatives shall be authorized to resolve the dispute.
- 10.5 in the event of the negotiation envisaged in 10.4 above failing for whatsoever reason or cause, any Party may, within 21 (Twenty one) days of such failure, refer the dispute for resolution by way of mediation in accordance with the then current rules of the institute of Directors in Southern Africa. The negotiation shall, *inter alia*, be deemed to have failed if one of the Parties declares in writing that it has failed.

10.6 Arbitration

- 10.6.1 subject to the provisions of clause 10.1, a dispute arising out of or in connection with this Agreement may be referred by either Party to arbitration.
- 10.6.2 arbitration shall be held in Stellenbosch informally and otherwise in accordance with the provisions of all the Arbitration Act, No 42 of 1965, it being intended that, if possible, it shall be held and concluded within fourteen days after the Parties have agreed to refer the dispute to arbitration.
- 10.6.3 save as otherwise specifically provided herein, the Arbitrator shall be if the matter in dispute is
- 10.6.3.1 primarily a legal matter, a practicing Senior Advocate of the Cape Bar with a minimum of ten years' experience;
- 10.6.3.2 any other matter, an independent and suitably qualified person as may be agreed upon between the Parties to the dispute;
- 10.6.3.3 if agreement cannot be reached on whether the question in dispute falls under 10.6.3.1 or
- 10.6.3.4 and/or upon a particular Arbitrator within three days after the parties have agreed to refer the dispute to arbitration, then the Chairperson for the time being of the Cape Bar Council shall –

- 10.6.4.1 determine whether the question in dispute falls under 10.6.3.1 or 10.6.3.2; and/or
- 10.6.4.2 nominate the Arbitrator within 7 (seven) days after the Parties have failed to agree.
- 10.6.5 The Arbitrator shall give his or her decision within 10 (ten) days after the completion of the arbitration. The Arbitrator may determine that the costs of the arbitration to be paid either by one or the other or by both of the Parties on completion of the arbitration.
- 10.6.6 The decision of the Arbitrator shall, subject to the parties' right as provided for in Clause 10.6, be final and binding and may be made an order of the Western Cape High Court, Cape Town, upon the application by any party to the arbitration.

11. Indemnity

The TWF indemnifies and shall hold the Municipality harmless against any losses, damages or costs ("claims") claimed by any third party from the Municipality to the extent that such Claims are based on the use of the Site by TWF in terms of this Agreement.

12. Subletting and Assignment

- 12.1 TWF shall not be permitted to sub-let the Site unless it has obtained the prior written approval of the Municipality.
- 12.2 Neither Party shall cede, assign or transfer any of its rights under this Agreement without the prior written approval of the other Party.

13. Notices and Domicilia

- 13.1 The Parties choose as their respective *domicilia citandi et executandi* for the service of notices arising from this agreement and court documents their addresses as indicated as follows:

STELLENBOSCH MUNICIPALITY

Physical address: Office of the Municipal Manager, Third Floor, Main Building, 17 Plein Street, Stellenbosch

Telephone Number: (021) 808 8025

Email: Municipal.Manager@stellenbosch.gov.za

AND

TENNIS WORLD FOUNDATION

Physical address: 85 Jonkershoek Road, Stellenbosch, 7600

Telephone Number: 072 681 2374

Email: info@tennisworldfoundation.com

or such other address in the Republic of South Africa that is not a mailbox or an address for general deliveries as may be notified by either Party to the other Party in writing.

- 13.2 Any notice that is given in terms of this Agreement, will be required to be given in writing and if delivered by hand, it will be accepted that the addressee received the notice on the date of the delivery unless the contrary can be proven.
- 13.3 Notwithstanding anything contained in this Agreement that is to the contrary, any written notice of communication received by any party, including by means of fax or other electronic transmission, is viewed as sufficient written notice to any such party.

14. General

- 14.1 This document contains the entire Agreement between the Parties regarding the subject matter contained herein and no agreements, representations or warranties between the Parties other than those set out therein are binding on the Parties.
- 14.2 If the whole or any part of a provision of these terms is void or voidable by either Party or unenforceable or illegal, the whole or that part (as the case may be) of that provision, shall be severed, and the remainder of these terms shall have full force and effect, provided such severance does not alter the nature of the Agreement between the Parties.
- 14.3 No amendment or modification to these terms shall be effective unless in writing and signed by authorised signatories of both Parties.
- 14.4 No latitude, granting of time or forbearance of a Party hereto regarding the performance of the other Party shall be or be deemed to be a waiver of any term or condition of these terms and no waiver of any continuing or subsequent breach. No waiver shall be effective unless it is expressly stated in writing and signed by the Party giving it.
- 14.5 This Agreement shall be governed and construed according to the laws of the Republic of South Africa.

THUS DONE AND SIGNED BY STELLENBOSCH MUNICIPALITY AT

_____ ON THIS _____ DAY OF _____ 2021

For STELLENBOSCH MUNICIPALITY

[FULL NAME HERE]:
Municipal Manager

AS WITNESSES

- 1. _____ 2. _____
[FULL NAME HERE]: **[FULL NAME HERE]**
Community and Protection Services **Chief Financial Officer**

THUS DONE AND SIGNED BY TENNIS WORLD FOUNDATION AT

_____ ON THIS _____ DAY OF _____ 2021

For TENNIS WORLD FOUNDATION

[FULL NAME HERE]
Chairman

AS WITNESSES

1. _____ 2.

[FULL NAME HERE]

Treasurer

[FULL NAME HERE]

Secretary

7.10	MUNICIPAL MANAGER
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NONE

8.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

9.	URGENT MATTERS
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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE IN-COMMITTEE DOCUMENTATION